

CONDITIONAL USE APPLICATION

Wisconsin Dells, Wisconsin

Version: May 21, 2007

General instructions. Complete this application as it applies to your project and submit one copy to the zoning administrator along with the required application fee. Before you formally submit your application and fee, you may submit one copy to the zoning administrator who will ensure it is complete. If you have any questions, don't hesitate to contact the zoning administrator at 608-253-2542. You may obtain a digital copy of this file from the zoning administrator.

- Office Use Only -

Initial application fee	\$525.00
Receipt number	55218
Application number	

1. Applicant information

Applicant name KEMT KOCHLER

Street address 237 CAPITAL ST

City WI DELLS

State and zip code WI 53965

Daytime telephone number 608 434 0888

Fax number, if any _____

E-mail, if any KKOCHLER1@CHARTER.NET

2. Subject property information

Street address	<u>720 OAK ST</u>	
Parcel number	<u>73</u>	Note: the parcel number can be found on the tax bill for the property or may be obtained from the City.
Current zoning classification(s)		
Describe the current use	<u>LOT WITH CONCRETE SLAB LEFT FROM DEMO</u>	

3. Proposed use. Describe the proposed use.

ADD UP TO TWO FOOD TRUCK TRAILERS TO SITE

4. Operating conditions. For non-residential uses, describe anticipated operating conditions (hours of operation, conditions that may affect surrounding properties, etc.)

11am - 11pm WILL NOT AFFECT SURROUNDING PROPERTIES

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5. **Off-site effects.** Describe any potential nuisances and mitigating circumstances relating to street access, traffic visibility, parking, loading, exterior storage, exterior lighting, vibration, noise, air pollution, odor, electromagnetic radiation, glare and heat, fire and explosion, toxic or noxious materials, waste materials, drainage, and hazardous materials.

6. **Review criteria.** The plan commission in making its recommendation and the common council in making its decision must consider the factors listed below. Provide a response to each. (See Section 19.373 of the Municipal Code.)

a.	Consistency of the proposed use with the city's comprehensive plan and neighborhood plan or other subarea plan, if any	PART OF THE PROPOSED PLAN FOR FUTURE DEVELOPMENT OF PROPERTY
b.	Effects of the proposed use on traffic safety and efficiency and pedestrian circulation, both on-site and off-site	X
c.	The suitability of the subject property for the proposed use	PERFECT
d.	Effects of the proposed use on the natural environment	X
e.	Effects of the proposed use on surrounding properties, including operational considerations relating to hours of operation and creation of potential nuisances	X
f.	Effects of the proposed use on the normal and orderly development and improvement of the surrounding property for uses permitted in the district	
g.	Effects of the proposed use on the city's financial ability to provide public services	

720 Oak St

Conditional Use Permit – Commercial use without a permanent structure, Outdoor commercial food and beverage service, Outdoor vender, and Walk up service window

Staff Report for Plan Commission, 05/26/16

The Planning & Zoning office has received a Conditional Use Permit application from Keith Koehler to allow two (2) food trucks on his property at 720 Oak St, tax parcel 73, which is in the C-2 Commercial-downtown Zoning district. This property is adjacent to the applicant's permanent business of The Keg and The Patio. The applicant purchased the property and removed the structure that was on the property. On April 27 the applicant received approval from the Design Review Committee to fence in a portion of the new vacant property and install additional outdoor seating for the patrons of The Keg and The Patio. Subsequently, Mr. Koehler secured interest from Jose's Mexican restaurant to bring a food trailer onto Mr. Koehler's property, next to the new outdoor seating. A food truck or trailer requires a "Mobile Restaurant" license from the Wisconsin Department of Health Services.

The City Zoning Code requires any Mobile Restaurant to obtain a Conditional Use permit per Code section 19.675, which requires all Commercial activity to take place within a permanent structure with a washroom.

Mr. Koehler also owns a food franchise, Chuckies, that has food trucks. A Chuckies food truck may also be also located on this property. The site map provided shows the location of these facilities.

The Keg and The Patio have 9 bathrooms which is adequate for servicing 360 people. There is currently seating for 146 people, and the new outdoor seating provides an additional 60 seats, for a total of 206 seats.

The new outdoor seating area will have a 36" gate for emergency exiting directly from the outdoor area to the sidewalk, which is adequate for at least 180 people. The new outdoor seating area will have open access to The Patio area through the existing exterior deck. This deck exits to a parking area in the rear of the building that connects on grade directly to the alley. The 10 ft rear exit has an egress capacity of 600 people. There appears to be ample exiting from the new, fenced in outdoor seating area, without patrons having to enter to existing interior spaces.

There is not a parking requirement for the C-2 Zoning District. However, there are two (2) City parking lots in the immediate vicinity of this property. The Oak St. parking lot is heavily used, but the Elm St. parking lot, just across the alley from the Keg is underutilized. There is another underutilized City parking lot immediately opposite Elm St.

It appears that the main concern for this request is the use of a Mobile Restaurant in the downtown area. The City has historically been resistant to allowing Mobile Restaurants in the downtown area. One of the reasons Mobile Restaurant have been discouraged is the low investment required to open and operate a Mobile Restaurant. This is seen as unfair to business owners that operate out of permanent structures, as a permanent structure requires a much more significant investment on City property and result in significant property taxes that are utilized to provide all City services. As a non-permanent structure, a Mobile Restaurant would not pay real property taxes, and it is not clear they would pay their personal property taxes to the City of Wis. Dells. Due to the normally transient nature of Mobile Restaurant, there is also concern they would not pay their Sales Tax and Premier Resort Tax to the City of Wisconsin Dells. These tax concerns could be addressed by charging an annual fee as a Payment In Lieu Of Taxes, and making any approval contingent on the operator of the Mobile Restaurant providing clear documentation of their payment of PRT taxes to the City.

However, ensuring comparable tax payments still does not encourage the business and property owner to make a more significant investment in the City to grow their business. Another concern with Mobile

Restaurants is that the limited investment required to open such a business makes it less likely that the operator will continue to make an adequate investment in time and money to properly maintain the trailer. As such, the trailer could become a form of blight to the downtown. There is also a concern that the limited investment in Mobile Restaurant in the first place causes them to be a less desirable business for the City. This department feels that poor management and maintenance of any business or property can cause it to become blight to the downtown. As Mobile Restaurants require a Conditional Use Permit to operate in the City, any approval can carry the condition that the City may revoke the permit at any time, at its sole discretion, if the City feels the maintenance and management of the trailer to be substandard.

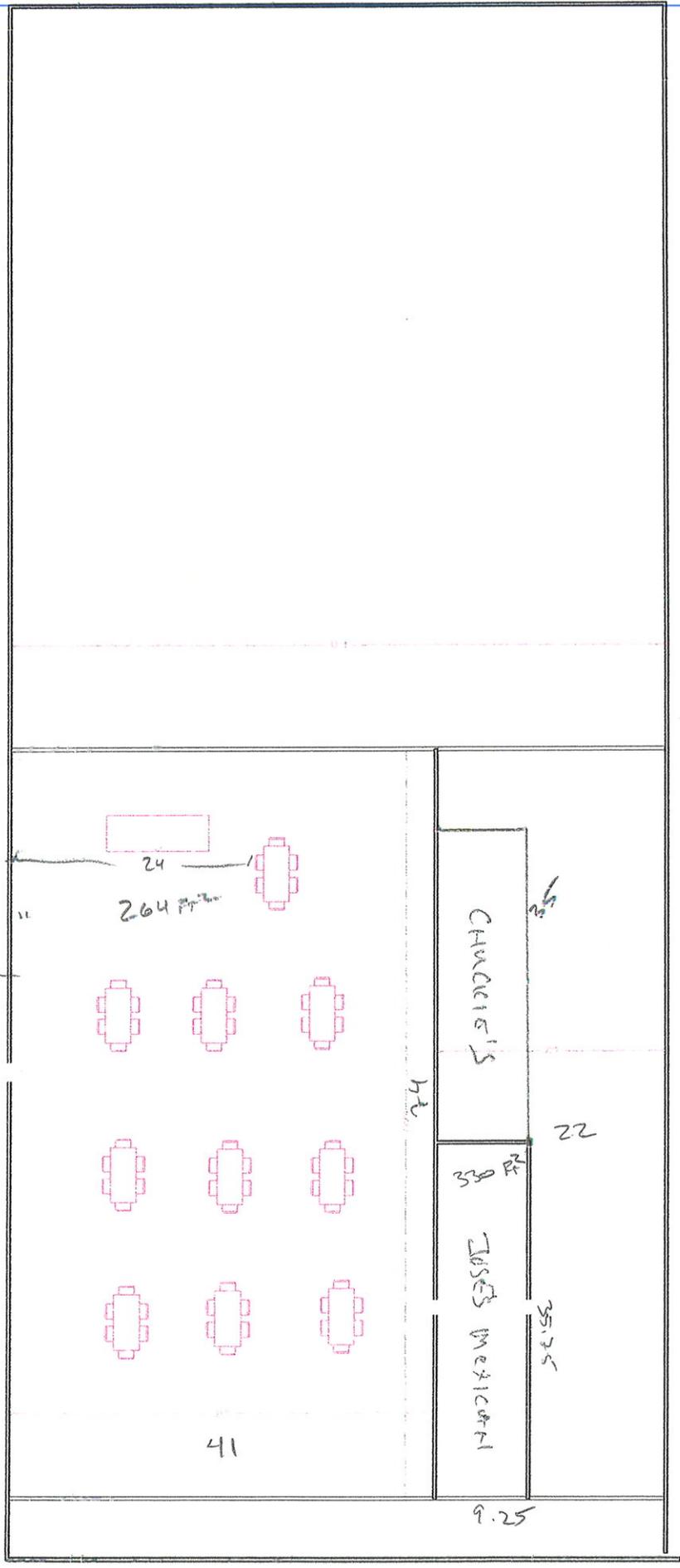
Even given the measures the City can take to address the concerns with Mobile Restaurant operating in the downtown, the problem of setting a precedent by allowing this Mobile Restaurant in the downtown zone remains. This department believes that if clear standards are developed for Mobile Restaurant; the City can maintain the right to deny future requests. This department feels that there are some properties specific to this request that can be identified and use to evaluate future requests to operate a Mobile restaurant in the downtown zone. First, this Mobile Restaurant exists within and existing permanent business, which is itself a restaurant. It would seem that the business that would be most impacted by the Mobile Restaurant would be The Keg and Patio. Customers that want to get to the Mobile Restaurant will have to first go into The Patio. The Keg and Patio will have to give up some of their new outdoor seating to accommodate customers to the Mobile Restaurant. This makes it seem to this department like the Mobile Restaurant is within and an extension of the existing permanent business, and it is not a stand along business without a permanent structure. Second, the applicant has stated that this arrangement is temporary and that a more permanent investment and development will be made on this property next year. Third, this project is not located directly on Broadway. These three aspects could lay the groundwork for evaluating future requests, such as: A Mobile Restaurant in the downtown zone must be accessed through a permanent structure; a location in the downtown zone can operate a mobile restaurant for a maximum of two (2) years; a mobile restaurant may not be located directly on Broadway.

It should be noted that the DRC approval of this project was only for 1 year. The DRC did not think Mobile Restaurants were a desirable long term option. The DRC also expressed concern with setting a precedent that would allow food trucks on Broadway. The DRC did not want to see different food trucks in and out at this location. The DRC felt it was important the food trucks paid taxes comparable to what other businesses pay. Based on the 2015 City and School taxes collected on this property (a rate of 0.01581524), if the Mobile Restaurant is valued at \$20,000 the taxes would be \$316.

Suggested Conditional to any approval:

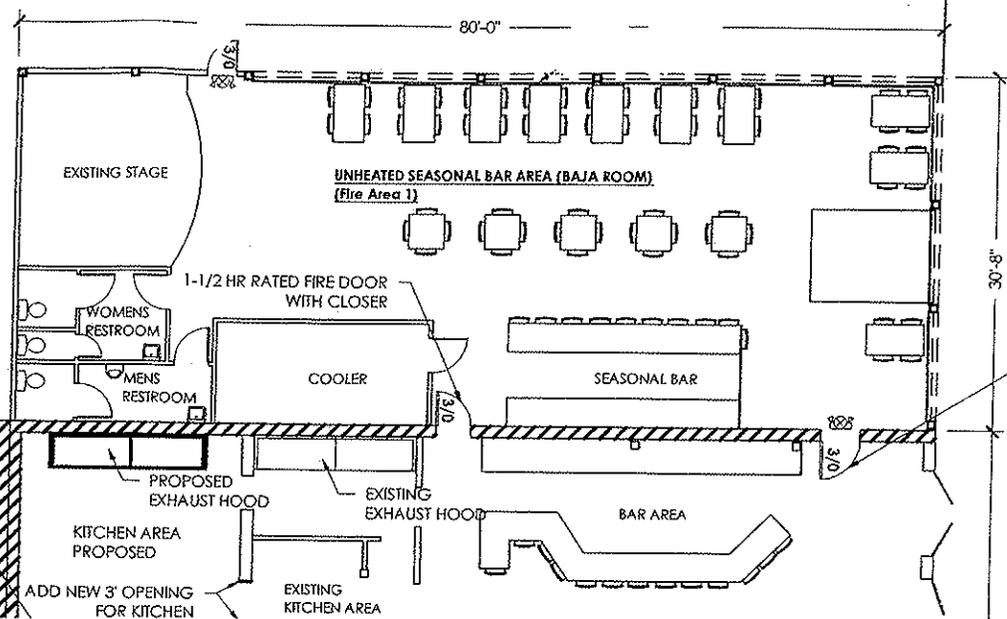
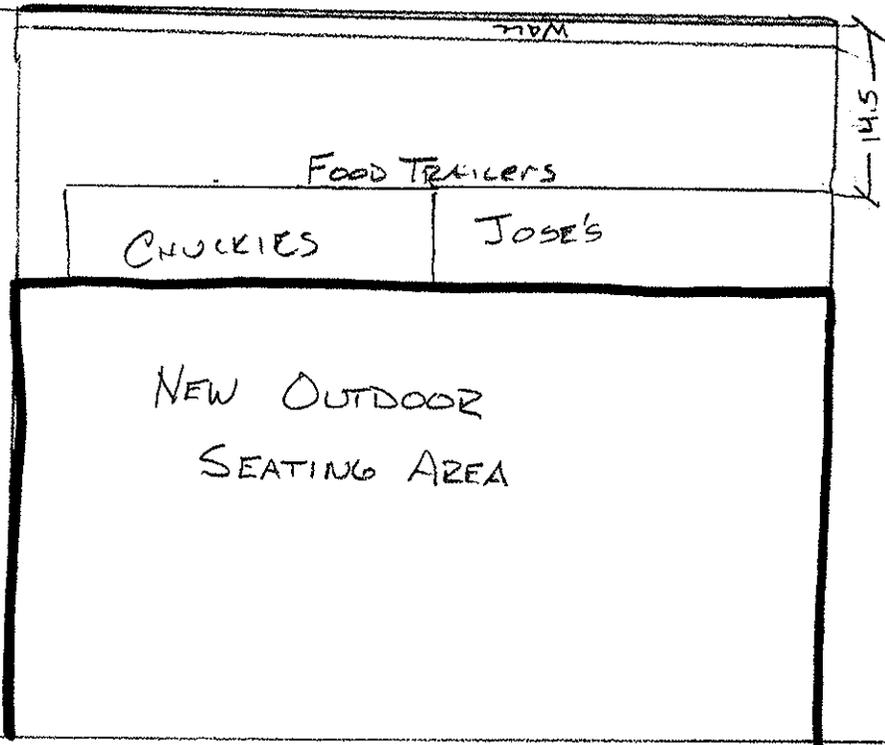
- 1) All associated licenses are obtained and in good standing.
- 2) CUP is only issued for one year. The expectation is that the applicant will be moving forward with a larger development of this property next year.
- 3) This permit is revocable if the Mobile Restaurants are not operated and maintained to a high standard as determined by the City.
- 4) The Mobile Restaurant pays an annual fee as determined by the City.

Prepared by:
Chris Tollaksen

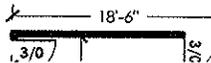


SCALE 100 = 264

PROPERTY LINE



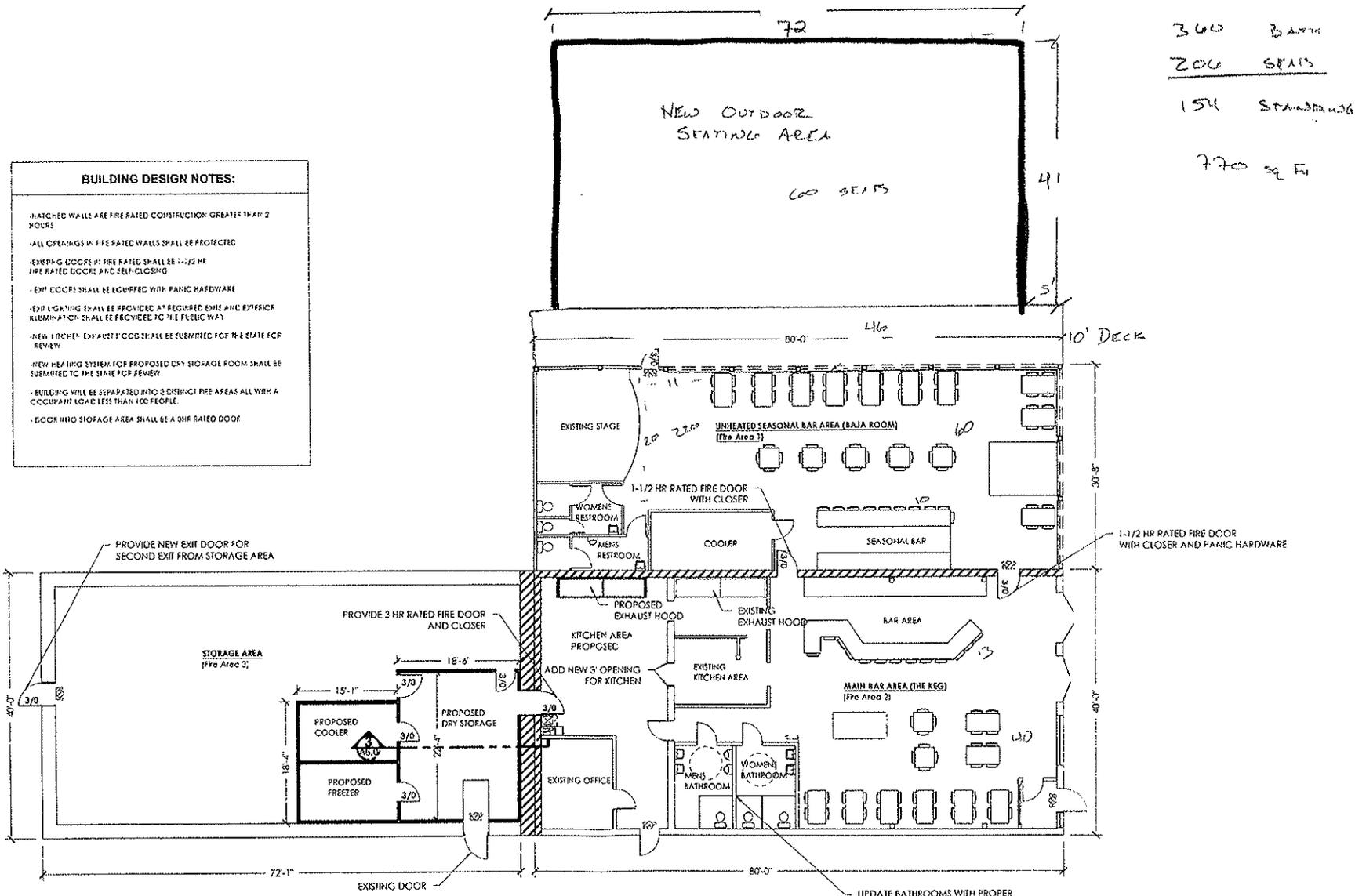
PROVIDE 3 HR RATED FIRE DOOR AND CLOSER



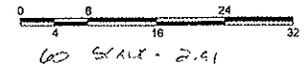
ADD NEW 3' OPENING FOR KITCHEN

BUILDING DESIGN NOTES:

- HATCHED WALLS ARE FIRE RATED CONSTRUCTION GREATER THAN 2 HOURS
- ALL OPENINGS IN FIRE RATED WALLS SHALL BE PROTECTED
- EXISTING DOORS IF FIRE RATED SHALL BE 1-1/2 HR FIRE RATED DOORS AND SELF-CLOSING
- EXIT DOORS SHALL BE EQUIPPED WITH PANIC HARDWARE
- EXIT LIGHTING SHALL BE PROVIDED AT REQUIRED EXITS AND EXTERIOR ILLUMINATION SHALL BE PROVIDED TO THE PUBLIC WAY
- NEW 1 HOUR EXISTING CODE SHALL BE SUBMITTED FOR THE STATE FOR REVIEW
- NEW HEATING SYSTEM FOR PROPOSED DRY STORAGE ROOM SHALL BE SUBMITTED TO THE STATE FOR REVIEW
- BUILDING WILL BE SEPARATED INTO 3 DISTINCT FIRE AREAS ALL WITH A OCCUPANT LOAD LESS THAN 100 PEOPLE
- DOOR INTO STORAGE AREA SHALL BE A 3HR RATED DOOR



PROPOSED FLOOR PLAN
SCALE: AS SHOWN



General Engineering Company
 P.O. Box 510 • 618 South Main St. • P.O. Box 101500
 800-272-0788 (Toll Free) • 800-272-2527 (Fax)
 www.generaleng.com

PROPOSED FLOOR PLAN
BUILDING ALTERATION
KEITH KOEHLER
 CITY OF WISCONSIN DELLS
 COLUMBIA COUNTY, WI

NO.	REV.	DATE
1	1	02/27/2014
2	1	02/27/2014
3	1	02/27/2014
4	1	02/27/2014

REVISIONS
 Updated sheet for new window
 Add door handle for new door
 Add window sill for new window
 Add window sill for new window
 Update fire door labels
 Update fire door labels

SCALE

DRAWN BY: TJM
 DATE: 02/27/2014
 DESIGNED: 2-0311-85C
 SHEET NO.

A3.0

JOSE'S MEXICAN





Get a good view!

**IOWA
BREADED**



1/2 LBS BREADED PORK TENDERLOIN	1.99
1/4 LBS BREADED PORK TENDERLOIN	1.49
BREADED PORK TEND.	1.49
SAUCE	1.49



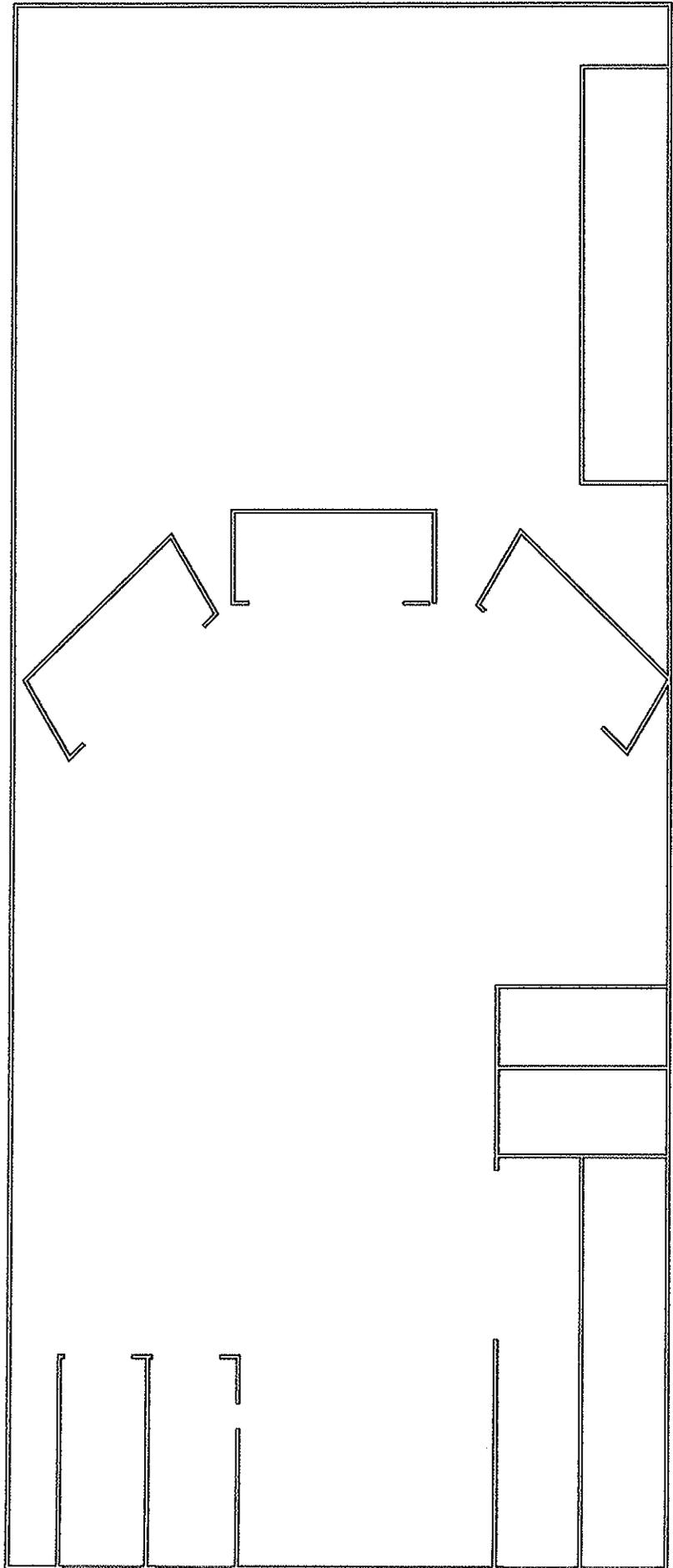
**PORK
TENDERLOIN**

**CUT FRESH
HAND
BREADED**

**IOWA
CHUCKIE'S
FAMOUS
BREADED PORK TENDERLOIN**

**IOWA
CHUCKIE'S
FAMOUS
BREADED PORK
TENDERLOIN
Dewitt, IA**





OAK ST

PRELIMINARY PLANS

DESIGN REVIEW COMMITTEE
CITY OF WISCONSIN DELLS
MUNICIPAL BUILDING-300 LACROSSE STREET
April 27, 2016

Aldersperson Mor called the meeting to order at 10:00 AM. Notice of the meeting was provided to the Dells Events, WNNO/WDLS Radio, and posted in accordance with State Statutes

1. Present:Ald. Mor, Dan Gavinski, Maria Rosholt, Jacqueline Morse Absent: Ben Borchert

Others: City Planner/Zoning Administrator Chris Tollaksen, Juli Mor, Ald. Brian Holzem, Mark Sweet, John Langhans of MSA, Aaron Tollacksen, Kyler Royston, Fire Inspector Jerry Wolfram, Keith Koehler and Ed Legge from the *Dells Events*.

2. Motion by Morse, seconded by Gavinski approve the minutes of the April 13, 2016 meeting. Motion carried.

3. Two signs presented by Spring Brook Resort. Motion Gavinski, second by Rosholt, with Mor abstaining. Sign was approved.

Two signs presented for approval by LEAF (Little Eagle Arts Foundation). Motion by Gavinski, second by Morse to approve. Motion carried.

Belgiis Waffle Bar presented a sandwich board for approval. Motion by Gavinski to approve with the reminder that it should be right up against the building, second by Rosholt. Motion carried.

Signs presented by Wisconsin Deer Park. Motion by Gavinski, second by Rosholt to approve. Motion carried.

Sign presented by JustAGame with a Wilderness logo/sponsorship that is already up on the building. Mor commented that the presence of the logo makes it an off-premise sign which is no longer allowed under the current code. Royston said that was not the main idea and was not meant in that fashion but he understands it is border line. Attorney Joe Hasler was consulted and he said under the current standards it is an off-premise sign. Royston asked to table so he can discuss with Attorney Hasler himself. Motion to table by Gavinski, second by Rosholt. Sign will be tabled until further notice.

Gavinski presented a Boat information sign to replace a Great Harvest one. Motion by Rosholt, second by Morse, Gavinski abstains to replace the Great Harvest sign with the boat info sign. Motion carried.

4. Question was raised by Tollacksen, when we get these applications for outdoor seating on private property or off Broadway, how rigid are we going to be with the BID standards, ie. block colors, seating choices, etc.

5. Kohler from The Keg/Patio presented red picnic tables, pallet fencing and overall plans for his new area next to the Keg. Discussion ensued on how to get a uniform look with the rest of the Bid district. John from MSA said the block coloring is not just for uniformity but is also to help with way finding. This is private property off Broadway so there is flexibility. Koehler said they will be using sails instead of umbrellas and it was asked if they could be the Tuscan Orange block color. Morse suggested a neutral palette for the picnic tables such as titanium, gray, dark brown. Mor would like the BID to weigh in on how to enforce the color standards and when. John said there can be many shades of the suggested color also. Wolfram brought up the safety issue for these outdoor seating plans. He would like to be informed so that number of bathrooms, total number of people allowed, and fencing for instance is discussed prior to approval. He would like occupancy signs (once approved) to be put up at the venue. Mor said the site plan needs to be in more detail. This kind of oversight used to happen at the Planning Commission level. Chris needs to refer safety concerns to KFD such as egress, occupancy, etc. Motion by Morse, second by Rosholt to approve the picnic tables in a neutral color such as titanium and approve the pallet fencing with a stain color from his sign. Motion carried. He will come back with colors for his sails.

6. Sidewalk/outdoor café furnishings: John showed examples of lower-priced furnishings. He did not find another table that would be suitable. He had 2 different titanium chair alternatives. The BID did not choose. They would like to view and sit on them first. It will need to be discussed who will

purchase the furniture in the café zone. Chris T will clarify this with BID. John says there is a furnishing budget included that was passed. Then we could have use agreements with businesses. Holzem believes the businesses must have something invested. Question was raised do the businesses rent or purchase from the city? This discussion is ongoing and the DRC needs some clarification from the BID. Morse says private property does not have to use the actual furnishings but we would like it to tie in with the city's furnishings.

7. Items for referral: Furnishings, Café zone layouts. Wolfram asked Chris what the time table was for interior signs to uphold the new sign standards ie. blocking the entire window with signs. Chris said approximately one year roll-out, with new info being sent out and then notices sent.
8. Next meeting: May 18 10 am, unless Chris gets too many sign requests.
9. Motion by Morse, second by Rosholt to adjourn. Motion carried and the meeting was adjourned at 10:57 am.

Juli Mor

CHANGED TO GRAY
PER DRC





GRAVE

FENCE
2 TALL

ALL
TIME
SPACES

GRAVE

FENCE
SINGLE

CONCRETE

WOOD
PATIO

GATE

FENCE
SINGLE

SIDEWALK

OAK ST

Chris Tollaksen

From: kkoehler1@charter.net
Date: Monday, April 18, 2016 9:28 PM
To: Chris Tollaksen
Subject: RE: Meeting
Attachments: Painted-Wooden-Picnic-Table.jpg

We would like to add 10 - 8 seat picnic tables. Color red. (picture attached). Sails will be designed and submitted after fence & picnic tables are approved. If we get something done prior we will get it to you for this meeting. We would like to add outdoor string lighting also.

We have 9 total toilet/urinals. We currently have 146 seats between Keg & Patio.

Thanks,

From: "Chris Tollaksen"
To: "Keith Koehler"
Cc:
Sent: Mon, 18 Apr 2016 19:54:29 +0000
Subject: RE: Meeting

I need a picture of the tables and chairs and a layout of the how many will be put out. I will also need a picture of the sails and where they will be going.

Plus, I need verify the occupancy with the added seating. Mostly this is based on the number of bathrooms (1 toilet/40 people). So I need to have the number of toilets (and/or urinals) and the total maximum occupancy with the outdoor seating.

Chris Tollaksen
City Planner/Zoning Administrator
City of Wis. Dells
(608) 253-2542
Fax (608) 254-8904

-Chris

From: Keith Koehler [<mailto:kkoehler1@charter.net>]
Sent: Monday, April 18, 2016 11:42 AM
To: Chris Tollaksen
Subject: Meeting

Attached is a picture and a sketch of fencing. Let me know what else you may need.

 nks,

Keith Koehler