



Public Hearing Item 3: Conditional Use Permit

Planning & Zoning Committee • August 4, 2026

<u>Proposed Use:</u>	Retail sales, indoor/outdoor and service
<u>Applicable Section(s):</u>	12.115.02; Table 12.115.02(1); 12.155.05(15)
<u>Zoning District(s):</u>	A-1 Agriculture (<i>C-2 General Commercial proposed</i>)
<u>Property Owner(s):</u>	MOH Holdings LLC c/o Jay Mittelstaedt
<u>Applicant(s):</u>	MOH Holdings LLC c/o Jay Mittelstaedt
<u>Property Location:</u>	Located in the Northeast Quarter of the Southeast Quarter of Section 31, Town 11 North, Range 9 East
<u>Town:</u>	Dekorra
<u>Parcel(s) Affected:</u>	486.A, 486.B
<u>Site Address:</u>	N3098 Smokey Hollow Road

Background:

Jay Mittelstaedt of MOH Holdings LLC, owner and applicant, requests the Planning and Zoning Committee review and approve a Conditional Use Permit for outdoor and indoor retail sales and service. Parcel 486.A is 10.14 acres in size and parcel 486.B is 0.7 acres. There is an existing single-family residence and an accessory structure on parcel 486.A, and also a home and accessory structure on parcel 486.B. Lands outside of the developed area are primarily under cultivation. The property fronts on Smokey Hollow Road to the east and abuts Interstate Highway 39/90/94 to the west. The property is currently zoned A-1 Agriculture and is planned for future Commercial development on the County's Future Land Use map. There is no mapped wetland or floodplain on the property. Land use and zoning of adjacent properties is below.

Adjacent Land Uses and Zoning

Direction	General Land Use	Zoning
North	Wetland/Woodland and Open Space	C-2 General Commercial
East	Single-Family Residence and Agriculture	A-1 Agriculture
South	Single-Family Residence	A-1 Agriculture
West	Interstate Highway 39-90-94	A-1 Agriculture

Analysis:

The owner and applicant are proposing to construct a new 60'x190' storage building and a 55,120 square foot dealership for their business, Jay's Power Sports and Jay's Ag and Turf. Section 12.155.05(15) defines retail sales, outdoor, as land uses that conduct or display merchandise outside of an enclosed building that is for sale or rent and land uses that conduct maintenance or repairs on merchandise or equipment outside of an enclosed building. Examples of such land uses include vehicle sales, vehicle rental, manufactured and mobile home sales, monument sales, lawn mower repair, boats, garden supplies, building and landscaping materials, and lumber yards.

The development of the property is proposed in two phases. The first phase will consist of the construction of the "storage building", which will serve as a temporary showroom for both powersports and ag and turf products until the 55,120 square foot showroom is completed as part of Phase 2 in late 2027/early 2028. Once this larger building is constructed, the 60'x190' "storage building" will be used as a showroom, parts, and service facility for ag and

turf products only, which includes tractors, lawn mowers, snowblowers, among others. The larger showroom will be used for sales and service of recreational power sports equipment such as ATV/UTV, snowmobiles, boats, etc. Two outdoor display areas are proposed along the I-39/I-90/I-94 boundary. The placement of displayed items must occur outside of the right-of-way. There will be three employees, and hours of operation will be from 9:00 am to 6:00 pm Tuesday through Friday and 9:00 am to 3:00 pm on Saturdays. The business will be closed Sunday-Monday. The conditions proposed below allow for increased hours from 8:00 am to 6:00 pm daily, so that the applicant may choose to alter business hours at a later date without needing to amend the Conditional Use Permit. Landscaping plans, as shown on Sheet 22, include a mixture of evergreen and deciduous trees along the front property line entrance on Smokey Hollow Road. Because development is planned in two phases, Condition 5 below states all landscaping must be installed within 12 months of the initial implementation of Phase 2.

The existing access will need to be upgraded from a field entrance to a commercial access point. Table 12.140.05(1) requires one parking space per 300 square feet of gross floor area in the principal building. The site plan included with the application show this minimum required standard will be met, with a total of 208 parking stalls provided. Parking surfaces in Phase 1 will be gravel and upgraded to asphalt in Phase 2. Section 12.140.05 of the Columbia County Zoning Ordinance requires parking areas to be paved. This requirement is noted as Condition #4 below, and respects the anticipated development timeline, requiring pavement and striping to be completed within 36 months. Lighting will consist of floodlights on the building as well as in the parking lot. Lighting must meet the standards of Section 12.140.07, including careful orientation so that the lighting element (or transparent shield) is not visible from the adjacent properties or roads. The owner would like to utilize the existing billboard signage along the Interstate frontage, as well as installation of building signs. Permitting of signage must meet the requirements of Section 12.145. Filling and grading more than one acre will require a land disturbance permit from the Department. Erosion control and stormwater management plans have already been submitted as part of this permit review. Three stormwater management basins are planned.

Town Board Action:

The Dekorra Town Board met on June 9, 2026 and recommended approval of the Conditional Use Permit with conditions.

Standards for Review:

The proposed use complies with the General Criteria of Section 12.150.07(4) of the Columbia County Zoning Ordinance. See Attachment A for more details.

Recommendation:

Staff recommends approval of the Conditional Use Permit for outdoor and indoor retail sales and service, subject to the adoption of the following recommended Findings, Conclusions, and Conditions.

Recommended Findings of Fact:

1. Upon review of the guidelines in Section 12.150.07(4) of the Columbia County Zoning Ordinance, and with the explanation of the criteria in Attachment A of the Staff Report, the Committee finds the following:
 - a. MOH Holdings LLC c/o Jay Mittelstaedt is the owner of the subject property.
 - b. Jay Mittelstaedt of MOH Holdings LLC is the applicant for a Conditional Use Permit.
 - c. Jay Mittelstaedt of MOH Holdings LLC is the applicant for a Rezone to the C-2 General Commercial zoning district.
 - d. Jay Mittelstaedt of MOH Holdings LLC is requesting a Conditional Use Permit to conduct outdoor and indoor retail sales and service within the C-2 General Commercial zoning district.
 - e. The property is already developed with two single-family homes on site. These homes are proposed to be removed as part of the site development.
 - f. The establishment, maintenance, or operation of the proposed use will not be detrimental to or endanger the public health, safety, or general welfare of the occupants of surrounding lands.
 - g. The use will be designed, constructed, operated, and maintained so as to be compatible, and be appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area such that the use will substantially impair or diminish the use, value, or enjoyment of existing or future permitted uses in the area.
 - h. The erosion potential of the site, based on topography, drainage, slope, soil type, and vegetative cover is minimal.

- i. There is no existing or anticipated water pollution including sedimentation, and no impacts on floodplain and wetlands.
- j. Access to streets and highways is suitable, and ingress and egress is designed to minimize traffic congestion and the potential effect on traffic flow.
- k. The Conditional Use shall conform to the standards of the applicable district(s) in which it is located.

Recommended Conclusions of Law:

1. The subject property is located in the Town of Dekorra and is zoned A-1 Agriculture.
2. Outdoor and indoor retail sales and service is a conditional use within the C-2 General Commercial zoning district.
3. Jay Mittelstaedt of MOH Holdings LLC is the petitioner for a rezone to the C-2 General Commercial zoning district.
4. The proposed use is consistent with the purpose and intent of the Columbia County Zoning Ordinance.
5. Jay Mittelstaedt of MOH Holdings LLC is the petitioner for a Conditional Use Permit. The petition followed the procedures of Section 12.150.07(3) of the Columbia County Zoning Ordinance.
6. The petitioners are proposing to conduct outdoor and indoor retail sales and service, which is allowed as a Conditional Use under Table 12.110.02(1).
7. The Dekorra Town Board has reviewed and recommended approval of the Conditional Use Permit, with conditions, in accordance with Section 12.150.07 of the Columbia County Zoning Ordinance.
8. The Columbia County Planning and Zoning Committee has the authority under Sections 12.150.03(2)(b) and 12.150.07 of the Columbia County Zoning Ordinance to conduct public hearings, review, and decide on requests for Conditional Use Permits.

Recommended Conditions for the Decision:

1. The Conditional Use Permit shall become effective upon rezoning the property to the C-2 General Commercial district and recording of the Certified Survey Map.
2. The Conditional Use Permit shall be secured through the issuance of at least one zoning permit within 12 months of the date of approval of the Conditional Use Permit.
3. Two Emergency Response Numbers shall be assigned to the property. One number shall be assigned to the ag and turf building (Phase 1) and another to serve the power sports building (Phase 2).
4. Parking areas shall be paved with a dustless hard, all-weather surface (such as asphalt or concrete), and graded and drained to prevent the accumulation of surface waters. Parking areas shall be marked (striped) in a manner which clearly indicates required parking spaces. There shall be a minimum of 184 parking spaces on site. Parking areas shall be paved and striped within 36 months of approval of this Conditional Use Permit.
5. Landscaping shall be installed within 12 months of the initial implementation of Phase 2. Evergreens shall be a minimum of 4' tall, deciduous trees shall have a minimum caliper of 2", and shrubs shall be at least one foot tall at the time of planting. All landscaping shall be maintained. Any dead, diseased, or dying vegetations shall be replaced with a similar species.
6. Hours of operation shall be limited to 8:00 am to 6:00 pm daily.
7. The site shall be developed in accordance with the approved site plan. Any amendments to the site plan shall be reviewed and approved by the Planning and Zoning Department, with significant changes being referred to the Town and Planning and Zoning Committee for action.
8. Signage shall comply with Section 12.145 of the Columbia County Zoning Ordinance.
9. Lighting for the facility shall be oriented so that the lighting element (or transparent shield) is not visible from the adjacent properties or roads. The use of shielded luminaries and careful placement of fixtures is encouraged to facilitate compliance with this requirement.
10. The owner shall comply with and obtain all necessary permits required by applicable federal, state and local regulations.

11. The Planning and Zoning Department shall have the right of inspection for the purpose of determining compliance with this permit during normal working hours or upon reasonable notice outside of normal hours.
12. If the Planning and Zoning Committee finds that the review criteria of Subsection 12.150.07(4) of the Columbia County Zoning Code, or the conditions stipulated in the Committee Decision, are not being complied with, the Planning and Zoning Committee, after a public hearing, may revoke the Conditional Use Permit.
13. Any agreement(s) or condition(s) pertaining to this Conditional Use Permit between the Town of Dekorra and Jay Mittelstaedt of MOH Holdings LLC are hereby incorporated as part of this Conditional Use Permit; however, the County is not responsible for enforcing said agreement(s) or condition(s), unless an individual point of the agreement(s) or condition(s) is specifically included above as a condition of approval. Any additional Town agreements or conditions are listed below. In the event that the Town submits a finding of noncompliance with any of the item(s) listed below, for which the County has not assumed direct enforcement authority, upon written request by the Town, the County reserves the right to review the Conditional Use Permit.
 - a) Prior to the issuance of a building permit for either building on future Lot 1, the owner shall obtain site plan approval from the Town in accordance with Section 11.04 of the Town's ordinances. Site plan approval shall also include approval of a landscape plan, lighting plan, signage plan, grading plan, stormwater and erosion control plan, building elevations including building materials and colors.

Section 12.150.07(4): Criteria for review of all Conditional Uses

Re: Public Hearing Item 1: MOH Holdings – Sales and Service

**Staff comments are italicized after each review item.*

Review Criteria. In reviewing the conditional use permit the Planning and Zoning Committee shall use the following as guides for making a decision.

- (1) The establishment, maintenance, or operation of the proposed use will not be detrimental to or endanger the public health, safety, or general welfare of the occupants of surrounding lands. . *Issues which could be seen as having the potential to be detrimental appear to be able to be adequately mitigated by the application of conditions of approval as well as the standards already set forth within the Columbia County Zoning Code.*
- (2) The use will be designed, constructed, operated, and maintained so as to be compatible, and be appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area such that the use will substantially impair or diminish the use, value, or enjoyment of existing or future permitted uses in the area. *Operating within the conditions of approval will ensure that the proposed use will not substantially impair or diminish the use, value, or enjoyment of existing or future permitted uses in the area. The installation of landscaping, including the required maintenance of said landscaping, will help protect the use, value, and enjoyment of existing or future permitted uses in the area.*
- (3) The erosion potential of site based on topography, drainage, slope, soil type, and vegetative cover. *By following erosion control and stormwater management best management practices during development of the sites, erosion concerns should be adequately mitigated. The applicants have submitted thorough stormwater management and erosion control plans to the Department, which will be reviewed in detail with the required land disturbance permit.*
- (4) The prevention and control of water pollution including sedimentation, and the potential impacts on floodplain and wetlands. *There are no wetlands or floodplain present on the property.*
- (5) The site has adequate utilities, including if necessary acceptable disposal systems. *The existing utilities, including well and septic, are tied to the two existing homes on site. These will all be properly abandoned. New utilities are planned in order to meet the demand and requirements of the proposed commercial use.*
- (6) Access to streets and highways is suitable, and ingress and egress is designed to minimize traffic congestion and the potential effect on traffic flow. *Ingress and egress to the site will be from an improved commercial access point located on a town road. The level of activity from the proposed use should not create congestion or affect traffic flow and the subject property is near a highway interchange.*
- (7) The Conditional Use shall conform with the standards of the applicable district(s) in which it is located. *The proposed indoor and outdoor sales and service use must comply with the conditions of approval as well as all applicable standards in the County Zoning Ordinance.*

