

City of Mauston Resolution 2025-P-04

RESOLUTION AMMENDING CONDITIONAL USE

RESOLUTION NO. 2019-P-05 – RENEWAL UNLIMITED

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

Parcel I.D. **29-251-1500**

APPLICANT: Renewal Unlimited Inc.

PROPERTY AFFECTED:

Address: 717 Martin Street

Legal Description: A part of the South Half of the Northwest Quarter (S ½ NW¼) of Section 12, T15N, R3E, City of Mauston, Juneau County, Wisconsin: Commencing at the West Quarter corner of Section 12; thence North 00°32'27" West along the West line of the Northwest Quarter of said Section 12, 769.53 feet; thence North 89°27'33" East, 1,666.14 feet to the Southeast corner of Lot 4, Certified Survey Map, No. 327 said point being at the intersection of the West right-of-way line of Liberty Street and the North right-of-way line of Tremont Street; thence North 06°09'14" East along the West right-of-way line of Liberty Street and the East line of said Lot 4, 120.00 feet to the Northeast corner thereof said point being the Southeast corner of Lot 5, Certified Survey Map, No. 4439; thence north 81°28'08" West along the North line of said Lot 4 and the North line of Lot 3, Certified Survey Map, No. 327 and the South line of Lot 5, Certified Survey Map, No. 4439, 108.50 feet of the pint of beginning; thence continuing North 81°28'08" West along the North line of Lot 3 and the North line of Lot 2, Certified Survey Map, No. 327, 231.30 feet to the Northwest corner of said Lot 2; thence North 06°09'14" East, 39.00 feet; thence North 81°28'08" West, 83.31 feet to a point in the East right-of-way line of an unnamed public road; thence North 11°36'44" East along the said East right-of-way line, 276.13 feet to the South right-of-way line of Martin St; thence South 89°24'57" East along the South right-of-way line of Martin Street, 89.53 feet; thence South 83°51'24" East along the South right-of-way line of Martin Street, 198.97 feet to the Northwest corner of Lot 1, Certified Survey Map, No. 466; thence South 06°09'14"; thence South 06°09'14" West along the West line of said Lot 1, 170.00 feet to the Southwest corner thereof; thence South 83°51'24" East along the South line of said Lot 1, 180.41 feet to a point in the West right-of-way line of Liberty Street; thence South 06°09'14" West along the West right-of-way line of Liberty Street, 23.89 feet to the Northeast corner of Lot 5, Certified Survey Map, No. 4439; thence North 83°51'24" West along the North line of said Lot 5, 108.41 feet to the Northwest corner thereof; thence South 06°09'14" West along the West line of said Lot 5, 141.76 feet to the point of beginning.

WHEREAS, the City of Mauston has received a request from the above Applicant to amend the Conditional Use (2019-P-05) regarding the above property, which application is attached hereto and incorporated herein by reference. The amendment is needed because the project was not started/completed by the required time; 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 City staff and consultants.

NOW, THEREFORE 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 (e.g. new Head Start facility) 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. PRIOR RESOLUTION.** Resolution 2019-P-05 is hereby replaced by this Resolution.
- 2. APPROVED USE.** The Applicant is hereby authorized to use the property, which is located in the MR-10 District, for the principal land use of Group Day Care which is allowed as a

"conditional use" pursuant to Sec.114-124(1). No other classification may be allowed on this property without first obtaining an amendment to this Resolution. Approval is subject to all the general regulations of the Zoning Ordinance and to the following conditions.

3. SITE PLAN APPROVAL. The Site Plan, dated 2/10/25, 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.

4. LANDSCAPING. The Landscaping Plan, dated 2/10/25, which is attached hereto and incorporated herein by reference, is approved. The construction of all landscaping for this project shall be completed in substantial conformance with Article V of the Zoning Ordinance and with the attached Landscaping Plan, including all hand-written additions thereto and notations thereon which bear the initials of the Applicant and the City. Furthermore, the landscaping shall be maintained by the Applicant, its successors and assigns, from year-to-year, in substantial conformance with the Landscaping Plan.

5. SIGNAGE. The applicant will submit a signage plan for review and approval by the Zoning Administrator prior to occupancy.

6. GARBAGE. The Site Plan shows the location of 6 ft. high cedar garbage enclosure. 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.

7. 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.

8. LIGHTING. The Lighting Plan, dated 2/10/25, which is attached hereto and incorporated herein by reference, is approved. The construction and maintenance of the exterior lighting shall be in conformance with Article V of the Zoning Ordinance and with the Site Plan. All lighting shall be "down-styled" lighting. All lighting shall be designed, installed and maintained to prevent the glare of light toward adjacent buildings and onto the adjacent street.

9. ACCESSORY STRUCTURES. The site plan shows the location of a storage shed under 450 square feet. No other accessory structures are approved or permitted other than play structures associated with a group day care.

10. FENCE. The fence for the playground area per site plan will be 5 ft high chain link.

11. WATER AND SEWER CONNECTION. Existing

12. STORM WATER. The Storm Water Management Plan dated October 2019 is hereby approved. All drainage, grading and topographic work on the site shall be performed pursuant to this Plan.

13. UNDERGROUND UTILITIES. All utilities shall be installed underground. Prior to the installation of each utility, the applicant shall contact the Director of Public Works and obtain his approval of the location of the utility. Before the new building is occupied, the Applicant shall submit a utility plan (potable water lines, sanitary sewer lines, electric lines, gas lines, telephone and cable TV lines. etc.) for this site, showing the location of all the utilities.

14. BUILDING MATERIALS. The Site Plan contains building elevations which shows the exterior of the buildings. The buildings 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) **Composite Lap Siding:** Rapids Blue & Desert Stone
- (b) **Decorative Scallop Siding:** Snowscape White
- (c) **Trim:** Snowscape White
- (d) **Manufactured Stone Veneer:** Mojave Country Ledgestone
- (e) **Shingles:** Asphalt - Charcoal

15. SUBDIVISION. In the future, the owner will not be able to subdivide this Property for sale to separate owners. Furthermore, ownership of the entire parcel 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.

16. DRIVEWAYS AND ACCESS. The site plan shows the location of one driveway off of Martin Street and two driveways off of the alley to the west. More than one access point per street requires specific approval via Conditional Use. The access and driveways shall comply with the standards of 114-162 of the Mauston zoning ordinances.

17. COMPLETION DATE. The property may not be used or occupied for the Conditional Use granted herein until **ALL** the terms and conditions of this document are completed and fulfilled, except:

- (a) Landscaping: To be completed by the fall of 2026.

18. 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.

19. 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.

20. 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.

21. 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.

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

23. 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 Plan Commission.

24. 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.

25. APPLICANT/ APPROVAL. This Conditional Use shall not become effective and shall not be recorded until the Applicant 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

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 K. Nelson-Zoning Administrator, Mauston, WI 53948