

City of Mauston Resolution 2025-P-03

RESOLUTION APPROVING CONDITIONAL USE
TRACTOR SUPPLY GROUP DEVELOPMENT

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

Parcel I.D. 29-251-1687

APPLICANT: CMK Properties, LLC

PROPERTY OWNER:

PROPERTY AFFECTED:

Address: 100 Powers Ave

Legal Description: Lot Two (2) of Juneau County Certified Survey Map No. 3329, Recorded in Volume 14, Page 109 as Document 632398, Located in the Southwest Quarter of the Northeast Quarter (SW1/4-NE1/4) of Section 8, Township 15 North, Range 4 East, City of Mauston, Juneau County, Wisconsin, containing 470,644 square feet or 10.804 acres.

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 City staff and consultants.

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 store) 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 Planned Business (PB) District, for the principal land use of Group Development, which is allowed as a "conditional use" pursuant to Sec. 114-130, and for the operation of the following land uses:

- (a) Indoor Sales or Service pursuant to section 114-12(c)
- (b) Outdoor Storage or Wholesaling pursuant to section 111-125(b)

No other use 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 subject to the following conditions.

2. SITE PLAN APPROVAL. The Site Plan, dated 1/17/25, 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. LANDSCAPING. The Landscaping Plan, dated insert date, 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.

4. SIGNAGE. The Signage Plan, dated 2/11/25, which is attached hereto and incorporated herein by reference, is approved. The construction of all signage shall be completed in substantial conformance with Article VII of the Zoning Ordinance and with the attached Signage Plan, including all hand-written additions thereto and notations thereon which bear the initials of the Applicant and the City.

5. 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.

6. OUTSIDE STORAGE. The site plan shows the location of outside display areas for trailers, equipment, and other retail items, as well as a covered and fenced garden center. No other outdoor storage areas are permitted.

7. LIGHTING. The Lighting Plan, dated 1/27/25, 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.

8. ACCESSORY STRUCTURES. No accessory structures are approved or permitted.

9. PARKING. There are 105 parking spaces per the site plan. Parking area shall be of a hard surface material, and parking stalls shall be striped, with dimensions required by the Zoning Code.

10. WATER AND SEWER CONNECTION. The City will extend the water and sewer mains to the property line on Powers Avenue in conjunction with construction of the building.

11. STORM WATER. The detention area on site plan is approved. All drainage, grading and topographic work on the site shall be performed pursuant to this plan and to DNR requirements.

12. BUILDING MATERIALS. The Site Plan contains building elevations which shows the exterior of the 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) Smooth Faced Concrete Block:** Sanderling and Urban Putty
- (b) Trim:** Safety Red and Gray
- (c) Awning and Main Entrance:** Corrugated metal panel, Gray

13. DRIVEWAYS AND ACCESS. The site plan shows the location of two driveways off of Powers Avenue. The access and driveways shall comply with the standards of Article V of the Zoning Ordinance.

14. 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: August 2026

15. 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.

16. 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.

17. 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.

18. 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.

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

20. 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.

21. 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.

22. 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 K. Nelson-Zoning Administrator, Mauston, WI 53948