

Overnight Lodging CUP
Jason Field
Vacation rental of single family home
Staff report – Plan Commission 011116

The City of Wisconsin Dells has received a request from Jason Field to convert the house located at 429 Washington (Parcel 57) to Overnight Rentals. This property is in the C-1 Commercial-neighborhood Zoning District, which requires a Conditional Use Permit per the City of Wisconsin Dells zoning code.

This is an existing house that has been used as a single family home. As such it should not have any significant effect on traffic flow, the natural environment or future development of the area.

The owner had stated the home has 4 bedrooms and 2 bathrooms. The expected occupancy of the house will be 8-10 people, which will be booked by a third party. A general standard is to provide 1 bathroom for every 6 occupants, so the occupancy should be limited to 12 people or less. The parking requirement for a motel is 1 parking space per room, so this 4 room house should have 4 parking stalls. The house has a 2 car garage, with an apron that can provide 2 additional parking stalls. There can be concerns with allowing a garage and the apron as separate parking stalls for required parking, as a car on the apron will block a car in the garage. In this case, there appears to be adequate space for additional parking stalls to be added adjacent to the existing apron (this would require removing a sport court that has been installed in the yard). Construction of additional parking may require a barrier between the parking and the sidewalk. It may be acceptable to not require the additional parking be constructed at this time, but any approval should be contingent on the parking being constructed and approved by the City, if it is deemed necessary in the future.

Overnight vacation rentals of single family homes present similar issues as employee housing facilities. The existence and extent of these issues lies primarily in the management of the property. If this house were to be a "party house", it could create a substantial nuisance to surrounding properties and create issues for the City. The applicant has stated they will only rent the house to families. It is recognized that the applicant operates another vacation rental home in a more rural area of the City, and there have not been any issues with the management of that facility. However, the other vacation rental on Trout Rd. is buffered from neighboring properties by a significant wooded area. This application is for a house in the more densely populated downtown area of the City, with other residents in close proximity.

It should also be noted that this use is only allowed in Commercial districts, and this property does fall within the C-1 Commercial-neighborhood district, which allows both residential and commercial uses. The C-1 district acts as a transition to the Residential districts north and south of the downtown Commercial district. The C-1 district also runs along north River Rd and south along Vine St. Overnight rental of single family homes is not allowed in the City's Residential Zoning districts.

The owner has stated that rental bookings for this property will be through Mt. Olympus. It is expected that as the applicant, the owner of the property accepts ultimate responsibility for the management of the property. As such, the owner/applicant will be responsible to correct any nuisances that may occur on the property. It should be made clear to the owner/applicant that violation of conditions, poor management of the facility, or the creation of nuisances from this overnight use will result in revocation of the use permit. Due to the relative uniqueness of this use in the City, the issues this use has caused in the Village of Lake Delton, and the importance of the management of the use; the granting of this permit should be non-transferrable and any new owner or operator of the property will have to obtain a new CUP. It may also be advisable for the applicant to have to re-apply for this use annually to ensure proper management is maintained.

As such, approval of this **CUP** should carry the following contingencies:

1. The building inspector ensures there are no code or safety issues with the house
2. The overnight rental of the house will be subject to PRT & room tax.
3. Additional parking spaces will be constructed, to City satisfaction, if required.
4. Applicant abide by the following restrictions:
 - a. Owner provides current, primary contact information to the Police Dept.
 - b. Rental are to families only, not unrelated groups of people
 - c. Renters sign an agreement not to cause excessive noise, not to trespass on neighboring property, and not to cause any other nuisance
 - d. This permit is non-transferrable, any new owner or operator of the property will have to obtain a new Overnight Lodging permit.

Optional:

- e. The owner obtains an Overnight Lodging permit annually to ensure continued proper management of the property.

Chris Tollaksen
City of Wisconsin Dells
01/08/16

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	<u>52922</u>
Application number	_____

1. Applicant information

Applicant name Jason Field
Street address 429 Washington Ave
City Wis Dells
State and zip code Wis Dells, WI 53965
Daytime telephone number 608-964-6441
Fax number, if any _____
E-mail, if any jfield@dellsdocks.com

2. Subject property information

Street address	<u>429 Washington Ave, Wis Dells, WI 53965</u>
Parcel number	_____ <small>Note: the parcel number can be found on the tax bill for the property or may be obtained from the City.</small>
Current zoning classification(s)	<u>C-1</u>
Describe the current use	<u>Single Family Home</u>

3. Proposed use. Describe the proposed use.

Nightly Rental

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

None, Property will be rented to Families on a nightly and weekly basis

CONDITIONAL USE APPLICATION

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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.

None

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 *NONE*

b. Effects of the proposed use on traffic safety and efficiency and pedestrian circulation, both on-site and off-site *NONE*

c. The suitability of the subject property for the proposed use *Zoned C-1 Area Already is being used commercially for rentals*

d. Effects of the proposed use on the natural environment *NONE*

e. Effects of the proposed use on surrounding properties, including operational considerations relating to hours of operation and creation of potential nuisances *NONE this will be rented to Families*

f. Effects of the proposed use on the normal and orderly development and improvement of the surrounding property for uses permitted in the district *NONE*

g. Effects of the proposed use on the city's financial ability to provide public services *NONE*

CONDITIONAL USE APPLICATION

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7. **Project map.** Attach a scaled map showing the information as listed at the end of this application. Use one of the following page sizes as appropriate: 8½" x 11", 11" x 17", or 24" x 36".

8. Applicant certification

◆ I certify that the application is true as of the date it was submitted to the City for review.
◆ I understand that I may be charged additional fees (above and beyond the initial application fee) consistent with the agreement below.

 Applicant Signature	9/21/15 Date
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Governing Regulations	The procedures and standards governing this application process are found in Chapter 19, Article 4, Division 6, of the City's Municipal Code.
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Reimbursement Agreement for Application Review Costs

<p>A. Payment for Eligible Costs. By submitting this application for review, the applicant agrees to pay all administrative costs incurred by the City in the processing, study, and review of the application including costs for planning, legal, engineering, and related services, referred to herein as eligible costs.</p> <p>B. Guarantee of Payment. To guarantee reimbursement, the applicant shall submit one of the following along with this application:</p> <ol style="list-style-type: none">1. an irrevocable letter of credit in the name of the City in an amount as set by the zoning administrator; or2. a cash deposit in an amount as set by the zoning administrator. <p>If a cash deposit is used to guarantee reimbursement, the City will periodically deduct from the cash account such amounts necessary to pay for eligible costs and submit a written statement to the applicant. If a letter of credit is used, the applicant agrees to pay such amounts as invoiced within 7 days of the invoice date. An interest rate of 1½ percent shall be charged on invoices not paid within 30 days of the invoice date. The City shall access the letter of credit to pay for overdue invoices, including late penalty charges, and submit a written notice to the applicant.</p> <p>If remaining monies in the cash account are insufficient to pay for current and reasonably anticipated eligible costs, the applicant agrees to deposit additional monies into the cash account in an amount as set by the zoning administrator. If the principal amount of the irrevocable letter of credit is insufficient to pay for current and reasonably anticipated eligible costs, the applicant agrees to submit a second letter of credit in an amount as set by the zoning administrator. The applicant may withdraw this application prior to final action by the City Council by submitting a written letter to the City. Upon such notice, the City shall cease all work related to the review of the application. However, withdrawal of this application does not terminate this reimbursement agreement.</p> <p>If the applicant does not pay for eligible costs, the City Clerk/Treasurer shall add the outstanding balance to the tax roll as a special assessment against the subject property. In addition, the City may pursue other legal means to obtain the outstanding balance as allowed by law.</p> <p>C. Termination of Guarantee. If a cash deposit is used to guarantee reimbursement, the City agrees to reimburse the applicant any unused monies in the cash account, including earned interest, within 60 days of the date when the City Council takes final action on the application. If a letter of credit is used, the City shall send a written letter to the applicant releasing the applicant from the letter of credit when all outstanding invoices have been paid.</p>

 Applicant Signature	9/21/15 Date
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CONDITIONAL USE APPLICATION

Wisconsin Dells, Wisconsin

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Project Map Checklist

Project Information	Included ?
Project name (e.g., business name, subdivision name)	<input type="checkbox"/>
Applicant name	<input type="checkbox"/>
Preparation date	<input type="checkbox"/>
Survey Information	
North arrow and graphic scale	<input type="checkbox"/>
Address of subject parcel or legal description	<input type="checkbox"/>
Property boundaries	<input type="checkbox"/>
Acreage of subject parcel	<input type="checkbox"/>
Project Development Information	
Easements/rights-of-ways (location, width, purpose, ownership)	<input type="checkbox"/>
Common areas/conservancy areas (location, purpose, ownership)	<input type="checkbox"/>
Setting	
Property boundaries within 50' of the subject parcel	<input type="checkbox"/>
Land uses within 50' of the subject parcel	<input type="checkbox"/>
Zoning district boundaries within 50' of the subject parcel	<input type="checkbox"/>
Municipal boundaries within 50' of the subject parcel	<input type="checkbox"/>

Site Features (Existing and Proposed)	Included ?
Wetlands	<input type="checkbox"/>
Woodlands	<input type="checkbox"/>
Wildlife habitat, including critical wildlife habitat	<input type="checkbox"/>
Environmentally sensitive features	<input type="checkbox"/>
Water resources (rivers, ponds, etc.)	<input type="checkbox"/>
Floodplain boundaries	<input type="checkbox"/>
Environmental and man-made hazards including brownfields, contaminated sites, unstable soils, high groundwater, bedrock, high-pressure natural gas lines, and others as appropriate	<input type="checkbox"/>
Fences, buffers, and berms	<input type="checkbox"/>
Existing trees and other prominent vegetation	<input type="checkbox"/>
Transportation Facilities (Existing and Proposed)	
Streets	<input type="checkbox"/>
Driveways and road access onto public and private roads	<input type="checkbox"/>
Sidewalks / trails	<input type="checkbox"/>
Buildings / Structures (footprint, use, etc.)	
Existing and proposed within subject parcel	<input type="checkbox"/>
Existing within 50' of subject parcel	<input type="checkbox"/>

My Map

