

City of Mauston Resolution 2024-P-04

**RESOLUTION APPROVING CONDITIONAL USE PERMIT FOR AUTO REPAIR AND
OUTDOOR VEHICLE STORAGE IN CONJUNCTION WITH TOWING COMPANY**

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

Parcel I.D. 292510300.2, 292510301, and 292510302

APPLICANT: Frank Murray Jr.

PROPERTY OWNER: CJJS TOWING & REPAIR LLC

PROPERTY AFFECTED: 292510300.2, 292510301, and 292510302

Address: 1045 E State Street

Legal Description:

ASSESSOR'S PLAT #1 TOWN OF LEMONWEIR PT. OF LOT 13

ASSESSOR'S PLAT #1 TOWN OF LEMONWEIR LOT 14, W. 50' OF LOT 15 S. 12' OF W.
50' OF LOT 15

ASSESSOR'S PLAT #1 TOWN OF LEMONWEIR LOT 15 EX. W. 50' & EX. S. 12' OF W.
50' (IN REM, 6/22/01)

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 conducted a public hearing on said application and has carefully evaluated the application, along with input from City staff and consultants.

NOW, THEREFORE, the Plan Commission of the City of Mauston does hereby resolve as follows:

BE IT FURTHER RESOLVED that the Mauston Plan Commission 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 Plan Commission 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 Plan Commission 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 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 Plan Commission 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 District, for the principal land use of automotive repair and towing with temporary outdoor vehicle storage, which is allowed as a "conditional use" pursuant to Sec. 114-46, subject to all the general regulations of the Zoning Ordinance and subject to the following conditions.

2. SITE PLAN APPROVAL. The Site Plan, dated **June 17, 2024**, 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. All areas in which vehicles are parked on shall be surfaced with asphalt, crushed limestone, or similar materials. A solid perimeter fence with a height of 8 feet shall be installed around the entire perimeter of area in which the vehicles will be stored. The fence shall be kept in good condition, and free from all deterioration.

3. OUTSIDE STORAGE. No outside storage shall be permitted outside the fully enclosed fence area. All tires shall be stacked neatly and stored out of public view. Vehicle parts are not permitted to be stored on site in public view, or outside of an enclosed building. Junked vehicles shall never be kept outside of the fenced in areas, or within grassy areas. All vehicles within the fenced area shall not remain on site longer than a period of 90 days. The owner shall be responsible for keeping a log book documenting the vehicles stored on site, and shall be required to provide documentation to the City of Mauston upon request. No other outdoor storage is permitted.

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

5. PARKING ON STREETS. Not permitted at any time.

6. DRIVEWAYS AND ACCESS.

- (a) The access and driveway shall comply with the standards of Article 5 of the zoning ordinance.

7. 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.

8. 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 Administer 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.

9. 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. Additionally, this Conditional Use shall not cause or create harm, or have any negative environmental factors upon the parcels, or adjacent parcels. Vehicles shall not discharge or omit harmful waste, gasoline, oil, or any other fluid or chemical into the ground.

10. 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. The City Zoning department or designee shall have the authority to enter onto the property for systematic inspections if desired.

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

12. 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.

13. 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 COMMON COUNCIL

Approved: _____ **Attest:** _____
Daryl DD 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