

Conditional Use Permit – Nihat Almas
404 ½ and 406 ½ Broadway.
Staff Report for Plan Commission, 6/08/15

The City of Wis. Dells has received a Conditional Use Permit (CUP) application from Nihat Almas for a Sidewalk Café on the 2nd story balcony of the Chalet (tax parcel 47.1) located at 404 ½ and 406 ½ Broadway. This property is located in the C-2 Commercial – downtown Zoning District.

The applicant would like to set-up an outdoor dining area on the elevated sidewalk adjacent to the property they would like to rent on the second level of the Chalet along Broadway. The Sidewalk Café would be incorporated into the business that they intend to operate out of the adjoining stores, which will offer Hookah service to their patrons in the seating area. The applicant intends to operate the Sidewalk Café June through September, with approximate operating hours of 12 pm - 10 pm.

A primary concern with this request is the offering of the Hookah service. Hookahs are large tobacco pipes that can be shared by multiple people at once. The applicant has indicated his desire to open such a business in the Dells, and that he has been unable to do so because of the indoor smoking ban. The applicant would like to operate his business at this location because it allows him to utilize the outdoor space for the smoking of the Hookah. However, the outdoor space is not on private property, but rather in the road Right Of Way, which is why the applicant must obtain City approval to operate a business on public property.

The City is currently in the process of implementing a Downtown revitalization plan. One of the recommendations of that plan is to restrict smoking along Broadway. The plan states that having smokers in front of businesses "...sends a poor message to kids, affects passer-by (and customers) and presents a negative image of downtown...". This statement may be debatable, and it was written in reference to cigarette smoking as opposed to Hookah smoking. However, this application is to allow a private business special permission to operate on public property. It seems counter-productive for the City to encourage an activity that the revitalization consultant is recommending the City restrict.

The serving of food and drink at the outside seating area still requires special City approval. Previous sidewalk cafés have been allowed in other elevated areas, but those areas were to be designated as "No Smoking" areas. The remainder of this report applies to the private service of food and drink on the public sidewalk.

As this particular request is for a service area over the existing sidewalk, there are concerns with items falling from the service area to the ground below. Any approval of this use should be contingent on the applicant have a system in place that will ensure that items will not fall to the sidewalk below. The applicant must agree that the City may, in its sole discretion, accept or deny any proposed system to prevent items from falling from the service area.

The City Zoning Code has a defined land use “21.8 Sidewalk Café” which is allowed as a Conditional Use in the C-2 Commercial – downtown Zoning District. The standards for such use are as follows:

19.907 Sidewalk café

- (1) **Generally.** The provisions of this section provide the opportunity for restaurants in identified areas of the city to use adjoining public sidewalks for the purpose of providing outdoor seating.
- (2) **Purpose.** The provisions of this section are intended to:
 - (a) enhance the pedestrian ambiance of the city by promoting additional activity on city sidewalks and visual interest;
 - (b) enhance the appropriate use of existing public spaces; and
 - (c) increase economic activity in the area.
- (3) **Location.** A sidewalk café shall be located directly in front of the restaurant with which it is associated.
- (4) **Obstructions.** A sidewalk café may not interfere with any public service facilities located within the street right-of-way, including public telephones, mailboxes, public signs, public benches, public art, public fountains, and bus stops. In addition, a sidewalk café may not interfere with fire escapes, drop ladders, building access points, and other points of normal or emergency access.
- (5) **Pedestrian movement.** No portion of the sidewalk café may impede pedestrian movement. Generally, a 4-foot wide unobstructed walkway allows adequate pedestrian movement.
- (6) **Planters.** Planters may be used as a visual amenity and to frame off the space allocated for the sidewalk café. The size of plant materials shall be compatible in scale with the immediate area. Hanging planters are not permitted.
- (7) **Lighting.** Lighting shall be limited to table top lamps of low intensity. The building inspector may allow additional lighting to provide appropriate levels for safety.
- (8) **Furnishings.** All furnishings shall fit the character of a public streetscape. An umbrella over each table may be permitted if it does not create an obstruction.
- (9) **Floor covering.** A floor covering may not be used in the sidewalk café.
- (10) **Tables.** Round tables may not exceed 36 inches in diameter and square tables may not exceed 36 inches in width.
- (11) **Food preparation.** All food shall be prepared within the restaurant.

The applicant has stated that the interior stores will have 2 bathrooms, one men’s and one woman’s. Based on the bathroom requirement for a bar, the maximum capacity of this facility, including indoor and outdoor patron areas, will be 80 people. A concern with the use of a Sidewalk Café is the disruption of pedestrian flow on the sidewalk. As a general rule a minimum of 4 ft of clear sidewalk must be maintained. The applicant intends to occupy the entire sidewalk area with their seating and allow only a 3 ft space between the seating areas for the general public to travel. It is assumed that because this is a second story sidewalk there will be minimal general traffic through the seating area.

It should also be made clear to the applicant that there is to be no barking, calling out, or other attempts to attract the attention of pedestrians on the public sidewalk. There are City Ordinances against Public Nuisances Affecting Peace and Quiet prohibits the amplification of any sound on a public street. However, it seems reasonable to consider special allowances to be given to Sidewalk Cafés, as the Sidewalk Café permit allows for a portion of the public street to be utilized for a private business. It

is standard for restaurants to play background music for diners. Such music is not intended to be as advertising or announcing the presence of the business. Any allowance made for such music would be contingent on continued cooperation by the applicant to keep volumes at or below levels deemed acceptable to the City in its sole discretion. The City reserves the right to revoke any privilege allowing such music to be played from a speaker outside it the City at any time feels that the music is being used as an advertisement or to draw attention to the business. It should be noted that this property fully surrounded by commercial properties, however, being elevated any amplified music may travel above the street and buildings and into the residential areas to the north of Broadway.

A concern with food being served outside is the cleanliness of the area. All businesses are required to maintain the sidewalks in front of their property by sweeping up garbage on a regular basis. The applicant would be expected to be diligent in their maintenance of the sidewalk in front of their property. This would include removing any refuse that may end up on the sidewalk below. It will be the responsibility of the applicant to ensure all refuse is removed from around and under their dining/smoking area. The applicant must ensure that the dining area is maintained at a high standard. Maintenance, such as repairs and painting must be performed of high quality and on a regular basis.

If approval is granted for this use by the Plan Commission, the applicant must also obtain an agreement with the City for the use of the elevated sidewalk as it is Public Property as a Road Right of Way. The City is currently working with WisDOT on a standard process for the City to follow for Privilege agreements on State Highway Right Of Way.

Any approval of this CUP should come with the following contingencies:

1. The applicant obtains a Privilege agreement from the Public Works Committee to use the public Right of Way.
2. The applicant complies with any requests from the City to prevent items from falling from the service area to the street below.
3. The applicant maintains the sidewalk and street around the dining and smoking area.
4. Any music played outside is for ambiance purposes only and not for advertisement or to attract attention. The applicant will cooperate with any City requests for volume level.
5. The applicant cooperates with the City to resolve any issues that may arise as a result of this use.

Chris Tollaksen
City of Wis. Dells
6/3/15

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	51019 + 51020
Application number	9-2015

1. Applicant information

Applicant name	Nihat Almas
Street address	720 W 50th Street
City	Miami Beach
State and zip code	FL, 33140
Daytime telephone number	608-566-7502
Fax number, if any	
E-mail, if any	nkalmas@gmail.com

2. Subject property information

Street address	404 1/2 and 406 1/2 Broadway Street	
Parcel number	65	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)	A Commercial	
Describe the current use	Store Location No. : 404 1/2 and 406 1/2 Broadway Upper floor Balcony Area	

3. Proposed use. Describe the proposed use.

Use a 13' X 38' outdoor space area to add additional high tables and chairs for customers to enjoy their meals, beverages, and be able to request hookah services (if granted permission by the City members). This pertaining balcony is located in 400 Broadway # 9 & 10 Upper floor of " The Chalet " Wisconsin Dells, WI , 53965.

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

The above mentioned space- outdoor balcony- has never been used for any type of business. If permitted, the balcony space will be put to use from June through September 2015. Hours of operation will be determined by the business generated upon opening; however, the estimated hours of operation are from 12 pm - 10 pm. A business venture as such will have a great impact on our surrounding neighbors through an increase in customer traffic and public awareness which will directly generate an increase in sales.

CONDITIONAL USE APPLICATION

Wisconsin Dells, Wisconsin

Version: May 21, 2007

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.

The business will be managed solemnly on the second floor, thus not disrupting the first floor space and traffic. The hookah smoke generated in the outdoor space will be diluted into the air, and hookah waste/garbage will be placed in trash bags and disposed accordingly. Balcony outdoor area will be maintain clean and spotless at all times. Sounds level with any musical performances will be monitored.

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

Consistent as per City's plan.

- b. Effects of the proposed use on traffic safety and efficiency and pedestrian circulation, both on-site and off-site

Leased area is set above from the city sidewalk and pedestrian way. Pedestrian circulation will not be affected.

- c. The suitability of the subject property for the proposed use

Suitable. Previous store owner never used this balcony area. I strongly project this business set-up will increase customer traffic and generate sales for the location's business neighbors.

- d. Effects of the proposed use on the natural environment

Minimal as this permit pertains to a business that won't be generating harmful or toxic by-products. Area will have trash receptacles.

- e. Effects of the proposed use on surrounding properties, including operational considerations relating to hours of operation and creation of potential nuisances

Anticipated use of balcony area should be afternoon or early evening. Hours of operation similar to adjacent businesses.

- f. Effects of the proposed use on the normal and orderly development and improvement of the surrounding property for uses permitted in the district

No effect on development of other properties

- g. Effects of the proposed use on the city's financial ability to provide public services

WISCONSIN DANCE & YOGA CLUB

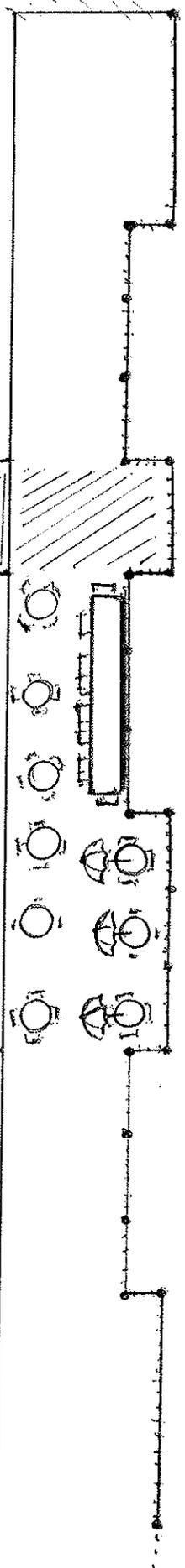
NIHAT'S

39 FT

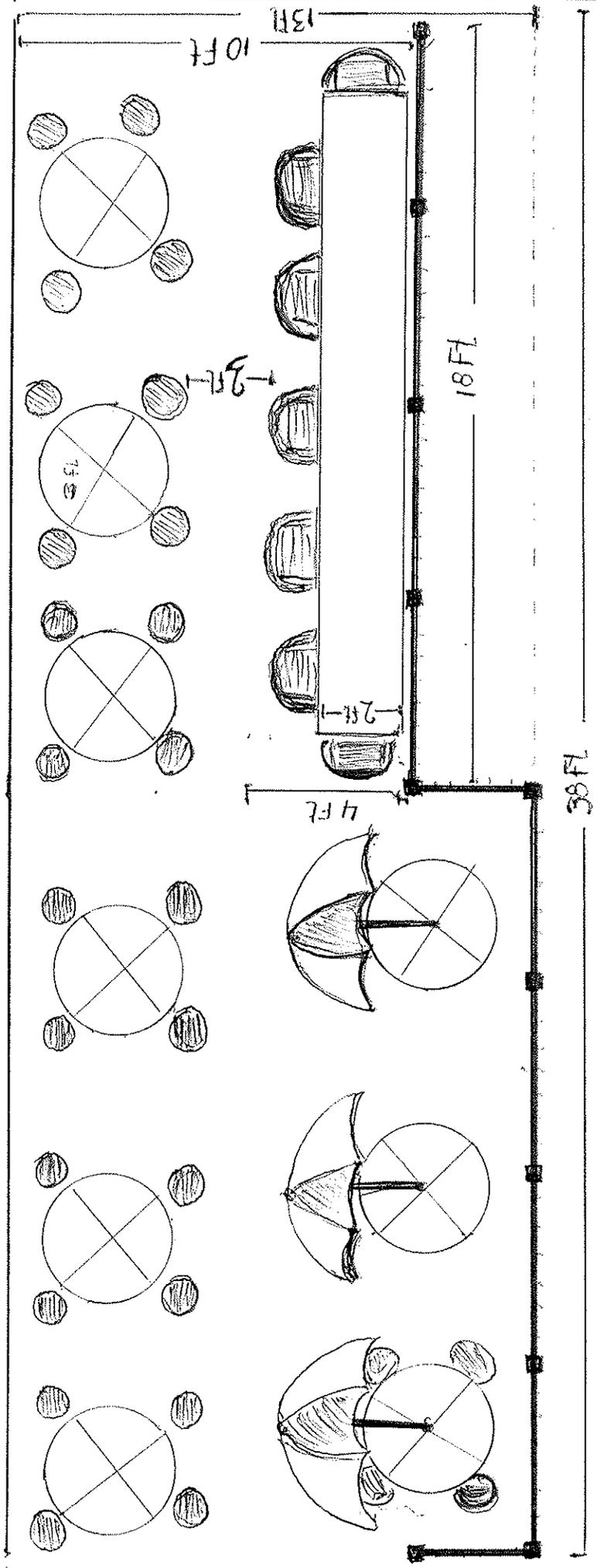
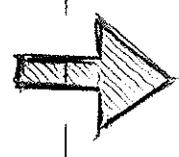
18 FT

STAIRS

OUT OF WOODS



Zoom



May 20, 2015

City Plan Commission
300 LaCrosse St.
Wisconsin Dells, WI 53965

Plan Commission members:

I would like to lease the store space located on: 404 1/2 and 406 1/2 Broadway, Wisconsin Dells, WI, 53965. These units are located on the upper (second) floor of "The Chalet" building. The store space also includes an outdoor space area, which extends into a balcony area and is to be leased to the following individual: Mr. Nihat Almas and will be in effect as of this summer of 2015.

Mr. Nihat Almas has proven to have excellent entrepreneur skills and a strong, determined to succeed personality that is key to producing positive effects in our community. In addition, Mr. Nihat Almas already has a business in Miami Beach, Florida similar to the one he is seeking to open here in Wisconsin Dells.

I fully back-up Mr. Nihat Almas and his decision to bring a new, fresh business offering to our citizens and visitors, and am happy to offer him my support.

Over the past several years, I have leased this space to many different business owners with the proper approval from the city's government.

I encourage the city government to continue to facilitate the leasing of this space, which in essence is the balcony area, of the store located in downtown Wisconsin Dells, to this new business entrepreneur. Allowing such individuals to have the opportunity to grow within our perimeters and start new businesses in our city is of great benefit to our image and community.

Thank you for your time and consideration. It is greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "B E Gusssel, Jr.", written in a cursive style.

BERNARD E. GUSSEL, JR

May 20, 2015

City of Wisconsin Dells
300 LaCrosse St.
Wisconsin Dells, WI 53965

To Whom It May Concern:

On this 2015 business year, the resident, Mr. Nihat Almas, seeks to open and operate a new business venture on: 400 Broadway, No. 9 & 10. This business will be located on the upper (second) floor of "The Chalet" building in the heart of downtown Wisconsin Dells.

I have already had a conversation with Mr. Nihat Almas and he stated point by point- in a concise and professional manner- a clear idea of his business project for our shopping center, and the benefits of using his store's front balcony as a profitable area to serve food, beverage, and hookah.

As a fellow business owner, I support his business idea because not only will it bring a new ambiance to our surrounding area, but also increase the public's awareness of our businesses in this building, as well as the positive impact in our sales, which in the end also benefit our community and city's image.

Sincerely,

A handwritten signature in cursive script that reads "Mark Sweet".

OUT OF THE WOODS

Chris Tollaksen

From: Donna Lynch [donna@cwcac.org]
Sent: Tuesday, May 12, 2015 1:00 PM
To: Chris Tollaksen
Subject: Conditional Use Permit Request
Attachments: City of Wisconsin Dells Correspondence 5-12-15.pdf; 115~70-Site Plan.pdf

Greetings Chris,

A year has passed since our last correspondence relating to the proposed senior housing development on our lot in the Dells north of our administration building. We are in the process of submitting proposals for grant funding; one to the State of Wisconsin, Division of Housing who distributes HUD funding. The other to the Federal Home Loan Bank of Chicago who distributes Community Reinvestment funds for such projects. Our last correspondence is attached along with a site plan.

We have made some changes from the initial layout which is a 10 unit located on the east side running length-wise south to north. If this project successfully indicates need for additional senior apartments, the lot would accommodate another 10 units on the west side. Also note, the north end represents space for either a senior center or community center; perhaps the city would be interested in discussing the potential.

Please accept this correspondence as our request for a Conditional Use Permit. I look forward to your questions and appearing before the Planning Commission and City Council. Your help is appreciated.

Thanks,

Fred

Fred Hebert

Executive Director

Central WI Community Action Council, Inc.

1000 Hwy 13, PO Box 430

Wisconsin Dells, WI 53965

(608) 254-8353

(608) 254-4327 fax

Donna Lynch

From: Donna Lynch
Sent: Monday, April 28, 2014 4:33 PM
To: 'Chris Tollaksen'
Subject: RE: CUP application

Chris,

I will be attending the meeting on May 14th at 5:15 pm. Some responses:

- 1) Each unit will have living space of 900 sq. ft. plus attached garages 12' by 24' which are the "bump-outs".
- 2) We are aware of the need for engineering and all associated ground concerns including storm water. A major concern and project will be paving up to the building site.
- 3) All of our apartment buildings do require dumpsters with appropriate clearances.

I look forward to our May 14th meeting and appreciate your support.

Thanks,
Fred

From: Chris Tollaksen [<mailto:ctollaksen@dellscitygov.com>]
Sent: Friday, April 25, 2014 9:37 AM
To: Donna Lynch
Subject: CUP application

Donna,

FYI, the meeting for your senior housing is being rescheduled for Wed May 14th at 5:15 pm.

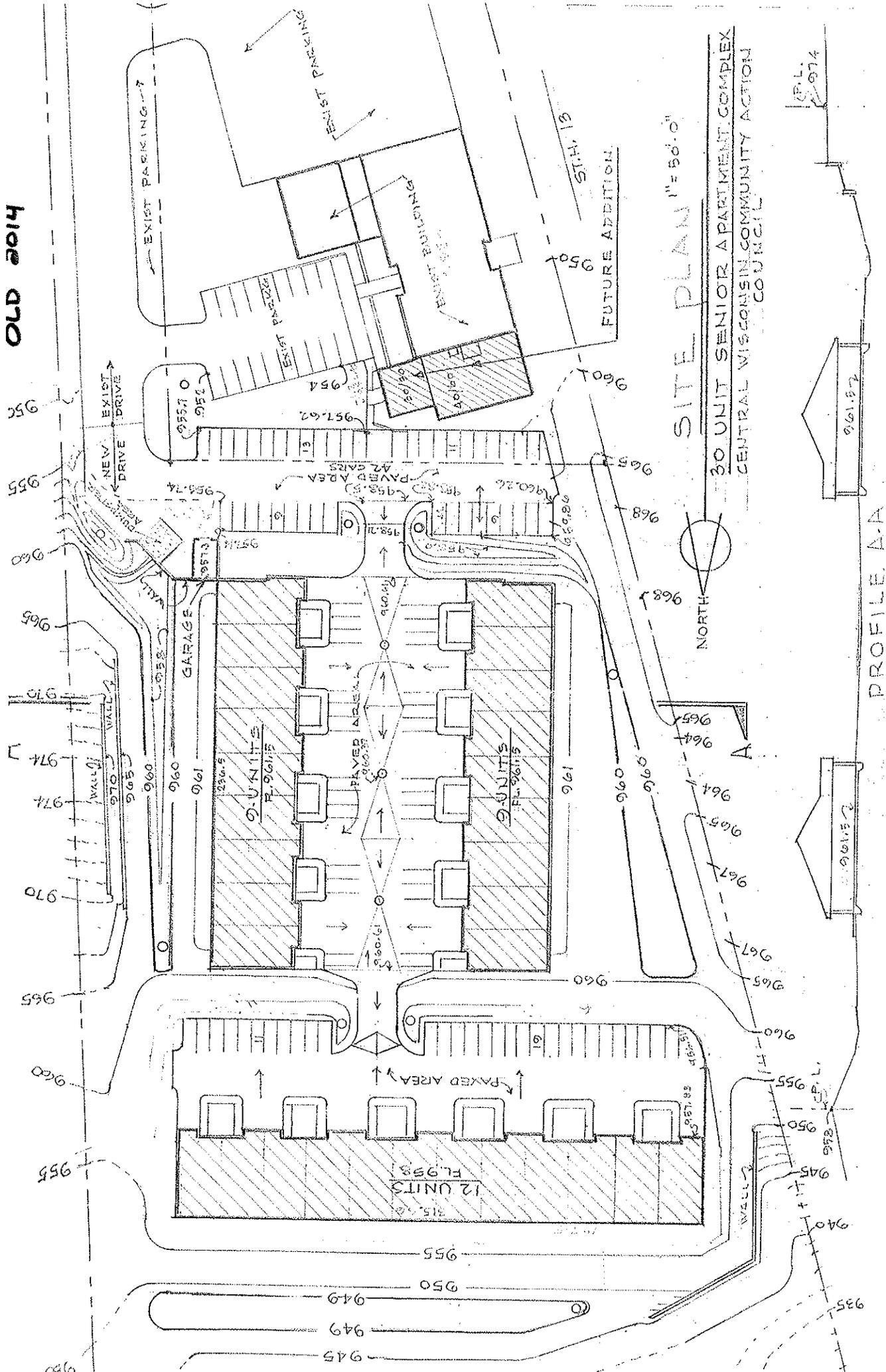
At quick first look at your application brought up a couple of questions. Most of these don't need hard answers at this point (they will be approved at the Site plan stage), but I like to bring these things up right away so everyone is on the same page:

- Do you have approximate unit sizes?
- I assume the bump-outs on the south of the building are garages, with 1 stall for each unit. Is that correct?
- It appears the project will disturb over an acre, so a stormwater plan will be required by the DNR. I don't see any accommodations for storm water on the plan. This would be something that would be reviewed during the Site plan application, which will happen later, but it will need to be addressed.
- I don't see an area for the dumpsters near the 12 unit building. We want to ensure each dumpster has 13ft of clearance.

I will likely be in touch with other questions as I continue my review.

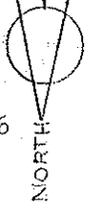
Chris Tollaksen
City Planner/Zoning Administrator
City of Wis. Dells
(608) 253-2542
Fax (608) 254-8904

OLD 2014



SITE PLAN 1" = 50.0'

30 UNIT SENIOR APARTMENT COMPLEX
CENTRAL WISCONSIN COMMUNITY ACTION COUNCIL



PROFILE A-A

P.L. 974

961.87

961.96

961.88

961.85

961.82

961.79

961.76

961.73

961.70

961.67

961.64

961.61

961.58

961.55

961.52

961.49

961.46

961.43

961.40

961.37

961.34

961.31

961.28

961.25

961.22

961.19

961.16

961.13

961.10

961.07

961.04

961.01

960.98

960.95

960.92

960.89

960.86

960.83

960.80

960.77

960.74

960.71

960.68

960.65

960.62

960.59

960.56

960.53

960.50

960.47

960.44

960.41

960.38

960.35

960.32

960.29

960.26

960.23

960.20

960.17

960.14

960.11

960.08

960.05

960.02

959.99

959.96

959.93

959.90

959.87

959.84

959.81

959.78

959.75

959.72

959.69

959.66

959.63

959.60

959.57

959.54

959.51

959.48

959.45

959.42

959.39

959.36

959.33

959.30

959.27

959.24

959.21

959.18

959.15

959.12

959.09

959.06

959.03

959.00

958.97

958.94

958.91

958.88

958.85

958.82

958.79

958.76

958.73

958.70

958.67

958.64

958.61

958.58

958.55

958.52

958.49

958.46

958.43

958.40

958.37

958.34

958.31

958.28

958.25

958.22

958.19

958.16

958.13

958.10

958.07

958.04

958.01

957.98

957.95

957.92

957.89

957.86

957.83

957.80

957.77

957.74

957.71

957.68

957.65

957.62

957.59

957.56

957.53

957.50

957.47

957.44

957.41

957.38

957.35

957.32

957.29

957.26

957.23

957.20

957.17

957.14

957.11

957.08

957.05

957.02

956.99

956.96

956.93

956.90

956.87

956.84

956.81

956.78

956.75

956.72

956.69

956.66

956.63

956.60

956.57

956.54

956.51

956.48

956.45

956.42

956.39

956.36

956.33

956.30

956.27

956.24

956.21

956.18

956.15

956.12

956.09

956.06

956.03

956.00

955.97

955.94

955.91

955.88

955.85

955.82

955.79

955.76

955.73

955.70

955.67

955.64

955.61

955.58

955.55

955.52

955.49

955.46

955.43

955.40

955.37

955.34

955.31

955.28

955.25

955.22

955.19

955.16

955.13

955.10

955.07

955.04

955.01

954.98

954.95

954.92

954.89

954.86

954.83

954.80

954.77

954.74

954.71

954.68

954.65

954.62

954.59

954.56

954.53

954.50

954.47

954.44

954.41

954.38

954.35

954.32

954.29

954.26

954.23

954.20

954.17

954.14

954.11

954.08

954.05

954.02

953.99

953.96

953.93

953.90

953.87

953.84

953.81

953.78

953.75

953.72

953.69

953.66

953.63

RESOLUTION NO. _____

ITEM 18

BE IT HEREBY RESOLVED by the City of Wisconsin Dells, Columbia, Sauk, Adams and Juneau Counties, Wisconsin, based upon the recommendation of the City Plan Commission from their May 14, 2014 meeting;

To APPROVE a Conditional Use Permit to Central Wisconsin Community Action Council in order to allow Residence, Multi-Family (Senior Housing), on Tax Parcel 716.02 (near the intersection of Michigan Avenue and Hwy. 13), contingent upon the following:

1. Maintain a buffer between the development and the surrounding residences.
2. Housing is to be use only for seniors 60 years and older.

Brian L. Landers, Mayor

Nancy R. Holzem, City Clerk

Vote: _____ ayes _____ nays
Date Introduced: May 19, 2014
Date Passed:
Date Published:

CUP – Staff Report
Community Action - Senior Housing Proposal.
5/14/2014

The City of Wisconsin Dells has received a Conditional Use Permit Application from Central WI Community Action Council, Inc. for a Senior Living facility north of their office north-east of Michigan Ave and STH 13. The building site is currently owned by the applicant as Columbia Co Wisconsin Dells Tax Parcel 716.02. The applicant has submitted a preliminary plan that indicates a long term build-out of 3 buildings: one 12-unit building and two 9-unit buildings for a total of 30 units. The applicant has indicated that they only intend to construct the 12-unit building at this time and the 9-unit buildings will be built in the future. Conditional Use Approval is only for the conceptual land use, the applicant will have to obtain Site Plan approval for each building prior to it being build. This will be a senior housing development, limited to residents over 60 years of age.

This project fits Wis. Dells zoning code defined land use 3.4 "Residential, multi-family". The proposed building site is in the C-1 Commercial, neighborhood Zoning District. As such a "Residential, multi-family" use is allowed with a Conditional Use permit.

The Zoning Code requires two (2) parking spaces for each unit. The proposed initial Senior Living facility will have 12 units, with a garage with a parking stall for each unit. In addition there are approximately 30 additional surface parking stalls on the plan associated with the 12-unit building. These 40 stalls are more than adequate for the 12-unit building. The plan also indicates another 42 surface stalls south of the future 9-unit buildings. The 9-unit buildings will also have a garaged stall each unit in the 9-unit. The total build out has an more than enough parking.

The proposed building site is approximately 215,500 sq ft (4.9 acres), the minimum lot requirement for a 30 unit multi-family facility would be 38,200 sq ft (0.88 acres), so this project meets the minimum lot requirement.

The minimum required unit size is 300 sq ft. This project proposed room sizes of 900 sq ft, so this project meets the minimum unit size requirement.

The maximum building height in this zoning district is 45 ft. These proposed single story buildings would not exceed this limit.

The CUP process mainly is an approval of the general plan of a project and its compliance with the City Zoning code. Before construction can begin on any new commercial building project the City must approve a Site-plan application. The site plan review will be the process that will address the specifics of the project plan. Some items that the site plan will have to address to the satisfaction of the City include: final building location and design, utility plan, storm water plan, final parking plan, solid waste storage location, lighting and landscaping. The storm water plan for this facility must be sufficient to ensure there are no issues with storm water affection surrounding properties or the capacity of the city storm sewer.

The City should take time to consider if this CUP approval will apply to all future buildings, subject to Site Plan that are approved and consistent with the current proposal or if the applicant will need to obtain an additional CUP for the future buildings. This CUP/Site Plan process often follows the GDP/PIP process

The City's comprehensive plan designates the location of this project to be for commercial use. Multi-family residential is often considered a commercial use.

Due to the tenancy restriction on the property to people over the age of 60, the effect of this facility on traffic in this area should not be significant.

The subject property is relatively close to the commercial area and local amenities, but not realistically within walking distance.

This project will involve the development of vacant, wooded land. The concept plan for this project currently includes the establishment of a wooded area around the development.

Again, the restriction of the property to people over the age of 60 would seem to limit many of the nuisance problems that may normally result from a multi-family development.

The development of a multi-family facility catering to people of the age of 60 does not appear to affect the development of other uses allowed in the C-1 Commercial – neighborhood zoning district.

Any CUP approval should have the following contingencies:

1. The applicant takes control of the property.
2. The wooded buffer area to the north of the building will be created to buffer the existing single-family residences from this new 3 story building. The developer will work in good faith with the City to ensure this buffer is adequate.
3. Additional parking will be constructed if deemed necessary by the City, at the City's sole discretion.

ADDED AT PLAN COMMISSION MEETING

To ensure this facility will be used for senior housing (55 years and up) the City may want to add the following condition to the CUP approval:

4. The facility be used only for senior housing, renting to individual age 55 years and up.

Chris Tollaksen
City of Wis. Dells
Public Works

Central Wisconsin Community Action Council, Inc.

1000 Hwy 13
P.O. Box 430
Wisconsin Dells, WI 53965



PHONE: (608) 254-8353
FAX: (608) 254-4327
Email - donna@cwac.org

April 9, 2014

Chris Tollaksen
City of Wisconsin Dells
300 LaCrosse Street
Wisconsin Dells, WI 53965

Dear Chris,

Central Wisconsin Community Action Council, Inc. is in the process of writing two separate grants for funding an affordable senior apartment building on our Highway 13 property. Grant funding will support about 73% of a project. We conducted a survey which indicated an obvious need for senior housing in the Dells and Delton area. The survey revealed that beyond affordable senior housing is a need for market rate senior housing. Our present planning objective is to construct a 12 unit building, eight units will be for seniors at or below 50% of the county median income; the other four units will not be income restricted.

We are requesting permission from the City of Wisconsin Dells to construct these 12 units as a single structure. Attached is a depiction of site utilization for Lots #1 (our office building), and #2 (proposed development). Although Lot #2 is large enough for additional units, our request only refers to the 12 unit structure.

I look forward to further discussion and meeting with the Planning & Zoning Commission. Please let me know what other initial information you need. Your attention is appreciated.

Sincerely,

Fred Hebert
Executive Director
enclosure

FH/dl

AN EQUAL OPPORTUNITY EMPLOYER

ADAMS COUNTY
1874 Hwy 13
PO Box 647
Friendship, WI 53934
(608) 339-0273



COLUMBIA COUNTY
203 DeWitt Street
Portage, WI 53901
(608) 742-3320

DODGE COUNTY
134 South Spring Street
Beaver Dam, WI 53916
(920) 885-9559

JUNEAU COUNTY
One Kennedy Street
PO Box 253
Mauston, WI 53948
(608) 847-1124

SAUK COUNTY
505 Broadway
Job Center, 2nd Floor
Baraboo, WI 53913
(608) 355-4812

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	45723
Application number	9-2014

1. Applicant information

Applicant name	Central WI Community Action Council, Inc.
Street address	1000 Hwy 13, PO Box 430
City	Wisconsin Dells
State and zip code	WI, 53965
Daytime telephone number	(608) 254-8353
Fax number, if any	(608) 254-4327
E-mail, if any	donna@cwcac.org

2. Subject property information

Street address	Lot 2 – Michigan Avenue – City of Wisconsin Dells [Lot Two (2) of Certified Survey Map No. 4359 recorded in the Columbia County Register of Deeds Office in Volume 30 of Certified Survey Maps, page 114, as Document No. 728275, in the City of Wisconsin Dells, Columbia County, Wisconsin.]	
Parcel number	11291-716.02	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)	Residential	
Describe the current use	Not presently used for any purpose	

3. Proposed use. Describe the proposed use.

Multi-family senior housing development: Initial project will be a 12 unit, 2 bedroom, attached garages designed for seniors ages 60+ representing mixed incomes.

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

N/A

CONDITIONAL USE APPLICATION
Wisconsin Dells, Wisconsin
Version: May 21, 2007

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.

Off-site effects should be minimal. There will be additional traffic using the Central WI Community Action Council, Inc. access road connecting to Michigan Avenue. Existing trees and vegetation will be utilized for maximum privacy.

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

Development of Senior Housing is consistent with local planning and mission of the Dells area.

b. Effects of the proposed use on traffic safety and efficiency and pedestrian circulation, both on-site and off-site

Safety should not be an issue with the use of Michigan Avenue not being altered. Rather than enter Highway 13 directly to access the city, traffic may utilize turning east accessing the city less directly avoiding crossing Highway 13.

c. The suitability of the subject property for the proposed use

This is an ideal setting for a senior project; some secluded offering privacy with access to the city and country.

d. Effects of the proposed use on the natural environment

Clearing of scrub vegetation and pin oak trees will be necessary. The soil is primarily sand and no sand stone. An archeological was conducted in 2001 resulting in an absence of any artifacts.

e. Effects of the proposed use on surrounding properties, including operational considerations relating to hours of operation and creation of potential nuisances

This project will be an extension of a quiet neighborhood.

f. Effects of the proposed use on the normal and orderly development and improvement of the surrounding property for uses permitted in the district

This project will be a single story large reclangular attractive structure; however trees and vegetation will limit exposure.

CONDITIONAL USE APPLICATION
Wisconsin Dells, Wisconsin
Version: May 21, 2007

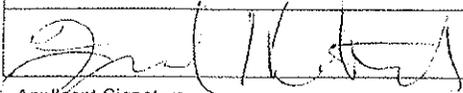
g. Effects of the proposed use on the city's financial ability to provide public services

As a senior housing project the increase of the city's financial resources should be negligible.

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.

	4/15/14
Applicant Signature	Date

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.
------------------------------	---

Reimbursement Agreement for Application Review Costs

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.

B. Guarantee of Payment.

To guarantee reimbursement, the applicant shall submit one of the following along with this application:

1. an irrevocable letter of credit in the name of the City in an amount as set by the zoning administrator; or
2. a cash deposit in an amount as set by the zoning administrator.

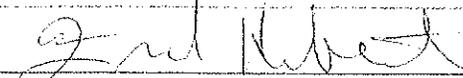
If a cash deposit is used to guarantee reimbursement, the City will periodically deduct from the cash account such amounts necessary to pay for eligible costs and submit a written statement to the applicant. If a letter of credit is used, the applicant agrees to pay such amounts as invoiced within 7 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.

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.

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.

C. Termination of Guarantee.

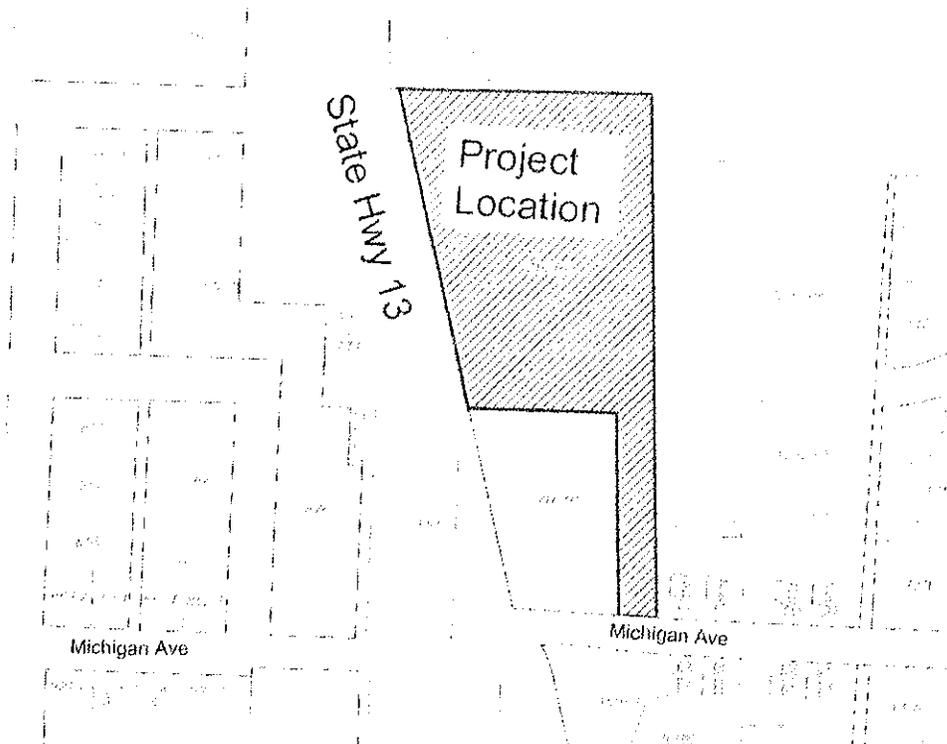
If a cash deposit is used to guarantee reimbursement, the City agrees to reimburse the applicant any unused monies in the cash account, including earned interest, within 60 days of the date when the City Council takes final action on the application. If a letter of credit is used, the City shall send a written letter to the applicant releasing the applicant from the letter of credit when all outstanding invoices have been paid.

	4/15/14
Applicant Signature	Date

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City of Wisconsin Dells Plan Commission will hold a Public Hearing on **Wednesday, May 14th, 2014 at 5:15PM** in the Council Chambers of the Municipal Building at 300 La Crosse Street, Wisconsin Dells, Wisconsin 53965, to consider the following:

Conditional Use Permit, per Municipal Code sec. 19.371(8), requested by Central WI Community Action Council, Inc. in order to allow RESIDENCE, MULTI-FAMILY located on the North of Columbia Co, Wisconsin Dells tax parcel 716.02, which is located North-East of the intersection of Michigan and Hwy 13. The property is zoned C-1 Commercial-neighborhood, which requires a Conditional Use Permit for these uses per Chapter 19 Article 5 Division 3 of the Municipal Code. The property is currently vacant. The applicant intends to construct a 1 story – 12 unit apartment building, to be used as affordable housing for people over 60 years old. Copies of the application are available for review at the City of Wis. Dells Public Works office in the Municipal Building at 300 LaCrosse St.



All interested persons will be given an opportunity to be heard at the Public Hearing. With reasonable notice the City will provide appropriate auxiliary aids and services when necessary to afford individuals with disabilities an equal opportunity to participate in the Public Hearing.

Dated this 1st of May 2014

Chris Tollaksen
Plan Commission
City of Wisconsin Dells

Publication Dates:
May 7, 2014

The City has annexed, permanently zoned C-4 Commercial large scale, and approved a CUP for a Campground on property that was in Columbia County, Town of Newport on the south side of east Vine St (near the Hwy 16 intersection). The property consisted of Newport parcels 11028-81.A, 11028-81.A1, and 11028-66B, which on the west side of Vine St and currently has a Newport Address of W15197 Vine St, it is a campground that has not been open for several years.

The applicant has stated that they would like to improve and re-open the campground with new cabins and RV camping lots. There is a significant wooded ravine on the north part of the condo property,

The property annexed is not currently served by City water and sewer. The applicant intends to connect to City water immediately, but has been granted approved to continue to use the existing septic system holding tanks for one year before connecting to the City sewer. This is primarily due to the fact that standard City gravity sewer is not immediately available to the campground property. The applicant will have to install a private sewer lift station and pump their sewage to the Vine St. lift station. The Public Works Committee has agreed to allow the applicant to operate in 2015 utilizing the existing septic holding tanks, and then connect to the City sewer in the spring 2016.

The applicant intends to substantially re-develop the campground to cater to RV campers, and a significant amount of seasonal occupants. The applicant also intends to set up cabin camping sites that will cater to sports teams, mostly from the Woodside sports complex. The original Site plan called for a total of 67 sites = 21 cabins and 46 RV sites. There would also be tent camping throughout the site. The current City Zoning Code allows Campground densities are 25 sites per acre. This site is over 11 acres, so there could be a total of 275 sites. The re-development will occur in Phases, with the 2015 phase currently planned to include 6 RV sites and 6 cabins. The applicant intends to utilize the existing access to the Site for 2015, but intends to construct a new access off of Grand Cambrian Dr., approximately 240 ft from the intersection with Vine St. This new entrance should occur as soon as possible, as the current intersection of Vine St, Grand Cambrian Drive, and STH 16 is not ideal.

The Zoning code requires all campsites be setback 40 feet from the perimeter property lines of the campground property. The current site plan has a handful of sites on the north and south ends of the properties that are currently shown within this setback. However, most of these sites are not part of the Phase 1 development that is to be constructed in 2015. RV site #1 is the only site in Phase 1 that lies within 40 ft of the property line. This is partly due to the fact that the Vine St. road Right Of Way in the town is rather large at 100 feet. The rest of Vine St. in the City limits is an 80 ft Right Of Way. It appears that if the Vine St. ROW were 80 ft, then this lot would not lie within 40 feet of the property line. The applicant is working with his engineer to update the Site plan to comply with the 40 foot set-back requirement.

This leads into the fact that most towns do not have road Right of Way, and the property lines run to the middle of the road. This is the case for the western half of Vine St. and the South portion of Grand Cambrian Dr. adjacent to the the proposed campground site. Approval of the CUP for this project is contingent on the owner dedicating the appropriate road ROW to the City. There is another issue with the Vine St. ROW. Future plans for the City may involve a new sewer line being run along this property on Vine St. The City wants to ensure that the Vine St. ROW is adequate to accommodate a future sewer line.

The applicant has hired a surveyor to survey the property and create an O.L. of their property that can be dedicated as Vine St. Right Of Way. Partly to maintain an adequate ROW for the City to install a sewer force main in the future and to maintain consistency with the existing Vine St. ROW. The applicant has surveyed the O.L. to dedicate 40 feet of ROW on their side of Vine St, so that an 80 ft ROW can be maintained. However,

when the applicant moves their property line 40 feet, the applicant will move the perimeter boundary line of their property. When measuring the 40 foot set-back reference in the Zoning code from the new perimeter line that will be created when the applicant dedicates the Vine St. ROW, the applicant is unable to establish the Site plan he would like. The applicant would like to request a standard 20 ft setback along Vine St. If the 40 foot setback requirement in the Zoning code is measured from the current property line, prior to the dedication of his property from Vine St., this would satisfy the applicant request. Final design work is being performed on the Site plan and the Final Site plan may not be in this packet, but distributed separately. The applicant questions if the 40 ft setback should apply along roadways at all, or simply apply to perimeter boundaries adjacent to other private land owners.

There is also a question about the Campground license requirements. A while back the City stopped issuing campground licenses, as the State already issues an annual license and performs inspections. However, the campground license ordinance still exists, and it contains some requirements that are above and beyond the State requirements. The State requirement for campsite density and bathroom facilities appears in line with the City requirements. However, the City Campsite License Ordinance specifies a minimum width for internal streets, while the State requirement appears to only state "access to a campground shall be designed to minimize congestion and hazards at the entrance and exit", and that internal streets are "graded and maintained to provide drainage and control dust." The internal streets for Phase 1 of this project are in line

The Site plan application appears to allow for improved traffic flow into the facility. It is noted that the owner intends to utilize the existing access for the first Phase and will construct the new access in as part of the next Phase of construction in 2016. The additional development of the existing campground will affect the natural environment. However, the owner has stated he intends to work within the existing landscape as much as possible. As a campground, it will technically be in operation for 24 hours a day. The expectation is that the owner/operator manages the property to comply with all existing nuisance ordinances. The owner/operation will be expected to cooperate with the City to address any effects on neighboring properties or other issues that may arise. This property had previously been operated as a campground. Continued operation of a campground at this site would not appear to have a negative effect on the normal and orderly development of the surrounding area. The surrounding commercially zoned properties have considered development as other amusements/attractions or commercial businesses.

The approval of the **Site Plan request** should carry the following contingencies:

- 1) Approval is for Phase 1 only. Future construction phases will need additional Site plan approvals.
- 2) The Vine St. and Grand Cambrian Dr. Right Of Way is dedicated to the City.
- 3) Adequate buffers are maintained between the campsites and surrounding properties.

Chris Tollaksen
City of Wisconsin Dells
06/08/15

SITE PLAN APPLICATION

Wisconsin Dells, Wisconsin

Version: February 27, 2008

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 form from the zoning administrator.

- Office Use Only -

Initial application fee	
Receipt number	50295
Application number	

1. Applicant information

Applicant name Wayne Schult (Southfork Campground)
 Street address W 15197 Vine St
 City Wisconsin Dells
 State and zip code Wisc 53965
 Daytime telephone number 608-448-8623
 Fax number, if any _____
 E-mail, if any wayne.518@hotmail.com

2. Subject property information

Street address	<u>W 15197 Vine St</u>	
Parcel number	<u>1102881A 1102881A1</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)	<u>Recreational 11028 66.B</u>	
Describe the current use	<u>Campground</u>	

3. Proposed use. Describe the proposed use.

Campground

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

Should be low impact

5. Potential nuisances. Describe any potential nuisances 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

SITE PLAN APPLICATION
Wisconsin Dells, Wisconsin
Version: February 27, 2008

6. **Review criteria.** In making its decision, the Plan Commission must consider five factors as listed below. Provide a response to each. (See Section 19.393 of the Municipal Code.)

a. Consistency of the project with the city's comprehensive plan and neighborhood plan or other subarea plan, if any

Is consistant with Comprehensive plan

b. Effects of the project on traffic safety and efficiency and pedestrian circulation, both on-site and off-site

None

c. Effects of the project on the natural environment

None

d. Effects of the project on surrounding properties, including operational considerations relating to hours of operation and creation of potential nuisances

Should be low impact

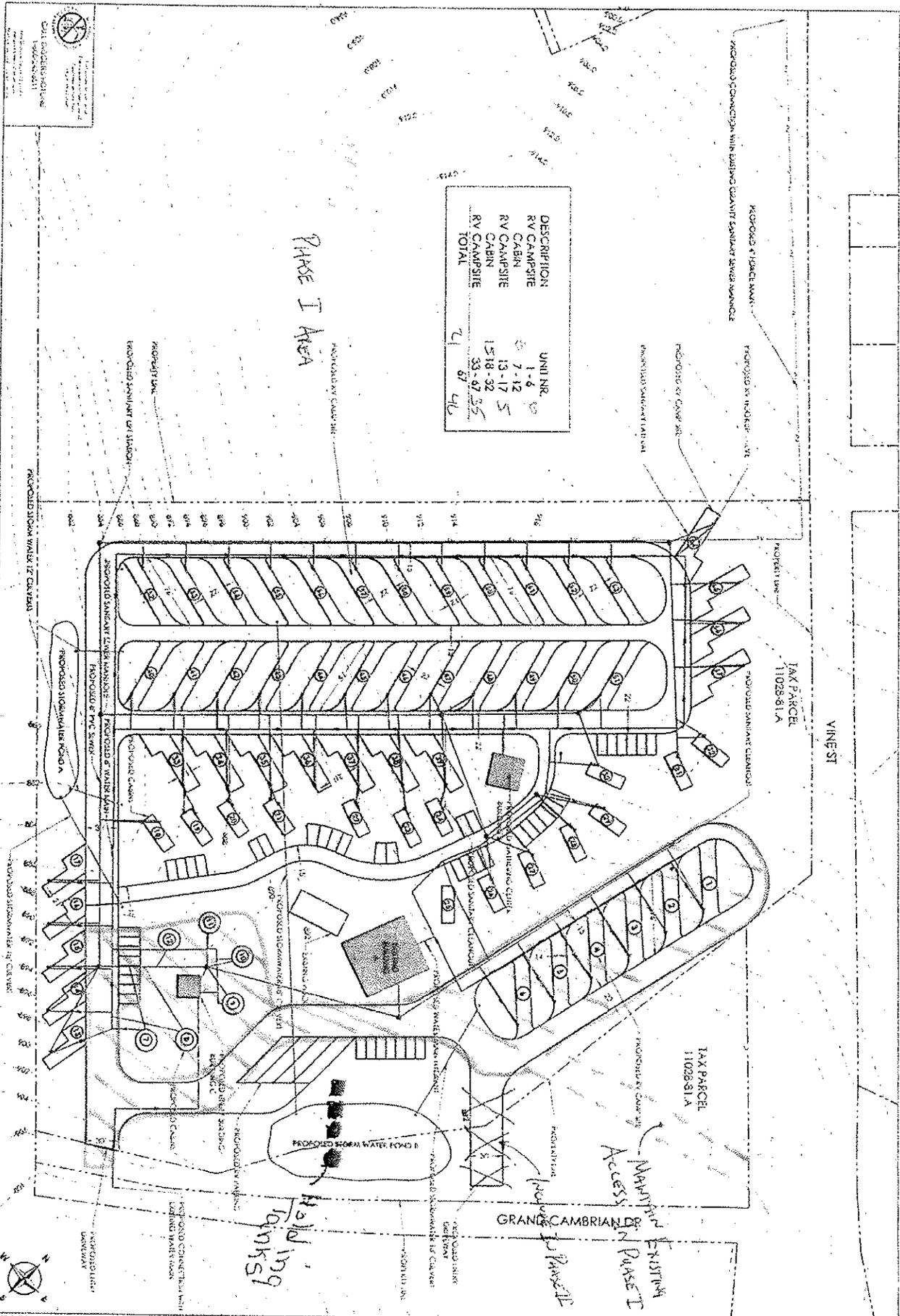
e. The overall appearance of the project

Natural appearance

f. If the project is a multi-family real estate development (more than 3 dwelling units), does the project meet the following standards:

1. All setback areas fronting on or visible from an adjacent public street, and all recreation, leisure and open space areas shall be landscaped in accordance with the project plan. Decorative design elements, such as fountains, pools, benches, sculpture, planters, exterior recreational facilities and similar elements may be permitted, providing such elements are incorporated as part of the landscaping plan; and, permanent and automatic irrigation facilities are provided in all planted landscaped area.

2. Minimum open space is thirty (30%) percent of the net area being developed. The net area shall exclude dedicated or proposed-dedicated public rights-of-way.



DESCRIPTION	UNIT NR.
RV CAMP SITE	1-6
CABIN	7-12
RV CAMP SITE	13-17
CABIN	18-32
RV CAMP SITE	33-47
TOTAL	71

PHASE I AREA

CS 20

PROPOSED SITE PLAN
 Southfork Campground
 Rkoko, LLC

Town of Newport
 Columbia County, Wisconsin

General Engineering Company

1000 Wisconsin Ave., Suite 1000, Madison, WI 53703
 608.261.1111 FAX: 608.261.1112
 www.geneng.com



DISCLAIMER: This map is for informational purposes and has not been prepared for, nor is it suitable for legal, surveying, or engineering purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. The City of Wisconsin Dells makes no warranty or guarantee as to the content, accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained hereon.

Copyright 2011, City of Wisconsin Dells. All rights reserved.

Sheet 1 of 3 sheets

COLUMBIA COUNTY CERTIFIED SURVEY MAP No. _____

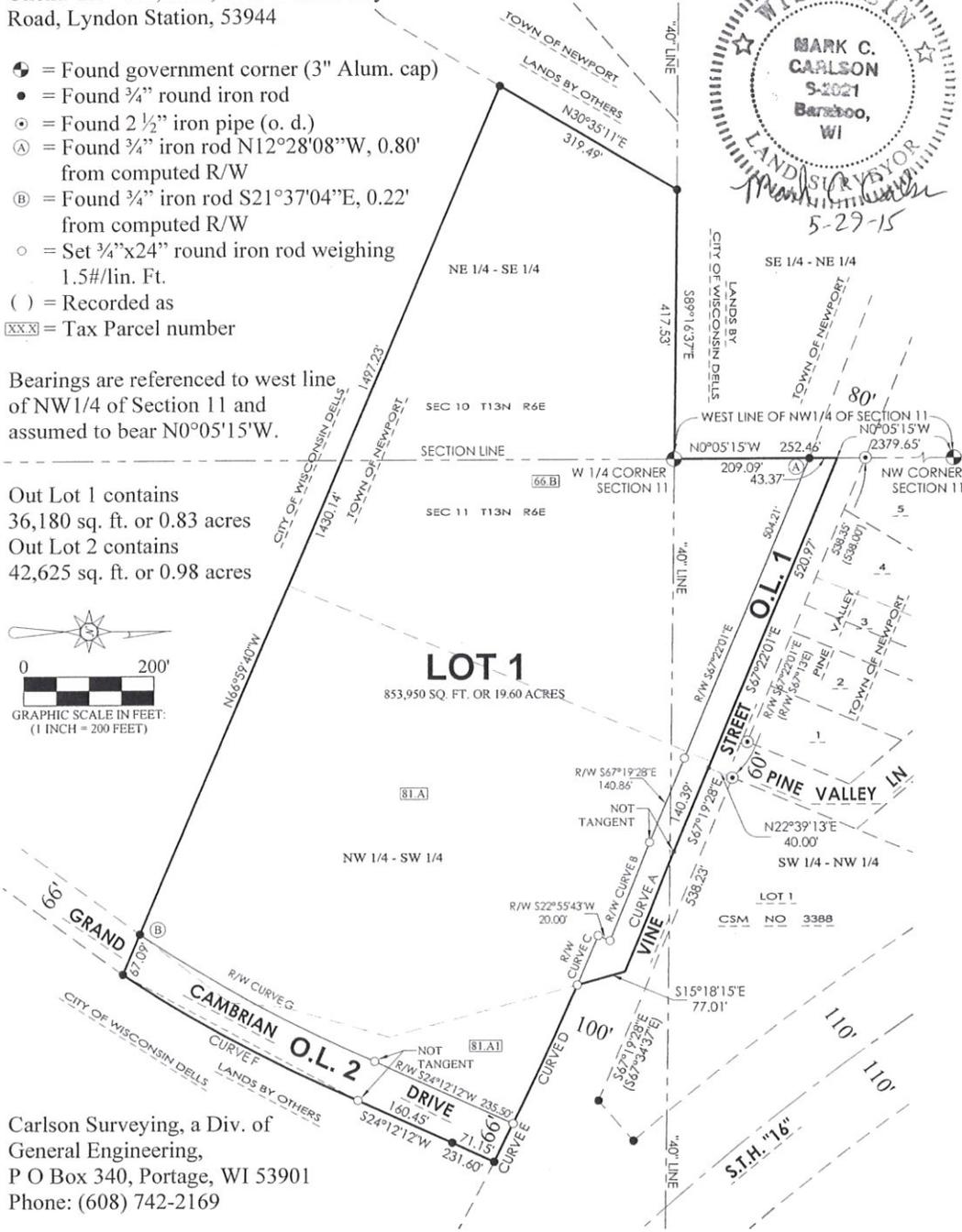
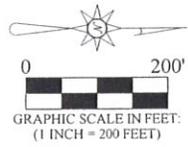
Located in NE1/4-SE1/4, Section 10 and SW1/4-NW1/4, NW1/4-SW1/4, Section 11, T13N, R6E, City of Wisconsin Dells, Columbia County, Wisconsin.

Client: Tru - Ax, LLC, W1147 River Bay Road, Lyndon Station, 53944

- ⊕ = Found government corner (3" Alum. cap)
- = Found 3/4" round iron rod
- ⊙ = Found 2 1/2" iron pipe (o. d.)
- Ⓐ = Found 3/4" iron rod N12°28'08"W, 0.80' from computed R/W
- Ⓑ = Found 3/4" iron rod S21°37'04"E, 0.22' from computed R/W
- = Set 3/4"x24" round iron rod weighing 1.5#/lin. Ft.
- () = Recorded as
- XX.X = Tax Parcel number

Bearings are referenced to west line of NW1/4 of Section 11 and assumed to bear N0°05'15"W.

Out Lot 1 contains 36,180 sq. ft. or 0.83 acres
 Out Lot 2 contains 42,625 sq. ft. or 0.98 acres



Carlson Surveying, a Div. of General Engineering,
 P O Box 340, Portage, WI 53901
 Phone: (608) 742-2169

SEE SHEET 2 OF 3 FOR CURVE TABLE