

City of Mauston Resolution 2025-P-08

RESOLUTION APPROVING CONDITIONAL USE

Return Address: City of Mauston
Attn: Val Nelson
303 Mansion Street
Mauston, Wisconsin 53948

Parcel I.D. **29-251-1635.6**

APPLICANT: AAB Properties LLC

PROPERTY OWNER: **AAB Properties LLC**

PROPERTY AFFECTED:

Address: **915 Division St, Mauston, WI 53948**

Legal Description: Lot 5 and 6 of Certified Survey Map #2585, Volume 10, Page 103, Recorded as Document No. 363785. Located in the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section 13, Township 15 North, Range 3 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 recommend 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 City staff and consultants.

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

BE IT 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 (additional housing) 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 Plan Commission or until the Applicant ceases the use of the property which is conditionally approved herein:

1. APPROVED USE. The Applicant is hereby authorized to use the property, which is located in the Multi-Family Residential 8 (MR8) District, as a Group Development consisting of 2 existing 2-Unit apartment buildings and a new 4 unit apartment building which is allowed as a "conditional use" pursuant to Sec. 114-130, subject to all the general regulations of the Zoning Ordinance and subject to the following conditions.

2. SITE PLAN APPROVAL. The Site Plan, dated 5/16/25, 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. SIGNAGE. There is not signage plan submitted or approved. Any signage must be submitted to the Zoning Administrator for approval.

4. GARBAGE. The Site Plan shows the location of garbage enclosures. The construction and maintenance of the garbage enclosure shall be in conformance with the standards of Article V of the Zoning Ordinance and with the Site Plan. The Applicant shall provide for garbage collection at such intervals to avoid spill-over of garbage from these enclosures.

5. OUTSIDE STORAGE. No outside storage of merchandise, equipment or other materials shall be permitted, except for garbage properly stored within the enclosure described in paragraph 5 above.

6. **LIGHTING.** The lighting will be on the building at the entrance door to each apartment.
7. **ACCESSORY STRUCTURES.** No accessory structures are approved or permitted.
8. **BUILDING MATERIALS.** The Site Plan contains building elevations which shows the exterior of the new building. The building will be constructed exactly as shown on the Site Plan. The Applicant intends to use the following colors and products on the exterior of the buildings, which are hereby approved:
 - (a) **Siding: Vinyl siding with brick bottom**
 - (b) **Shingles: Asphalt**
9. **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.
10. **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.
11. **OUTSIDE STORAGE.** The outside storage of boats, campers, trailers, snowmobiles, ATV's or any other recreational vehicles is not permitted. All such items must be stored inside a garage or off-site, and all such items may not be parked or stored in the side yards, backyards, front yards or driveways on the site.
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 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. **SUNSET CLAUSE.** All buildings and structures approved on a site plan shall be fully developed within two years of final approval of the site plan, unless a different date is established by the plan commission in writing. After the expiration of such period, no additional site plan development shall be permitted on undeveloped portions of the subject property. The plan commission

may extend this period, as requested by the applicant, through the conditional use process following a public hearing.

16. 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.

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

18. 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.

19. 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 _____, 2025.

CITY OF MAUSTON COMMON COUNCIL

Approved: _____ **Attest:** _____
Darryl D. D. 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: Valerie Nelson, Zoning Administrator, Mauston, WI 53948