

**City of Mauston Resolution 2024-P-06**

**RESOLUTION APPROVING CONDITIONAL USE**

**Return Address:** City of Mauston  
Attn: Nicole Lyddy  
303 Mansion Street  
Mauston, Wisconsin 53948

**Parcel I.D.**     **29-251-1648.1**

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**APPLICANT:** Jay Mittelstaedt

**PROPERTY OWNER:**         **Jay Mittelstaedt**

**PROPERTY AFFECTED:**

**Address:**         **754, 756, and 800 N Union St, Mauston, WI 53948**

**Legal Description:**     Lot 1 of Certified Survey Map No. 5137 recorded April 24, 2024 of Certified Survey Maps, as Document No. 761241, being a redivision of Lot 1 of Certified Survey Map No. 2677, Lot 1 of Certified Survey Map No. 3258, Lot 2 of Certified Survey Map No. 3986, Lots 1, 2, 3, 4, and 5 in Block 4 and Lots, 1, 2, 3, 4 and 5 and part of vacated alley in Block 2 in the Brooklyn Heights Subdivision, all in the Northwest ¼, Southwest ¼ and Southeast ¼ of the Southwest ¼ of Section 6, township 15 North, Range 4 East, in The City of Mauston, Juneau County, Wisconsin.

**WHEREAS**, the City of Mauston has received a request for a Conditional Use by the above Applicant regarding the above property, which application is attached hereto and incorporated herein by reference; and

**WHEREAS**, the Plan Commission has reviewed the application, site plan and the resolution, and has recommended approval to the Common Council: and

**WHEREAS**, the Common Council has conducted a public hearing on said application and has carefully evaluated the application, along with input from Plan Commission, and City staff.

**NOW, THEREFORE**, the Common Council of the City of Mauston does hereby resolve as follows:

**BE IT FURTHER RESOLVED** that the Mauston Common Council finds that this application for a Conditional Use satisfies the standards required by Section 114-288 of the Zoning Ordinance, specifically as follows:

- (a)     The Common Council finds that the proposed Conditional Use, in general, independent of its location, is in harmony with the purposes, goals, objectives, policies and standards of the Comprehensive Plan, the Zoning Ordinance, and any other plan, program, or ordinance adopted or under consideration by the City.
  
- (b)     The Common Council finds that the proposed Conditional Use, in its proposed specific location, is in harmony with the purposes, goals, objectives, policies and standards of the

Comprehensive Plan, the Zoning Ordinance, and any other plan, program, or ordinance adopted or under consideration by the City.

- (c) The proposed Conditional Use will not cause a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this Chapter, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide development.
- (d) The proposed Conditional Use maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.
- (e) The proposed Conditional Use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property.
- (f) The potential public benefits (e.g. new retail business) of the proposed Conditional Use outweigh any and all potential adverse impacts of the proposed conditional use, after taking into consideration the Applicant's proposal, including the Applicant's suggestions to ameliorate any adverse impacts.

**BE IT FURTHER RESOLVED** that the Mauston Common Council approves the application for a Conditional Use subject to the following conditions and restrictions, which shall be perpetual, unless and until changed by action of the Common Council or until the Applicant ceases the use of the property which is conditionally approved herein:

- 1. **APPROVED USES.** The Applicant is hereby authorized to use the property, which is located in the Planned Business District, for the principal land use of "Group Development", which is allowed as a "conditional use" pursuant to Sec. 114-130 of the zoning ordinance, and consisting of the following uses subject to all the general regulation of the zoning ordinances and to the conditions listed:
  - a) Indoor Sales and Service (114-124(c)) – Jay's Powers Sports and Dollar Tree
  - b) Indoor Commercial Entertainment (114-124(g)) - Subway
  - c) Indoor Maintenance Service (114-124(e)) Jay's Power Sports service dept
  - d) Outdoor Sales and Service (114-124(d)) – Jay's Power Sports display area

No other use classifications may be allowed without first obtaining an amendment to this Resolution.

2. **SITE PLAN APPROVAL.** The Site Plan, dated 9/13/24, which is attached hereto and incorporated herein by reference, is approved. Construction of this project shall be completed in substantial conformance with the attached Site Plan, including all hand-written additions thereto and notations thereon which bear the initials of the Applicant and the City.

3. **LANDSCAPING.** There are no proposed changes to the existing landscaping.
4. **SIGNAGE.** Existing signage for Subway and Dollar Tree will not change. There is no signage plan for Jay's Power Center. A signage plan will be submitted at a later date.
5. **GARBAGE.** The Site Plan shows the location of garbage dumpster area in conformance with the standards of 114-181 of the Zoning Ordinance. The Applicant shall provide for garbage collection at such intervals to avoid spill-over of garbage from these enclosures.
6. **OUTSIDE STORAGE.** Outside storage of merchandise and equipment shall be permitted in display area as shown on site plan.
7. **LIGHTING.** There are no proposed changes to the existing lighting. The site plan shows the location of the existing parking lot light poles.
8. **ACCESSORY STRUCTURES.** No accessory structures are approved or permitted.
9. **PARKING.** The site plan shows the location of approximately 300 customer parking stalls.
10. **SNOW REMOVAL.** The Site Plan adequately identifies areas designated for snow storage, which areas shall remain open during the winter months to accommodate such snow storage.
11. **SUBDIVISION.** In the future, the owner will not be able to subdivide this Property for sale to separate owners. Furthermore, ownership of the entire apartment complex shall remain under the ownership and control of a single entity so that the appearance of all the buildings in the entire Site can be maintained as a unified whole.
12. **CERTIFICATE OF OCCUPANCY.** Upon completion of the project authorized by this Resolution and before the project is used or occupied for the Conditional Use granted herein, the Applicant shall notify the City Zoning Administrator, who shall inspect the project and, if appropriate, shall issue a Zoning Certificate of Occupancy, pursuant to section 114-292 of the Mauston Zoning Ordinance.
13. **CHANGES.** Pursuant to section 114-288 of the Zoning Ordinance, the Applicant may apply to the Zoning Administrator for "minor" changes to the Site Plan or this Conditional Use, which changes may be granted, in writing, by the Zoning Administrator, provided (i) the changes do not violate any of the minimum standards of the Mauston Zoning Ordinance and (ii) the spirit and intent of the original Conditional Use is preserved. The Zoning Administrator shall determine, in his/her sole discretion, whether a change is "minor". All changes which are not "minor" shall be submitted to and approved in writing by the Plan Commission. Whenever an approved change alters any part of a recorded document, the document which authorizes said change shall also be recorded.
14. **OTHER REGULATIONS.** Nothing herein shall constitute a waiver or limitation of the Applicant's compliance with all other Mauston ordinances and regulations, including all other requirements of the Mauston Zoning Ordinance.
15. **ENFORCEMENT.** The conditions imposed herein (including the conditions imposed by any plans or changes submitted hereafter), shall all be enforced as on-going conditions of this Conditional Use Resolution. Failure of the Applicant to comply with these conditions, shall entitle the City to take enforcement action, which may include fines, forfeitures, injunctions, and/or termination of

this Resolution, which in turn will require the Applicant to cease the use of the property authorized herein until a new Conditional Use is approved.

**16. RECORDING.** A copy of this Resolution, without attachments, shall be recorded with the Juneau County Register of Deeds.

**17. BINDING AFFECT:** This Resolution shall be binding upon and shall inure to the benefit of the heirs, successors and assigns of both parties. Nothing herein shall be construed as limiting the right of the Owner to sell, give, or otherwise convey the premises, provided that the use and occupancy of the premises by any new owner shall be subject to the terms of this Resolution, which shall run with the land and which shall be perpetual, unless and until changed by action of the Common Council.

**18. APPLICANT / OWNER APPROVAL.** This Conditional Use shall not become effective and shall not be recorded until the Applicant and Owner acknowledges his/her/its acceptance of this Conditional Use by signing this Document in the space provided below.

Introduced and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**CITY OF MAUSTON PLAN COMMISSION**

**Approved:** \_\_\_\_\_ **Attest:** \_\_\_\_\_  
Darryl Teske, Mayor Daron Haugh, Administrator

**APPLICANT APPROVAL**

The undersigned Applicant hereby acknowledges receipt of this Conditional Use and hereby acknowledges that the development and use of the property shall conform with the terms and conditions of this Conditional Use and the Mauston Zoning Ordinance.

Signature: \_\_\_\_\_ Dated: \_\_\_\_\_

Print Name: \_\_\_\_\_

This document drafted by: Allison Schwark, Zoning Administrator, Mauston, WI 53948