

CITY OF WISCONSIN DELLS MEETING AGENDA

Meeting Description CITY PLAN COMMISSION

Date: MONDAY, SEPTEMBER 9, 2019 Time: 5:00PM

Location: MUNICIPAL BUILDING 300 LA CROSSE STREET, WISCONSIN DELLS, WI

| Committee Members | |
|------------------------|---|
| Mayor Ed Wojnicz-Chair | Alder. Mike Freel |
| | Fire Chief Pat Gavinski |
| | Chris Lechnir |
| | Lisa Delmore |
| | Phil Helley |
| | Ted Theiler |
| AGENDA ITEMS: | |
| 1 | CALL MEETING TO ORDER AND ATTENDANCE |
| 2 | APPROVAL OF THE MINUTES FROM THE AUGUST 12, 2019 MEETING |
| 3 | PUBLIC HEARING FOR A CONDITIONAL USE PERMIT APPLICATION FROM RICHARD CLARK FOR AN AMUSEMENT RIDE ON SAUK COUNTY PARCEL 291-0139-0000. (THE APPLICANT WITHDREW THIS REQUEST). |
| 4 | PUBLIC HEARING ON SITE PLAN APPLICATION FROM CHRIS ALEXANDER TO ALLOW AN EXPANSION OF THE MINI STORAGE FACILITY AT 919 COUNTY HWY H, WISCONSIN DELLS, SAUK COUNTY TAX PARCEL 291-0049-00000. THE PROPERTY IS ZONED C-3 COMMERCIAL-HIGHWAY. (This Site Plan was tabled at August meeting. The CUP for this use was approved at August meeting) |
| 5 | DISCUSSION/DECISION ON ITEM 4 (ALEXANDER SITE PLAN) |
| 6 | PUBLIC HEARING ON CONDITIONAL USE PERMIT APPLICATION FROM MATTHEW MUSIEDLAK TO ALLOW A "RESORT" (NIGHTLY RENTAL WITH AMENITIES) AT 1820 COLE LN., WISCONSIN DELLS, ADAMS COUNTY TAX PARCEL 291-00710-0000. THE PROPERTY IS ZONED A-1 AGRICULTURAL-LIMITED. |
| 7 | DISCUSSION/DECISION ON ITEM 6 (MUSIEDLAK CUP) |
| 8 | PUBLIC HEARING ON CONDITIONAL USE PERMIT APPLICATION FROM LOGGING CAMP LLC TO ALLOW A GARAGE, NON-RESIDENTIAL AT 912 FITZGERALD RD, WISCONSIN DELLS, SAUK COUNTY TAX PARCEL 291-0119-00000. THE PROPERTY IS ZONED C-4 COMMERCIAL-LARGE SCALE. |
| 9 | DISCUSSION/DECISION ON ITEM 8 (LOGGING CAMP CUP) |
| 10 | PUBLIC HEARING ON SITE PLAN APPLICATION FROM LOGGING CAMP LLC FOR A GARAGE, NON-RESIDENTIAL (POLE SHED) AT 912 FITZGERALD RD, WISCONSIN DELLS, SAUK COUNTY TAX PARCEL 291-0119-00000. THE PROPERTY IS ZONED C-4 COMMERCIAL-LARGE SCALE. (Contingent on CUP approval) |
| 11 | DISCUSSION/DECISION ON ITEM 10 (LOGGING CAMP SITE PLAN) |

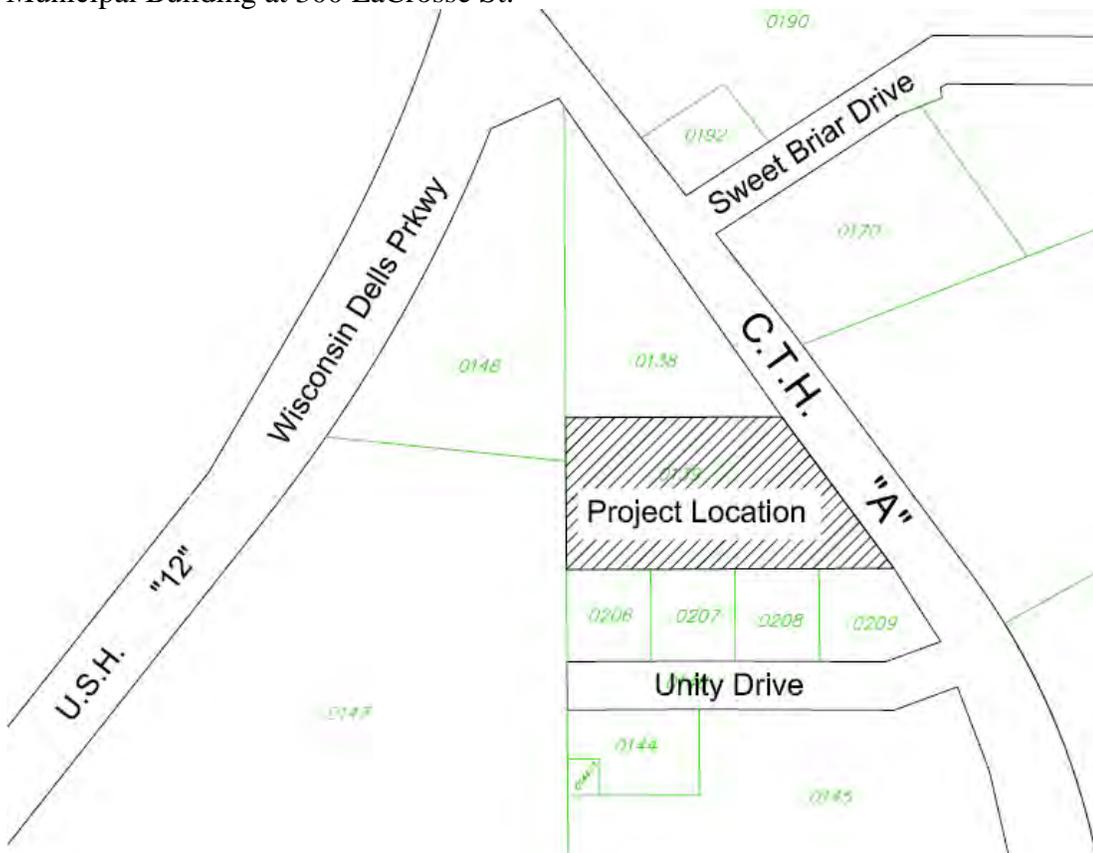
| | |
|----|---|
| 12 | PUBLIC HEARING ON REQUEST TO AMEND CONDITIONAL USE PERMIT APPLICATION FROM PORT HURON TO ALLOW A ONCE A YEAR EXPANSION OF THE OUTDOOR SERVICE AREA AT 805 BUSINESS PARK RD., WISCONSIN DELLS, COLUMBIA COUNTY TAX PARCEL 11291-1497.4. THE PROPERTY IS ZONED I-1 INDUSTRIAL. |
| 13 | DISCUSSION/DECISION ON ITEM 12 (PORT HURON CUP) |
| 14 | DISCUSSION/DECISION ON CERTIFIED SURVEY MAP (CSM) SUBMITTED BY UPHOFF PROPERTIES, LLC TO DIVIDE SAUK COUNTY PARCEL 291- 0117-00000 LOCATED AT 420 STH 13. |
| 15 | ANY OTHER ITEMS FOR REFERRAL TO FUTURE MEETINGS |
| 16 | SET DATE FOR THE NEXT PLAN COMMISSION MEETING (OCTOBER 14, 2019) |
| 17 | ADJOURNMENT |
| | |
| | |
| | Open Meetings Notice: If this meeting is attended by one or more members of the Common Council who are not members of this committee, their attendance may create a quorum of another city commission, board or committee under the Wisconsin Open Meetings Law; However, no formal action will be taken by any governmental body at the above stated meeting other than the body, committee, commission, or board identified in this meeting notice. Please be advised that upon reasonable notice, the City of Wisconsin Dells will furnish appropriate auxiliary aids and services to afford individuals with disabilities an equal opportunity to participate in meeting activities. |
| | MAYOR ED WOJNICZ CHAIRPERSON DISTRIBUTED SEPTEMBER 6, 2019 |

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City of Wisconsin Dells Plan Commission will hold a Public Hearing on **Monday, September 9, 2019 at 5:00PM** 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 Richard Clark in order to allow an Amusement ride in excess of 45ft in height, a Walk-up Service window, and Commercial activity without a permanent building equipped with a washroom on Sauk County, City of Wisconsin Dells parcel 291-0148-00000. This property is located just south of the BP Gas Station at 2040 Wisconsin Dells Parkway. The applicant intends to erect a vertical accelerator ride that will be much taller than 45 ft in height. Customers will purchase ride tickets from an existing Walk-up ticket booth, and limited retail sales, such as T-shirts may be available for purchase as well. The property is zoned C-4 Commercial-large scale, which requires a Conditional Use Permit for the Walk-up Service window per Chapter 19 Article 5 Division 3 of the Municipal Code. The zoning code limits the height of a principal structure to 45 ft, but allows buildings to exceed that height with a CUP approval. Zoning Code section 19.675 requires a CUP for any Commercial Activity that does not occur in a permanent structure with a washroom. The applicant has stated his patrons will have free use of the washrooms located in the BP Gas Station and the old Motel currently being used for Employee housing. The applicant will only be open when these facilities are available.

The code 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 15th of August 2019

Chris Tollaksen
Zoning Administrator
City of Wisconsin Dells

Publication Dates:

August 22, 2019
August 29, 2019

File Message Acrobat Tell me what you want to do...

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Thu 8/29/2019 1:11 PM
IVAN Chemshirov <chemshirgo@gmail.com>
Re: New Makowski's site location
To Chris Tollaksen

Hi Chris,
I hope that my message finds you well.

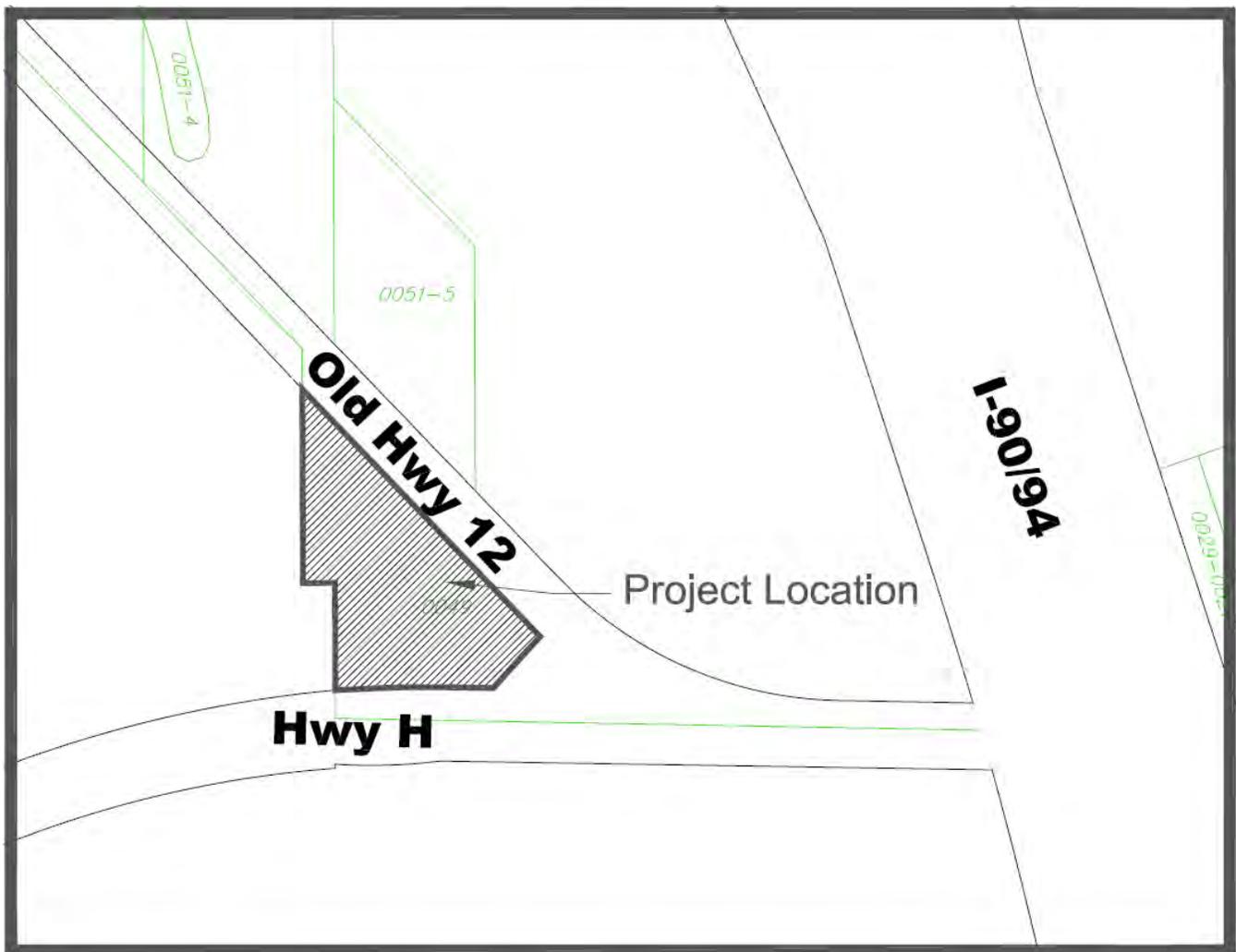
We would like to cancel our Application for a CUP to put a vertical accelerator ride in Makowski's property. We would not be coming to the public hearing on Monday Sept 9th.

Thank you,
Ivan Chemshirov
C&C Thrill rides

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City of Wisconsin Dells Plan Commission will hold a Public Hearing on **Monday, August 12, 2019 at 5:00PM** 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 Chris Alexander to allow another "Mini Storage Facility" building at 919 County Hwy H. which is Sauk Co, City of Wis. Dells tax parcel 291-0049-00000. This property is zoned C-3 Commercial-highway, which requires a CUP for a "Mini storage facility" per Chapter 19 Article 5 Division 3 of the Municipal Code. Copies of the CUP request 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 19th of July 2019
 Chris Tollaksen
 City of Wisconsin Dells

Publication Date:
 July 25, 2019
 August 1, 2019

919 County Hwy H (Parcel 291-0049-00000)
Site Plan Application – Mini Storage Facility (Tabled at August meeting)
Staff report for Plan Commission 09/09/2019

During the platting of this site it discovered that there are private utility easements over this property for the Cell tower located on the west side of the property. It also appears that some of the utilities installed to serve the tower were not installed within the easement. These utilities have been moved into the access easement.

The applicant has modified their Site Plan, and now propose a building that is 25ft x 100ft, which would accommodate a single row of storage units. The doors for these units would face west (towards the cell tower). This appears to provide adequate space for a 2-way drive aisle on one side of the building.

During the public hearing that was held in August, the primary concern seemed to be that this construction did not remove the buffer of trees that exists north of the cell tower. There was also discussion about ensuring any new building meet the required set-backs. The new plan appears to comply with both of these items. Although the new proposed building plan places the building as close to the building set-back line as possible. If the building is to be placed within 10 ft of the building set-back line, the property and building locations should be staked out on the site to ensure compliance with the setback.

The applicant had intended to pave the drive and access aisles around both the existing and new buildings. The applicant now has concerns paving the access easement to the tower and over the utilities feeding the tower. The applicant is also asking to only pave 16 ft wide drive aisles in some places. The Zoning code calls for 24 ft wide 2-way drive aisles and specifically states Mini-Storage facilities require all drive aisles be paved.

19.721 Mini-storage facility

- (1) **Minimum lot size.** The lot on which a mini-storage facility is located shall be at least 2 acres in size.
- (2) **Access.** The access to a cubicle shall not open directly onto a public street or alley.
- (3) **Paving required.** All driveways, interior aisles, and walkways shall be concrete or asphaltic concrete.
- (4) **Storage of prohibited substances.** No cubicle shall be used to store explosives, toxic substances, hazardous materials, or radioactive materials.
- (5) **Uses.** Only uses that are accessory to storage shall occur. No portion of the site may be used for fabrication or any similar use.

It is noted that this is an existing site that is completely unpaved, and the applicant intends to make some investment in paving around the existing building. It seems reasonable for the City to make a judgement call on how much paving is required.

The City will have to make a specific determination if it is acceptable for some of the drive and access aisles to remain unpaved.

It is also noted that there have historically been flooding issues in this area. The majority of those issues appear to occur on the other side of the street and should not be affected by this project. However, if it is determined that this development has created new storm water issues, the applicant will be responsible for addressing them.

Approval of the Site Plan at this time should carry the following contingencies:

1. Clarification of paving requirements.
2. The final Site Plan allows for a minimum of 24 ft wide, 2-way drive aisles.
3. An adequate buffer is maintain between any new building and neighboring residential properties.
4. The applicant is responsible to address any storm water issues that this new construction may create.
5. The final Site Plan is approved by City Staff. City staff reserve the right to require full Committee and Council approval of the Final plan if they deem necessary.
6. Building site and property lines are staked out if final construction is to be within 10 ft of the setback limits.

Chris Tollaksen
City of Wisconsin Dells
09/09/2019

BELOW ARE STAFF COMMENTS ON THE CONDITIONAL USE PERMIT THAT WAS APPROVED IN AUGUST 2019.

The City of Wisconsin Dells has received a Conditional Use Permit application from Chris Alexander to allow the construction of an additional Mini Storage Facility building at 919 County Hwy H (Sauk Co, City of Wisconsin Dells Tax Parcel 291-0049-00000). This property is in the C-3 Commercial-highway Zoning District, which requires a Conditional Use Permit per the City of Wisconsin Dells zoning code.

This Site already houses a 50ft x 150 ft foot mini-storage facility building. This application is to install an additional 40ft x 100 ft building. After having the property surveyed, the applicant has reduced the building size to 40ft x 70 ft to fit in the available space.

Mini-storage facilities are a Conditionally Permit Use in this Zoning District, thus a CUP is required to expand the use on this property. The standards for a Mini-Storage facility require a minimum lot size of 2 acres. This lot is approximately 1.84 acre. As this use is already established on this facility, it seems reasonable to allow an expansion of the use, as long as all the other set-back requirements can be met.

These requirements include a building setback of 20 ft from the road Right of Way, and ten feet from the neighboring properties; a 5 ft set-back for any motor vehicle use from any lot line, and minimum drive aisle widths of 12 ft for one way traffic and 24 feet for 2-way traffic. The current standards require that all drive aisles are paved. The applicant has stated that they will pave the drive aisles around both the new and the old building.

The main concern with this proposal is fitting the proposed building on the site. The proposed building appears to be too large to comply with full set-back requirements. In fact, in order to meet the set-backs, the new building will only be able to accommodate a single drive aisle around the side of the

building adjacent to the roadway. It seems likely that some people accessing their units near the entrance/exit to the public road, would like to drive from their unit back to the exit without having to go all the way around the building. It may be prudent to reduce the size of the building to allow 2-way drive aisles all the way around the building. Obviously, for business reasons the applicant would like to maintain the maximum building size possible. At the very least the applicant shall clearly indicate the location and direction of 1-way traffic.

It is also noted that the road Right of Way for this property has not been formally dedicated. Any approval of this project should be contingent on the applicant formally dedicating the Right of Way to the public.

As an existing use at this Site, this use should not have any significant effect on the natural environment, future development of the area, or off-site traffic. It is noted that this general area has been prone to flooding, particularly the property to the east of this property. Generally full storm water plans are not required for projects that do not disturb less than 1 acre of property, as is expected with this project. However, due to the history of flooding in this area, the final site plan for this project should make some effort to evaluate and address the storm water on this site.

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

1. The applicant bring the existing facility into compliance with the paving requirements.
2. The applicant formally dedicated the existing road Right of Way to the public.
3. Any nuisances are addresses to the satisfaction of the City, including but not limited to maintenance, traffic, parking, and storm water.

THE FOLLOWING ARE STAFF COMMENT FOR THE PREVIOUS SITE PLAN REVIEW AT THE AUGUST MEETING. THIS REQUEST WAS TABLED.

During the platting of this site it discovered that there are private utility easements over this property for the Cell tower located on the west side of the property. It also appears that some of the utilities installed to serve the tower were not installed within the easement. As the applicant is a new owner of the property, they have just recently made contacted with the Cell Tower owners to work out the Site issues. As such, the owners are looking for Use approval at this time, and may have to come back with an updated Site plan.

An initial review of the Site seems to indicate that many of the issues could be resolved if the building size is reduced to 30 ft x 70 ft. If no other issues arise during the administrative review of this project, the Committee could approve the preliminary Site plan for a smaller building as contingent on City Staff approval of the final Site Plan.

If a smaller building is required, the applicant would like to explore added a second building north of the Cell Tower site. It appears this may be possible, but this new building and drive aisle, which would have to include a turn-around, could be rather close to adjoining residence. It seems reasonable to ensure a buffer remains between the proposed building and the adjacent residence. The Zoning code set-back for this area is 20ft from a residentially zoned parcel. It seems reasonable to require a minimum 20 ft set-back and the maintenance of a visual screen, such as trees and/or a fence.

Approval of the Site Plan at this time should carry the following contingencies:

7. The final Site Plan allows for a minimum of 24 ft wide, 2-way drive aisles.

8. And adequate buffer is maintain between any new building and neighboring residential properties.
9. The final Site Plan is approved by the Easement holder.
10. The final Site Plan is approved by City Staff. City staff reserve the right to require full Committee and Council approval of the Final plan if they deem necessary.

Chris Tollaksen
City of Wisconsin Dells
08/12/2019

Plat of Survey/Site Plan

BEING A PART OF THE SE1/4 OF THE SW1/4 AND THE SW1/4 OF THE SE1/4, SECTION 5, T. 13 N., R. 6 E., CITY OF WISCONSIN DELLS, SAUK COUNTY, WISCONSIN.

JAMES R. GROTHMAN & ASSOCIATES S.C.
 LAND SURVEYORS
 625 EAST SUITER STREET, P.O. BOX 373, PORTAGE, WI 53901
 PHONE: PORTAGE: (608) 742-7788 SAUK: (608) 644-8877
 FAX: (608) 742-0434 E-MAIL: SURVEYING@GROTHMAN.COM
 (SEE LEGEND REPRESENTS THE CORRECT MAP)

SURVEYOR'S CERTIFICATE

I, **JAMES R. GROTHMAN**, Professional Land Surveyor, do hereby certify that by the order of **Fela Sign N Store, LLC**, I have surveyed, monumented, and mapped a part of the Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter of Section 5, Town 13 North, Range 6 East, City of Wisconsin Dells, Sauk County, Wisconsin, described as follows:

Commencing at the South Quarter corner of Section 5; thence North 00°31'33" West along the East line of Lot 1, Certified Survey Map, No. 5186, 34.51 feet to a point in the North right-of-way line of County Trunk Highway H and the point of beginning; thence continuing North 00°31'33" West along the East line of Lot 1, Certified Survey Map, No. 5186, 130.45 feet; thence South 89°28'27" West along the North line of said Lot 1, 38.00 feet; thence North 00°31'33" West, 236.02 feet to a point in the Westealy right-of-way line of Old Highway 12; thence South 44°07'19" East along the Westealy right-of-way line of Old Highway 12, 417.26 feet; thence South 42°02'41" West along the Westealy right-of-way line of Old Highway 12, 84.71 feet to a point in the North right-of-way line of County Trunk Highway H; thence North 89°25'19" East along the North right-of-way line of County Trunk Highway H, 62.37 feet; thence Southwesterly along a 1,477.50 foot radius curve to the left in the North right-of-way line of County Trunk Highway H having a central angle of 05°00'28" and whose long chord bears South 88°04'50" West, 129.10 feet to the point of beginning; Containing 54,512 square feet, (1.25 acres), more or less. Being subject to servitudes and easements of use or record if any.

I DO FURTHER CERTIFY that this surveying and mapping is in compliance with Wisconsin Administrative Code AE 7 and that it is a true and correct representation of the boundaries of the land surveyed to the best of my knowledge and belief.

James R. Grothman
JAMES R. GROTHMAN
 Professional Land Surveyor, No. 1321
 Dated: August 14, 2019
 File No: 719-388



Land to be Dedicated to the Public:

Being a part of the Southwest Quarter of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter of Section 5, Town 13 North, Range 6 East, City of Wisconsin Dells, Sauk County, Wisconsin, described as follows:

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ZONING INFORMATION

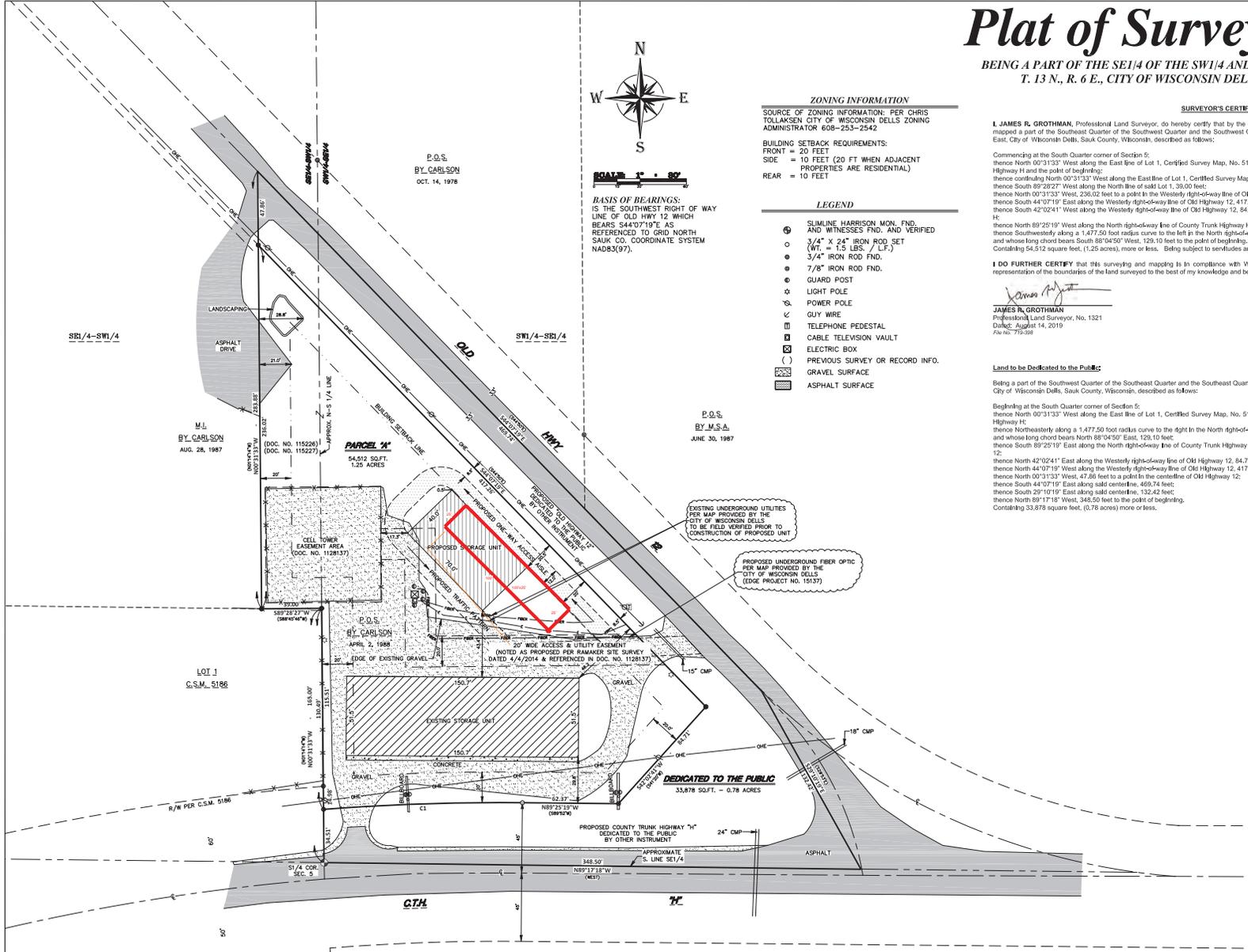
SOURCE OF ZONING INFORMATION: PER CHRIS TOLLAKSEN CITY OF WISCONSIN DELLS ZONING ADMINISTRATOR 608-253-2542
 BUILDING SETBACK REQUIREMENTS:
 FRONT = 20 FEET
 SIDE = 10 FEET (20 FT WHEN ADJACENT PROPERTIES ARE RESIDENTIAL)
 REAR = 10 FEET

LEGEND

- ⊕ SULLIME HARRISON MON. FND. AND WITNESSES FND. AND VERIFIED
- 3/4" x 24" IRON ROD SET (WT. = 1.5 LBS. / LF.)
- 3/4" IRON ROD FND.
- 7/8" IRON ROD FND.
- ⊕ GUARD POST
- ⊕ LIGHT POLE
- ⊕ POWER POLE
- ⊕ GUY WIRE
- ⊕ TELEPHONE PEDESTAL
- ⊕ CABLE TELEVISION VAULT
- ⊕ ELECTRIC BOX
- () PREVIOUS SURVEY OR RECORD INFO.
- ▨ GRAVEL SURFACE
- ▩ ASPHALT SURFACE



BASIS OF BEARINGS:
 IS THE SOUTHWEST RIGHT OF WAY LINE OF OLD HWY 12 WHICH BEARS S44°07'19"E AS REFERENCED TO GRID NORTH SAUK CO. COORDINATE SYSTEM NAD83(97).



DELTA = 05°00'28"
 ARC = 129.14
 RADIUS = 1477.50
 BEARING = S88°04'50"W (S87°21'48"W)
 DIST = 129.10

| NO. | DATE | REVISION | BY | CHKD | SHEET | 1 OF 1 |
|-----|------|----------|----|------|-------|--------|
| | | | | | | |

PLAT OF SURVEY/SITE PLAN
 FOR
FELA SIGN N STORE, LLC.
 CITY OF WISCONSIN DELLS
 SAUK COUNTY, WISCONSIN

FILE NO. **719-388**
 PROJECT NO. **719-388**
 DRAWING NO. **719-388**

CLIENT/OWNER
 FELA SIGN N STORE, LLC.
 436 WISCONSIN DELLS PARKWAY
 WISCONSIN DELLS, WI 53965

SURVEYOR
 JAMES R. GROTHMAN
 P.O. BOX 373
 625 E. SUITER STREET
 PORTAGE, WI 53901
 PHONE PORTAGE: (608) 742-7788
 PHONE SAUK PRARIE: (608) 644-8877
 FAX: (608) 742-0434
 e-mail: SURVEYING@GROTHMAN.COM

Plat of Survey/Site Plan

BEING A PART OF THE SE1/4 OF THE SW1/4 AND THE SW1/4 OF THE SE1/4, SECTION 5, T. 13 N., R. 6 E., CITY OF WISCONSIN DELLS, SAUK COUNTY, WISCONSIN.

JAMES R. GROTHMAN & ASSOCIATES S.C.
 LAND SURVEYORS
 625 EAST SUITER STREET, P.O. BOX 373, PORTAGE, WI 53901
 PHONE: PORTAGE: (608) 742-7788 SAUK: (608) 644-8877
 FAX: (608) 742-0434 E-MAIL: surveying@grothman.com
 (SEE LOGS REPRESENTS THE ORIGINAL MAP)

SURVEYOR'S CERTIFICATE

I, **JAMES R. GROTHMAN**, Professional Land Surveyor, do hereby certify that by the order of **Fela Sign N Store, LLC**, I have surveyed, monumented, and mapped a part of the Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter of Section 5, Town 13 North, Range 6 East, City of Wisconsin Dells, Sauk County, Wisconsin, described as follows:

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I DO FURTHER CERTIFY that this surveying and mapping is in compliance with Wisconsin Administrative Code AE 7 and that it is a true and correct representation of the boundaries of the land surveyed to the best of my knowledge and belief.

James R. Grothman
JAMES R. GROTHMAN
 Professional Land Surveyor, No. 1321
 Dated: August 14, 2019
 File No: 719-388



Land to be Dedicated to the Public:

Being a part of the Southwest Quarter of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter of Section 5, Town 13 North, Range 6 East, City of Wisconsin Dells, Sauk County, Wisconsin, described as follows:

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ZONING INFORMATION

SOURCE OF ZONING INFORMATION: PER CHRIS TOLLAKSEN CITY OF WISCONSIN DELLS ZONING ADMINISTRATOR 608-253-2542

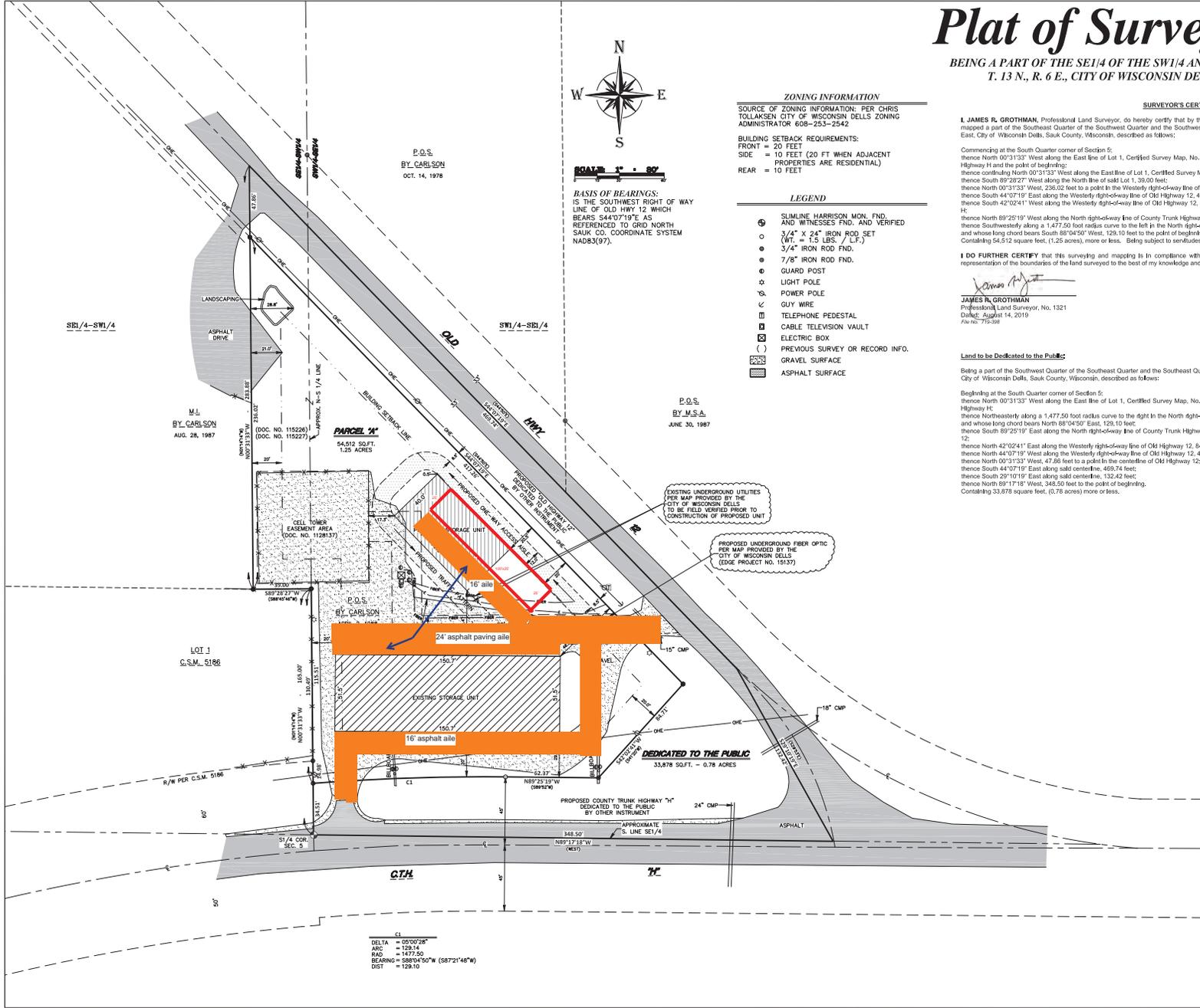
BUILDING SETBACK REQUIREMENTS:
 FRONT = 20 FEET
 SIDE = 10 FEET (20 FT WHEN ADJACENT PROPERTIES ARE RESIDENTIAL)
 REAR = 10 FEET

LEGEND

- ⊙ SULLIME HARRISON MON. FND. AND WITNESSES FND. AND VERIFIED
- 3/4" x 24" IRON ROD SET (WT. = 1.5 LBS. / LF.)
- 3/4" IRON ROD FND.
- 7/8" IRON ROD FND.
- ⊙ GUARD POST
- ⊙ LIGHT POLE
- ⊙ POWER POLE
- ⊙ GUY WIRE
- ⊙ TELEPHONE PEDESTAL
- ⊙ CABLE TELEVISION VAULT
- ⊙ ELECTRIC BOX
- () PREVIOUS SURVEY OR RECORD INFO.
- ▨ GRAVEL SURFACE
- ▨ ASPHALT SURFACE



BASIS OF BEARINGS:
 IS THE SOUTHWEST RIGHT OF WAY LINE OF OLD HWY 12 WHICH BEARS S44°07'19"E AS REFERENCED TO GRID NORTH SAUK CO. COORDINATE SYSTEM NAD83(97).



Δ = 05°00'28"
 ARC = 129.14
 RAD = 1477.50
 BEARING = S88°04'50"W (S87°21'48"W)
 DIST = 129.10

| NO. | DATE | REVISION | BY | CHKD | SHEET | 1 OF 1 |
|-----|------|----------|----|------|-------|--------|
| | | | | | | |

PLAT OF SURVEY/SITE PLAN
 FOR
FELA SIGN N STORE, LLC.
 CITY OF WISCONSIN DELLS
 SAUK COUNTY, WISCONSIN

FILE NO. **719-388**
 PROJECT NO. **719-388**
 DRAWING NO. **719-388**

CLIENT/OWNER
 FELA SIGN N STORE, LLC.
 436 WISCONSIN DELLS PARKWAY
 WISCONSIN DELLS, WI 53965

SURVEYOR
 JAMES R. GROTHMAN
 P.O. BOX 373
 625 E. SUITER STREET
 PORTAGE, WI 53901
 PHONE PORTAGE: (608) 742-7788
 PHONE SAUK PRAIRIE: (608) 644-8877
 FAX: (608) 742-0434
 e-mail: surveying@grothman.com

THIS INSTRUMENT DRAFTED BY T. KASPER

SE1/4-SW1/4

SW1/4-SE1/4

ASPHALT DRIVE

M.L. BY CARLSON

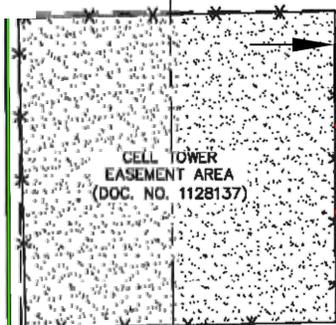
DC. NO. 115226
DC. NO. 115227

PARCEL "A"
54,512 SQ.FT.
1.25 ACRES

25ft x 100 ft building

APPROX. N-S 1/4 LINE

PARCEL "A"
54,512 SQ.FT.
1.25 ACRES



28.8

20.2

32.1

27.5



Private access easement

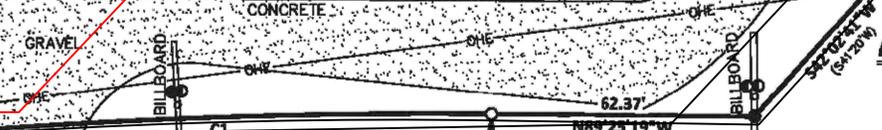
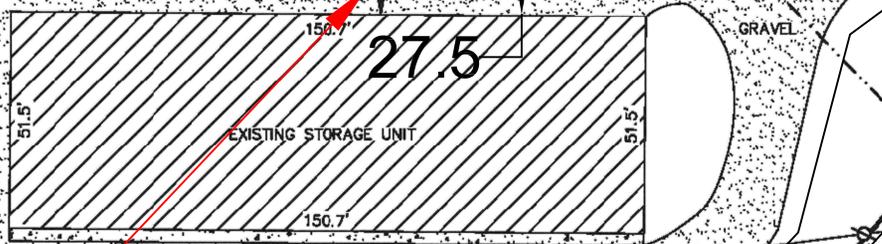
PRIVATE ACCESS EASEMENT

LQT 1
C.S.M. 5186

P.O.S.
BY CARLSON
APRIL 2, 1988

EDGE OF EXISTING GRAVE

ACCESS & UTILITY EASEMENT
(NOTED AS PROPOSED PER RAMAKER SITE SURVEY
DATED 11/1/2014 & REFERENCED IN DOC. NO. 1128137)



COUNTY TRUNK HIGHWAY "H"
DEDICATED TO THE PUBLIC
BY OTHER INSTRUMENT

APPROXIMATE
S. LINE SE1/4

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 _____

Application number _____

1. Applicant information

Applicant name Chris Alexander

Street address 436 Wisconsin Dells Pkwy

City Lake Delton

State and zip code WI, 53940

Daytime telephone number 608-381-4799

Fax number, if any _____

E-mail, if any chris@soldinwi.com

2. Subject property information

| | | |
|----------------------------------|--------------------------------|---|
| Street address | <u>919 County Hwy H</u> | Fela Sign N Store LLC |
| Parcel number | <u>00249</u> 0049-00000 | 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>commercial</u> | |
| Describe the current use | <u>Mini storage warehouses</u> | |

3. Proposed use. Describe the proposed use.

Mini Storage warehouses

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

No general operating hours or additional nuisance conditions

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 as building will be placed in rear of property

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

IN accordance

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

None that can be observed additionally to current use/safety/efficiency

c. Effects of the project on the natural environment

Minimal as the land/lot is level currently. Some minimal grading and addition of base material will be needed in the dimensions of 100x100

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

None known/current

e. The overall appearance of the project

Will be in accordance with scope, colors, and features of current building already in place

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.

NA

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.

NA

3. Common open space areas are designed and located within the project to afford use by all residents of the

SITE PLAN APPLICATION

Wisconsin Dells, Wisconsin

Version: February 27, 2008.

project. These common areas may include, but are not limited to: game courts or rooms, swimming pools, garden roofs, sauna baths, putting greens, or play lots.

NA

4. Active recreation and leisure areas, except those located completely within a structure, used to meet the open space requirement, shall not be located within fifteen (15) feet of any door or window of a dwelling unit.

NA

5. Private waterways, including pools, streams and fountains, may be used to satisfy not more than fifty (50%) percent of the required open space.

NA

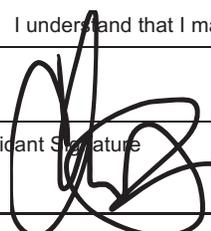
6. Trash collection areas shall be provided within two hundred and fifty (250') feet of the units they are designed to serve. Such areas shall be enclosed within a building or screened with masonry walls having a minimum height of five feet. Access gates or doors to any trash area, not enclosed within a building, are to be of opaque material.

NA. No trash collection on site

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.

| | |
|---|-----------------|
|  | <u>07/01/19</u> |
|---|-----------------|

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.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City of Wisconsin Dells Plan Commission will hold a Public Hearing on **Monday, September 9, 2019 at 5:00PM** 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 Matthew Musiedlak to allow a “Resort” at 1820 Cole Lane, which is Adams Co, City of Wis. Dells tax parcel 291-00710-0000. This property is zoned A-1 Agricultural-limited, which allows a “Resort” as a Conditionally Permitted Use per Chapter 19 Article 5 Division 3 of the Municipal Code. Copies of the CUP request 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 16th of August 2019
 Chris Tollaksen
 City of Wisconsin Dells

Publication Date:
 August 22, 2019
 August 29, 2019

1820 Cole Lane
Conditional Use Permit
Vacation rental of home
Staff report for Plan Commission 090919

The City of Wisconsin Dells has received a Conditional Use Permit application from Matthew Musiedlak to allow a Resort, in the form of overnight rental of a single home on approximately 20 acres, at 1820 Cole Lane (Parcel 291-00710-0000). This property is in the A-1 Agricultural-limited Zoning District, which allows a Resort as a Conditional Use per the City of Wisconsin Dells zoning code.

This property currently has a single family home on approximately 19 acres. The applicant would like to purchase this property to operate as an overnight rental of the single family home through on-line booking services such as AirBnB. These types of requests usually come in as CUP applications for "Overnight lodging", which is only allowed in the Commercial Zoning Districts. However, the Zoning code does allow "Resorts" as a Conditionally Permitted Use in the Agricultural Districts.

Due to the somewhat unique nature of this request, and the potential precedent that a decision on this request may create, this report will highlight two (2) main sections. First, this report will attempt to provide some background on this situation in general, starting with the origins of the Agricultural Zoning and then the potential reasoning for why Resorts are permitted in the Agricultural Zone. Secondly this report will go into the details of this specific request. The start of each of these sections will be highlighted for ease of reference. It appears the City should weight both the bigger picture implications of this use and the specifics of this request. Rational to deny this request would likely be justified by a determining that this specific use does not meet the definition of a "Resort". One initial thought is that a "Resort" generally has some sort of full time staff on the property.

SECTION 1 - PROPERTY, AGRICULTURAL, AND RESORT BACKGROUND.

The previous owners of this home owned a large piece of land in this area prior to the development of the Prairie Oak sub-division. This is an existing home on the back side of the Prairie Oaks subdivision off of 9th Avenue. This approximately 19 acre property was not part of the sub-division development, so it was not Zoned Residential, but rather remained zoned Agricultural. The applicant is a potential buyer of this property. Normally commercial use of residentially zoned properties is not allowed, however this Agricultural Zoning of this property allows for the use as a "Resort". The Zoning Code includes a defined land use for a "Resort", as follows:

5.6 Resort A place with lodging facilities and on-site amenities primarily intended for the use of overnight guests. Guest rooms may be located in one or more buildings and may include kitchen facilities. In addition to lodging facilities and recreational amenities such as golf, horseback riding, or lake/beach access, a resort may include a lodge or other gathering place for guests, dining facilities, administrative facilities, and maintenance and storage facilities.

As the definition of a Resort includes the overnight rentals of one or more buildings, the code technically would allow this home to be rented on a nightly basis through AirBnB, VRBO, Homeaway or similar services. These web-based rental services did not exist when the Zoning code was created in 2007 (AirBnB was founded in 2008). It could be argued that it was not the intent of the code for the “Resort” definition to be used to allow a residential home to be converted into a commercial use. It is assumed that the allowance of a “Resort” in the Agricultural Zone was to accommodate vacation rentals in a rural setting, and potentially to accommodate Camp Waubeek. The previous Zoning code addressed the Agricultural District in the following way:

19.045 AGRICULTURAL DISTRICT (old code)

- (1) Within the territorial limits of the City, land and buildings in the Agricultural District may be used as follows: forestry, crop farming, greenhouse, horticulture, truck farming and a one-family dwelling if incidental to the above.
- (2) In the Extraterritorial Area, land and buildings in the Agricultural District may be used as specified in Sec. (1) above; and, dairying, general farming, livestock grazing, and a one-family dwelling if incidental to the above.
- (3) The following are conditionally permitted in the Agricultural District, whether within or without the territorial limits of the City:
 - (a) residential, including single or multi-family;
 - (b) operation of a facility for the year-round provision of camping, lodging, recreational, educational, personal care, health care, and related staffing and services for persons with disabilities and the underprivileged.

It seems there are potentially two (2) main concerns with this application: 1) How this use would affect the existing neighborhood; 2) What precedent this would set for other Agricultural Zones

It is noted that there are four (4) areas in the City that are zoned Agricultural, and they are all large tracts of property. They are:

| <u>Address</u> | <u>Site Description</u> | <u>Size</u> | <u>Current Use</u> |
|------------------------------|-------------------------|-------------|----------------------|
| 1) 1820 Cole Ln | Jason Hallowell house | ~20 ac | 1-single family home |
| 2) 1925 Waubeek Rd | John Trumble House | ~40 ac | 1-single family home |
| 3) 1550 Waubeek Rd | Camp Waubeek | ~400 ac | Camp Waubeek |
| 4) Deerwood Glen (Hwy 16) | Sub-division Phase 2 | ~117 ac | Vacant woods |

The first question this application raises is if a single family home meets the definition of a Resort. It is probably safe to say that this is not what was intended when the Zoning Code was written. Therefore, there is concern that approval of this application could set a precedent for future applications in other Agricultural Zones. This concern may be somewhat mitigated by the limited additional areas in the City that are zoned Agricultural. The large size of the existing Agricultural Zones would allow for limiting the density of any commercial, overnight occupancy. However, these standards are not currently in place.

It seems the City should first decide if it wants to continue to entertain the notion that a single family home on a large piece of property could be considered a resort and utilized for commercial purposes. It also seems prudent of the City to be conscious of the potential implications if this use turns out to be successful. The Commercial success of this use would likely indicate a significant market for visitors to the Wisconsin Dells area that would like to stay in a home in a more rural setting as opposed to fully developed Waterpark Resort or a Hotel or Motel in the downtown area. If that is the case, it seems reasonable to expect other property owners in this area would like to utilize their properties for commercial income. Much of the property surrounding this property is Zone Residential and cannot be use for commercial rentals. Therefore, a Zoning Amendment would be required to change residentially zoned property to commercial properties. Such a Zoning amendment would appear to be a significant change to the long term plans for this area, and have a significant impact at the existing residences. Consideration of such a zoning change would require additional public notices and hearings, and any decision should significantly weight the implications on the existing residents.

SECTION 2 – CURRENT RESORT APPLICATION INFORMATION

This applicant has other properties they rent in this fashion at Spring Brook in Lake Delton. The applicant likes the idea of being able to offer a property with a significant amount of outdoor space. The applicant would rent the property as a single unit. The applicant has

stated that they believe there is a number of families that would like to vacation together in the Dells area, without being in the middle of the hustle and bustle of the resorts and downtown. The applicant intends to provide a number of outdoor amenities on the site, including: Campfire pit, picnic area, chicken coup, garden, walking trails, soccer/basketball/volleyball, and archery targets.

Except for the garden and picnic area, there are decision points to be made on these uses. All of these points revolve around preventing a nuisance to the surrounding properties and area considered to fall under the standard condition that is applied to any application for commercial rental of a residential property. As such, the City retains the right to revoke the approval of any of these uses if they are deemed by the City, in its sole judgement" to be a nuisance to surrounding properties.

Campfires are generally regulated in the City limits with exceptions for residential cooking and in campgrounds. It would seem reasonable to consider campfires as part of this request.

Chickens are allowed either as a commercial use or residentially as backyard chickens. In this case the applicant is comfortable considering these as "Backyard chickens" and limiting them to a maximum of 6 hens, no roosters. Given the Agricultural zoning of this property, it may be reasonable not to require the issuance of a standard, annual "Backyard Chicken License", but the applicant will still be expected to abide by all the standards of the Backyard Chicken Ordinance (16.025).

Walking trails in and of themselves are not a concern. However, measures should be taken to ensure occupants of the facility are aware of the property lines and do not cross them. This may be accomplished with by providing a map of the property and well defined trails, but it also may require signs at the property boundaries.

Area dedicated for soccer, basketball, or volleyball do not seem likely to create a nuisance. However, the preliminary site plan given shows these areas to be located rather close to the property boundary line. Some efforts should be made to provide a buffer between the on-site activities and the neighboring properties.

The item that seems like it could be of the greatest concern would be the archery targets. It is expected that the majority of occupants of this site would be outdoor enthusiasts, who would enjoy bringing their bow and shooting at some targets as part of their leisure time. It also appears that the location of the targets would make it virtually impossible for a stray arrow to cause a problem. As always, the concern would be with the potential for the one bad apple to shoot an arrow deliberately off the property. It is understood that this could happen with any occupant, including an owner's residence. Still, if archery targets are an amenity to the site, then it will likely be marketed as such, and it may be possible that one of the people

that responds to that marketing could be the bad apple. The City does have a Weapons ordinance that limits the rights to discharge weapons within the City limits. It seems the City Council would have the right to expressly grant or deny the use of the archery targets.

Aside from the on-site use of the property, another potential source of a nuisance to the area would be increased traffic due to the commercial use of the property. The applicant maintains that the use of the property by a vacationing family would not have significantly different traffic than they use of the property by a long term resident family. This seems reasonable, but is difficult to know.

This does lead into another unique aspect of this property. The access to this property is through unimproved right of way that was established when the Prairie Oak subdivision Plat was finalized. The expectation was that the developer of the subdivision would construct the roads, but obviously that did not happen. It is the City's position that while the right of way has been dedicated to the public, it has not been improved and therefore it is not the responsibility of the City. The applicant may use the right of way to access his property, but he will be responsible for maintaining the property and keeping it accessible. The City would likely allow the applicant to make improvements to the right of way, such as lay gravel to improve the drivability, but that should be part of a written agreement between the applicant and the City that clearly lays out the terms of the use of the right of way.

. The existence and extent of the potential nuisances lies primarily in the management of the property. If this house were to be a "party house", it could create a nuisance to surrounding properties and create issues for the City, as well as negatively affect the future development of residential properties in the Prairie Oaks sub-division.

The applicant had stated the home has 3 bedrooms and 1 bathroom. The maximum occupancy of the overnight rental will be 9 people, and that the house would be rented to one group at a time. Individual bedrooms would NOT be rented to different groups. The parking requirement for a motel is 1 parking space per room, so this 3 room house should have 3 parking stalls. This house has an existing driveway that appears to be able to handle 5 cars.

As a commercial rental, the applicant shall pay PRT & room tax on the rental of the commercial unit. The applicant shall provide the City with their identification numbers and clearly report the tax payments for this facility to the city. It is also noted that the majority of this property is currently assessed as Agricultural for tax purposes. If this entire property is to be deemed a Commercial Resort, it seems reasonable that the entire property would be assessed as Commercial for real estate taxing purposes.

The applicant for this property intends to book short term rentals of this facility through web-sites such as Airbnb and VRBO. The applicant lives in the City, and will be the official manager, and will be responsible to correct any nuisances that may occur on the property. It

should be made clear to the 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. At a minimum, if the facility is cited as a “Chronic nuisance property”. A “Chronic nuisance property” is a property that received three (3) written warnings or citations in a twelve (12) month period.

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; it may still be prudent for the granting of this permit to be non-transferrable and any new owner or operator of the property will have to obtain a new CUP.

It has also been noted that, for this particular property, there is some conflicting descriptions of the right of way that makes up Prairie Oak Dr, which allows for a second access to the property. If this use is allowed, this approval will be contingent on the applicant resolved the conflicts with the Prairie Oak Drive Right of Way.

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

1. The use of the archery targets is expressly GRANTED / DENIED
2. Reasonable efforts are make to establish buffers between activity areas on this property and neighboring properties. City Staff are granted the authority to approve or deny the final proposed buffers.
3. The Prairie Oak Drive Right of Way is cleaned up.
4. The building inspector ensures there are no code or safety issues with the house
5. The applicant obtains and remains current with a State of Wisconsin ATCP Tourist Rooming House license.
6. The overnight rental of the house will be subject to PRT & room tax and the applicant is responsible for providing clear accounting of the rental of this property.
7. Any nuisances are addresses to the satisfaction of the City, including but not limited to noise, maintenance, and parking. Failure to addresses nuisances to the City’s satisfaction can cause this permit, or any specific use herein, to be revoked.
8. Applicant abide by the following restrictions:
 - a. Owner provides current, local, primary contact information to the Police Department and Zoning Office.
 - b. Renters sign an agreement not to cause excessive noise, not to trespass on neighboring property, and not to cause any other nuisance
 - c. This permit is non-transferrable, any new owner or operator of the property will have to obtain a new Overnight Lodging permit.

Chris Tollaksen
City of Wisconsin Dells
09/06/2019







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.

NONE EXPECTED

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

COMPLIES WITH COMPREHENSIVE PLAN SECTION 4 TO PROMOTE TOURISM TO LOCAL BUSINESSES AND RIVER DISTRICT

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

LOWER IMPACT THAN CURRENT RESIDENT

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

VERY SUITABLE

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

NONE

NO PLANS ON ALTERING TOPOGRAPHY OR IMPACTING WILDLIFE

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

NONE

FAMILY ORIENTED PROPERTY

- 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

N/A

RENTAL RULES

1. Smoking is allowed outside only.
2. People other than those in the Guest party set forth above may not stay overnight in the property. Any other person in the property is the sole responsibility of Guest.
3. This property is privately owned; the owners are not responsible for any accidents, injuries or illness that occurs while on the premises or its facilities. The Homeowners are not responsible for the loss of personal belongings or valuables of the guest. By accepting this reservation, it is agreed that all guests are expressly assuming the risk of any harm arising from their use of the premises or others whom they invite to use the premise.
4. All guests must stay within the property boundary which is clearly marked by signs.
5. Keep the property and all furnishings in good order.
6. Only use appliances for their intended uses.
7. Pets are NOT allowed.
8. Parking is limited to 5 vehicles in the driveway. Vehicles are to be parked in the driveway only. Parking on the road is not permitted. Any illegally parked cars are subject to towing; applicable fines/towing fees are the sole responsibility of the vehicle owner.
9. Housekeeping: There is no daily housekeeping service. While linens and bath towels are included in the unit, daily maid service is not included in the rental rate. We do not permit towels or linens to be taken from the units. It is recommended you bring beach towels if you plan to visit area waterparks.
10. The fireplace is a non-vented propane gas log fired firebox. Please do not throw any paper or other combustible materials in the fireplace.
11. Water and Septic: DO NOT FLUSH anything other than toilet paper. No feminine products should be flushed at anytime. If it is found that feminine products have been flushed and clog the septic system, you could be charged damages of up to \$500.00.
12. Storms: No refunds will be given for storms
13. Discharging of any firearms is prohibited.
14. Minimum age requirement 21 years old.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City of Wisconsin Dells Plan Commission will hold a Public Hearing on **Monday, September 9, 2019 at 5:00PM** in the Council Chambers of the Municipal Building at 300 La Crosse Street, Wisconsin Dells, Wisconsin 53965, to consider the following:

A Conditional Use Permit, per Municipal Code sec. 19.371(8), requested by Logging Camp LLC in order to allow a GARAGE, NON RESIDENTIAL located at 912 Fitzgerald Rd., Sauk Co, City of Wisconsin Dells parcels 291-0119-00000. The property is zoned C-4 Commercial-large scale, which requires a Conditional Use Permit for a Garage, non residential per Chapter 19 Article 5 Division 3 of the Municipal Code.



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 16th of August 2019
 Chris Tollaksen
 Planning and Zoning
 City of Wisconsin Dells

Publication Dates:
 August 22, 2019
 August 29, 2019

912 Fitzgerald Rd
Conditional Use & Site Plan Permit – Garage non-residential
Staff Report for Plan Commission, 09/09/2019

The City of Wis. Dells has received an application for a Conditional Use Permit and Site Plan approval from Logging Camp LLC for a Garage, non-residential.. The plan is to add a 40ft x 60ft pole building on Sauk County on Parcel 291-0119-00000. This building would be used be used for general storage by Logging Camp in association with their businesses, the Paul Bunyan restaurant and Lumberjack show. This property is located in the C-4 Commercial, large scale zoning district which requires a CUP for a Garage, non-residential.

The garage will have a 12 ft x 10 ft overhead door and a standard pedestrian door. The garage is planned to have 13 ft walls with the peak at approximately 20 ft. The applicant will position the garage approximately 20 ft from the the north lot line and 100 ft from the east lot line. The garage would be approximately 450 ft from Fitzgerald Rd which is to the west. The property to the south is the Paul Bunyan restaurant.

This are is somewhat unique, in that Logging Camp LLC owns approximately 8.5 acres on which they operate multiple commercial businesses. There is also a home on this site that Logging Camp utilizes. This proposed garage would be an accessory use for the entire Logging Camp property.

The City's comprehensive plan calls for this property to be commercial. This project does not appear to represent an increase in traffic to this area. The effects of this project on surrounding properties would not seem significant due to the large areas surrounding the proposed site. This project should not affect the City's financial ability to provide public services.

Any approval of this use should come with the following contingency:

The property owner maintains the area around the garage. The vegetation in this area shall be properly maintained and there shall not be a collection of "stuff" around the building.

Chris Tollaksen
City of Wis. Dells Public Works



1026-60000

Fitzgerald

959

84

291-0102-00000

291-0102-20000

411

291-0115-00000

WI-13 S

WI-13 N

291-0100-00000

291-0114-00000

WI-13 S

WI-13 N

340

340

322

291-0210-00000

291-0116-00000

Trever Htich
State Hx 13
misc Dells WI 53965

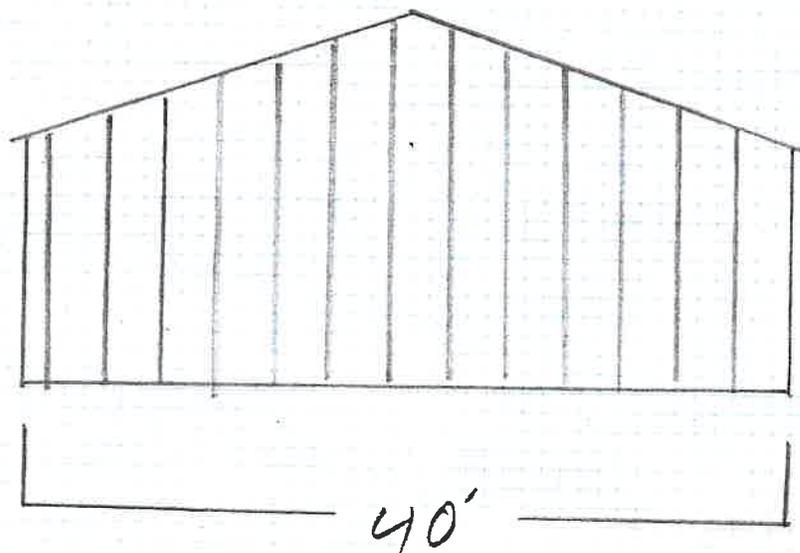
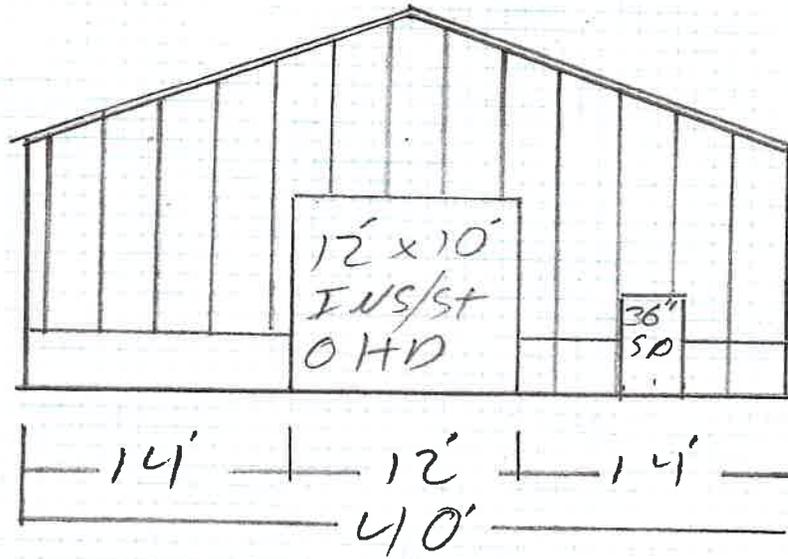
Wright Construction LLC

For all your post frame needs.

Not just a carpenter, post frame is what we do.
Consulting • Stump & Tree Removal • Site Prep • Gravel • Concrete
From the ground up, building year around.

Ask about all your other carpentry needs!

520-A Gillette Ave. Wis. Dells, WI 53965
Phil Wright - Owner
Phone: 608-253-2304
Email: philwrightco@yahoo.com
Better Call Phil!



For all your post frame needs.

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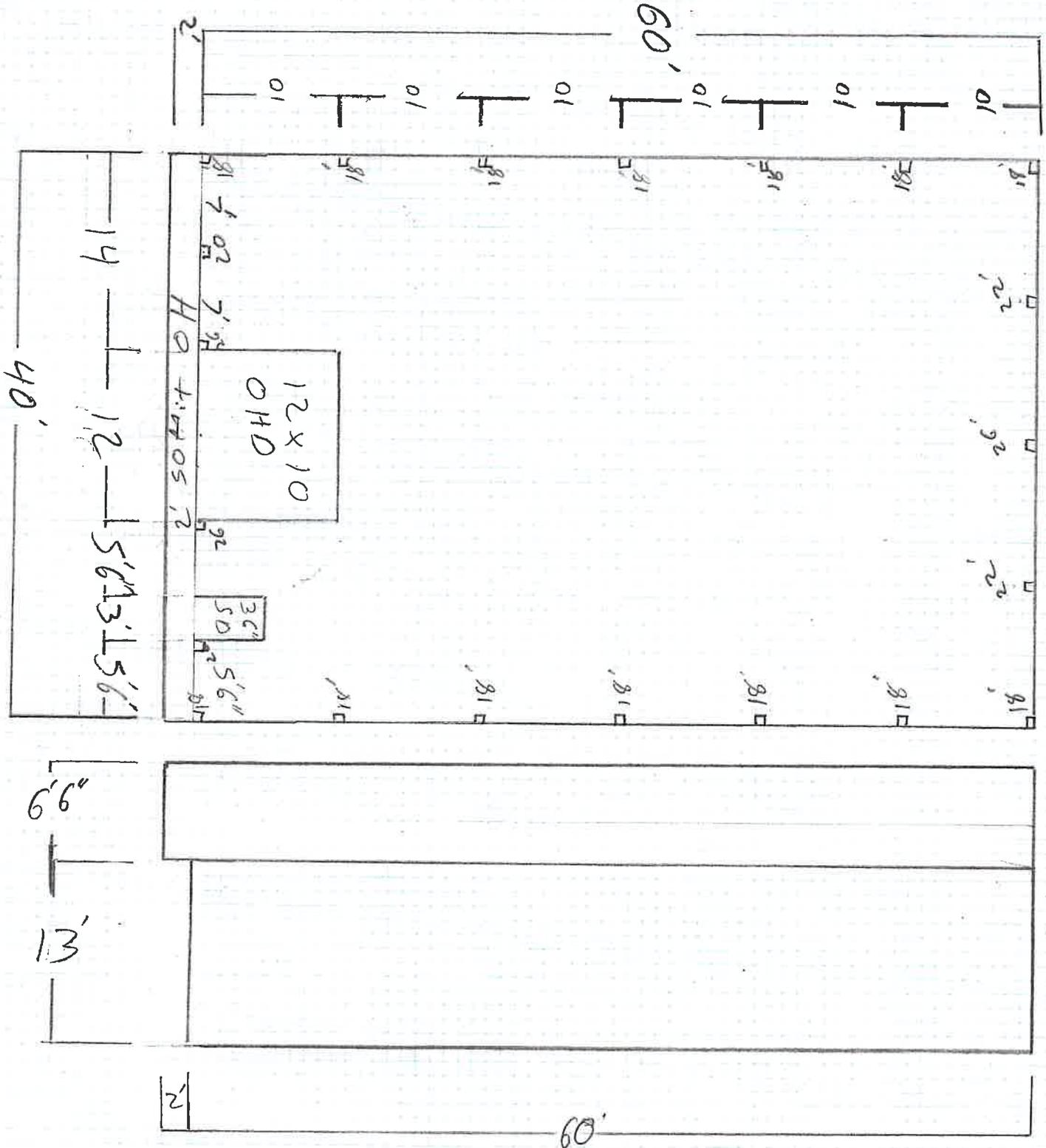
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Treue Hix
St. State Hx 13
Wisc Dells WI 53965



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 | 69904 |
| Application number | |

1. Applicant information

Applicant name Logging Camp Inc
 Street address 411 Hwy 13
 City Wisconsin Dells
 State and zip code WI 53965
 Daytime telephone number 608 254 8717
 Fax number, if any 608 253 9775
 E-mail, if any dells@dellsparlburgans.com

2. Subject property information

| | | |
|----------------------------------|--------------------------|---|
| Street address | <u>912 Fitzgerald Rd</u> | |
| Parcel number | <u>291 0119-00000</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>commercial</u> | Note: the Zoning map can be found on the "Planning & Zoning" Department page of the City web-site: www.citywd.org |
| Describe the current use | <u>house</u> | |

3. Proposed use. Describe the proposed use.

Storage building

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

used during work day.

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.

N/A

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

N/A

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

N/A

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

good

d. Effects of the proposed use on the natural environment

N/A

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

N/A

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

N/A

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

N/A

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 | _____ |
| Application number | _____ |

1. Applicant information

Applicant name Logging Camp Inc
 Street address 411 Hwy 13
 City Wisconsin Dells
 State and zip code WI 53965
 Daytime telephone number 608 254 8717
 Fax number, if any 608 253 9975
 E-mail, if any dells@dells.paul.buryans.com

2. Subject property information

| | | |
|----------------------------------|--------------------------|---|
| Street address | <u>912 Fitzgerald Rd</u> | |
| Parcel number | <u>291 0119- 00000</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>Commercial</u> | |
| Describe the current use | <u>house</u> | |

3. Proposed use. Describe the proposed use.

Storage building

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

used during work day

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.

N/A

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

N/A

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

N/A

c. Effects of the project on the natural environment

N/A

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

N/A

e. The overall appearance of the project

good

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.

N/A

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.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City of Wisconsin Dells Plan Commission will hold a Public Hearing on **Monday, September 9, 2019 at 5:00PM** 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(7), requested by Port Huron Brewing Co., LLC in order to EXPAND the area for Outdoor Commercial food and Large-Scale Private Outdoor Commercial Food and Beverage Service, Commercial Activity without a Permanent Structure, and Outdoor Vendor area at 805 Business Park Rd., Columbia Co. City of Wis. Dells tax parcel 11291-1497.4. The applicant would like to hold an Oktoberfest Celebration once a year, which would include: food and beverage services for on-site consumption and entertainment.

The property is zoned I-1 Industrial, which allows Commercial Activities Accessory to a Manufacturing Process with a Conditional Use Permit. 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 16th of August 2019
Chris Tollaksen
Planning & Zoning
City of Wisconsin Dells

Publication Dates:
August 22, 2019
August 29, 2019

805 Business Park Rd.

Conditional Use Permit - AMENDMENT FOR EXPANDED USE DURING ONCE A YEAR EVENT–
Outdoor commercial food and beverage service, Outdoor vender, and Walk up service window
Staff Report for Plan Commission, 09/09/19

The Planning & Zoning office has received a request for an amendment to a Conditional Use Permit application from Port Huron Brewing Co, LLC to expand their outdoor area for a once a year “Oktoberfest” event. In 2019 the event will be Saturday from noon to 7 pm. This request involves fencing off and additional 1100 sq ft in front of their building, in addition to having outdoor food service supplied by the Kilbourne Fire Department.

This application is meant to allow this event once a year for future years. The applicant would not be required to obtain a new permit in future years, unless significant issues develop. Any approval would be contingent on the City maintaining the right to re-evaluate this event if deemed necessary.

To accommodate the additional occupants for this event, Port Huron would set-up 3 portable toilets.

The existing outdoor area is 1075 sq ft and the tap room is approximately 792 sq ft.

The existing outdoor area has a capacity of approximately 100 people and the existing tap room has occupancy of 60 people.

Port Huron has 4 bathrooms which is adequate for servicing 160 people.

The outdoor area is accessed from the current Tap Room, so customers will have to go into the main building to get to the outdoor area. The new outdoor area will be accessible from the existing outdoor area, so all customers will still have to enter through the main building.

The expanded outdoor area is expected to accommodate around 100 extra people, the applicant has stated they expect an occupancy of around 200.

The existing parking lot has 15 stalls and there is a grass area next to the parking lot that will be marked to accommodate another 18 parking spaces. This provides parking for about 100 people. This premise has over 50,000 square feet of undeveloped space adjacent to the existing parking lot. This space should be able to accommodate some additional parking. It is expected that a significant number of cars will park on Business Park Rd. Reasonable efforts should be made to prevent Port Huron patrons from parking on the neighboring private property. Of particular concern is the neighboring property that shares a driveway access to Business Park Rd. Physical barricades should be installed to prevent this property from appearing to be excess parking for Port Huron.

It would seem the main concern with the outdoor seating area would be any noise issues, particularly with the apartment complex located in the vicinity of this area. These concerns would be minimized by the responsible management of the current facility. Any approval would be contingent on this quality management continuing.

This facility has held their Oktoberfest event within the confines of their existing space for a number of years. The Outdoor area was added in 2016, so the Oktoberfest event has included the outdoor activities for the past two (2) years. This office is not aware of any complaints from the previous events.

Any approval should carry the following conditions:

1. The City reserves the right to revoke this permit for this once a year event if the City determines (in its sole judgement) that this event creates a nuisance.

The following is from the Staff report from 2016 for the initial Outdoor area application:

As a facility in the Industrial park, this request may be evaluated in a slightly differently. Restaurants and Taverns are not permitted in the City of Wisconsin Dells Industrial Zone; however a Brewery is permitted in the Wisconsin Dells industrial zone because it is considered a heavy Industrial use, in that a brewery manufactures a product from raw materials. The State brewery license allows a brewery to have a Tap Room on site where food and their own beer can be sold. The City of Wisconsin Dells Zoning Code accommodates this State law, by having an accessory use of "Industrial District Retail" which allows an Industrial use in the industrial park to perform retail sales related to their product. "Industrial District Retail" requires is an Accessory use that requires a Conditional Use Permit, which Port Huron obtained when the brewery was approved in 2010. The "Industrial District Retail" use is in place, so that standard retail does not have to be allowed in the Industrial Zone to accommodate a brewery tap room, allowing a brewery can comply with the State law that allows them to perform retail sales of their product. However, in the commercial zone, where taverns and restaurants are permitted, the City Zoning Code has a separate accessory use for "Outdoor commercial food and beverage sales", which requires taverns and restaurants to obtain a different Conditional Use Permit to sell food or drinks outside. As taverns and restaurants are not permitted in the Industrial Zone, accessory uses associated with taverns and restaurants are not permitted in the Industrial Zone. However, a brewery is allowed by State Law to have a tavern that sells food and their beer. It makes sense that if a brewer is allowed to operate as a tavern they should be able to apply for the same accessory uses. This office felt the best path forward was to clarify that brewery were held to the same standards for accessory uses as tavern are in commercial districts, rather than making those accessory uses permittable in the Industrial zone for other businesses. So, the Zoning code is being updated to clarify that only a site that is granted a permit for Industrial District Retail can apply for a Conditional Use Permit for "Outdoor commercial food and beverage service" and the other related accessory uses.

Suggested Conditional to any approval:

- 1) Portable toilets are allowed for the once a year "Oktoberfest" only.
- 2) The outdoor area is well managed.
- 3) Reasonable efforts are made to prevent parking on other private property.
- 4) Any issues are address to the satisfaction of the City
- 5) The City may require this permit be reevaluated if significant issues arise.

Prepared by:
Chris Tollaksen

From: [Port Huron Brewing Company](#)
To: [Chris Tollaksen](#)
Subject: CUP Amendment Summary
Date: Thursday, September 5, 2019 4:42:54 PM

Chris,

Here is what we're proposing:

We'd like to be able to extend our outdoor service area (Beer Garden) with a temporary fence for our Annual Oktoberfest celebration. This would encompass our already granted food service allowance (each year a service organization provides food and receives 100% of the food profits), and would allow us to accommodate more patrons for this event, as it has been growing in popularity each year. We would provide additional portable restrooms in correct proportion for the fenced area. Additional Parking spaces would be created, using brewery property. (24-40+ additional vehicles could be accommodated) Overflow parking could be done on the public street. (An ample sized road.)

Saturday Brewery Hours are Noon-10. In 2019, we plan on music from Noon-2pm, and again from 3pm - 7pm. We generally move any patrons off the beer garden by 9 pm at this event, and the brewery closes at 10 per usual.

We have had one previous concern from neighbors in 2016. Since that time we reached out to the neighboring property and have not been made aware of any additional concerns since.

Let me know if you need any more info. Maybe I put too much in.

Keep me posted, and Thanks,

Tanner

Tanner Brethorst
President / Brewery Chief
Port Huron Brewing Company
805 Business Park Rd.
Wisconsin Dells, WI
53965
porthuronbeer@gmail.com
phone/fax: 608-253-0340

****PLEASE SEND ALL INVOICES TO PHBCInvoices@gmail.com****

Proposed fenced off area for PHBC Special Event



11291-1497.25

11291-1497.24

11291-1497.3

11291-1497.4

805

815

11291-1497.10

1897

Business Park Rd

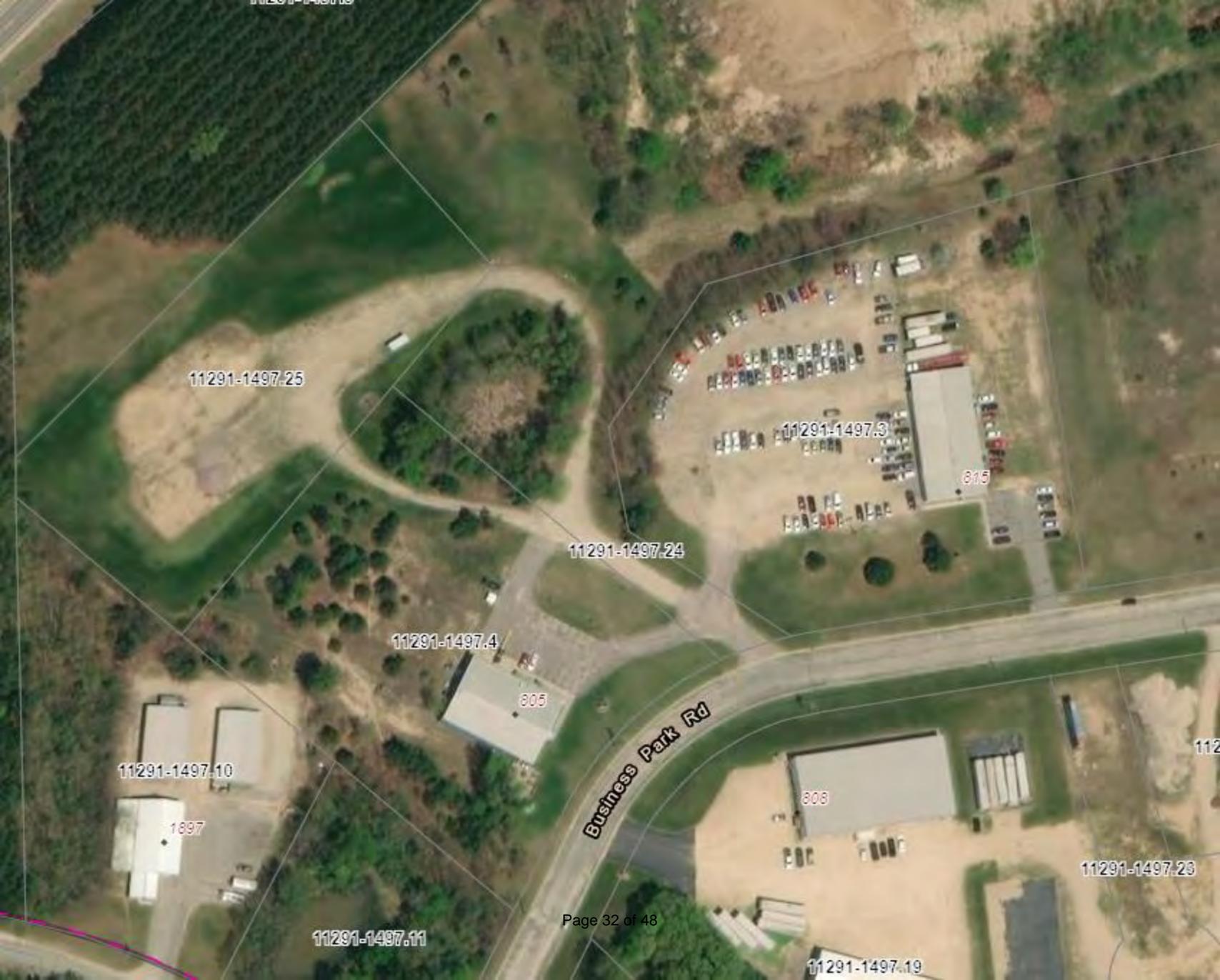
808

11291-1497.11

11291-1497.23

11291-1497.19

112



420 STH 13 (Parcel 291-0177-00000)
Certified Survey Map
Staff report for Plan Commission 09/09/2019

The City has received a Preliminary Certified Survey map from Uphoff Properties, LLC to subdivide property they own at 420 STH 13. This property is in the C-4 Commercial-large scale Zoning District.

It is understood that the applicant intends to sell Lot 1 along STH 13 and retain Lot 2 behind it. The Zoning Code requires that all properties in the C-4 Zoning District maintain a minimum street frontage of 40 ft. To accomplish this, the CSM includes with lot 2 a 40 ft strip of land that runs from the STH 13 access back approximately 275 ft to the bulk of Lot 2. This preliminary survey does not provide an access easement from Lot 1 to the existing drive access to STH 13. A new access to STH 13 does not seem wise, and likely would not be allowed by WisDOT, As such, the CSM should be updated to include an easement within the 40 ft strip of Lot 2 for Lot 1 access to the existing drive aisle.

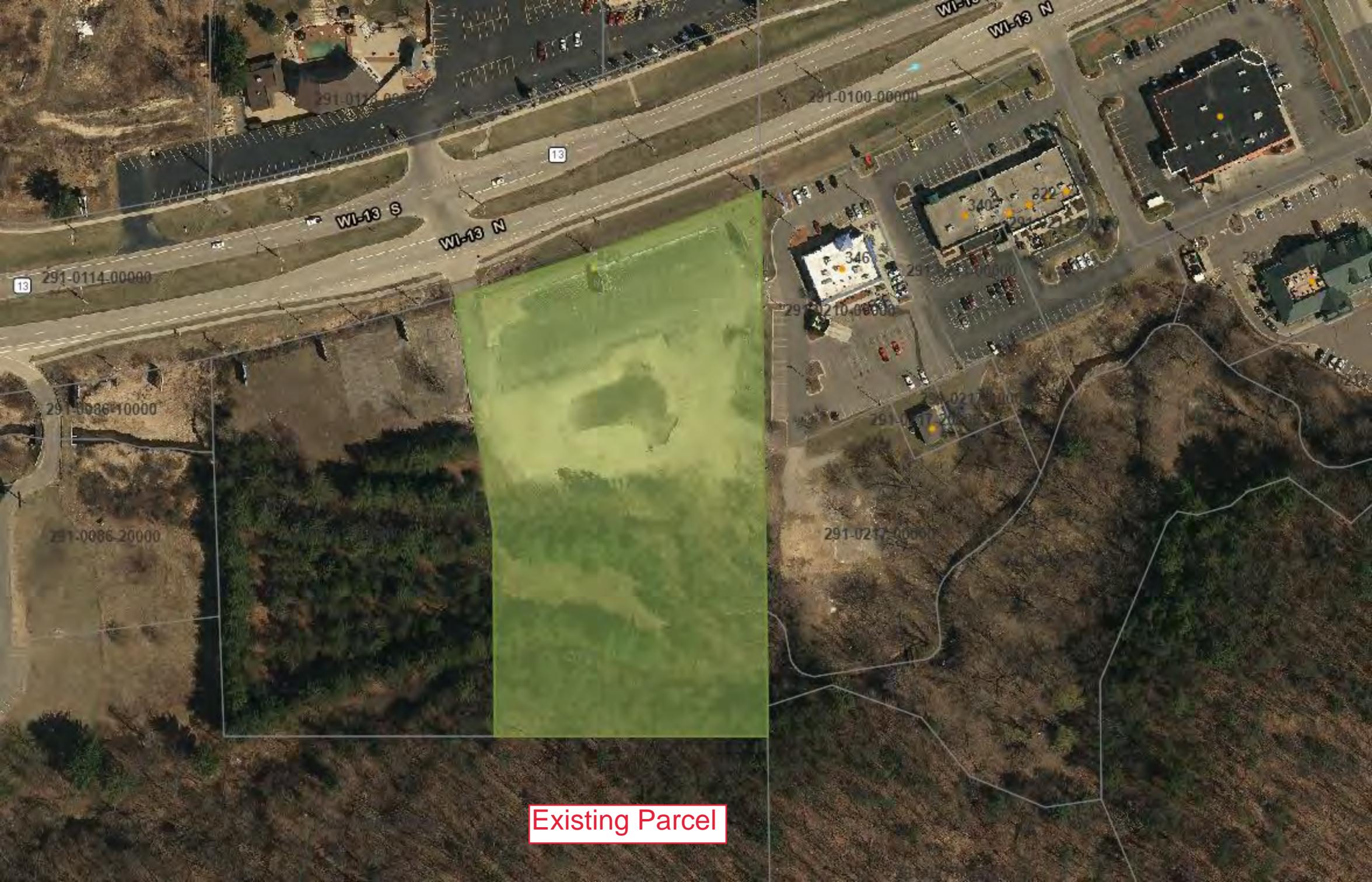
It was discovered that there is sewer line runs into this property with a couple of manholes. These items should be identified on the survey. The initial thought is that this line was utilized to serve the previous structures that were on this property and is privately owned.

It appears additional review of some of the details of this CSM is necessary. Formal committee approval of the CSM may carry the condition that City staff approve the final CSM prior to it being recorded.

Approval of the Site Plan at this time should carry the following conditions:

1. The final CSM is approved by City Staff.

Chris Tollaksen
City of Wisconsin Dells
09/09/2019



Existing Parcel



Lot 1
2.37 acres

Approximate location of
proposee new lot line

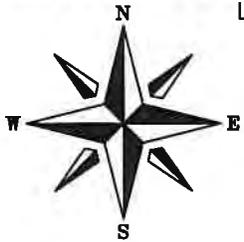
Lot 2
2.30 Acres

Proposed parcel Split



SAUK COUNTY CERTIFIED SURVEY MAP NO. _____

LOCATED IN THE NE1/4 OF THE NW1/4, SECTION 9, T13N, R6E,
CITY OF WISCONSIN DELLS, SAUK COUNTY, WISCONSIN.



BEARINGS REFERENCED TO THE NORTH
LINE OF THE NW1/4, SECTION 9,
ASSUMED TO BEAR N89°55'00"E

OWNER:
UPHOFF PROPERTIES, LLC
4900 W. HUNDRED ROAD
CHESTER, VIRGINIA 22831

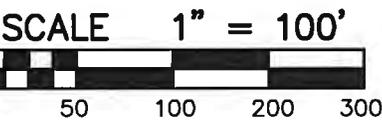
FIELD WORK
COMPLETED ON
08/30/19

NW CORNER
SECTION 9
FND. SLIM-LINE HARRISON
VERIFIED TIES

N 1/4 CORNER
SECTION 9
FND. ST. HARRISON
VERIFIED TIES

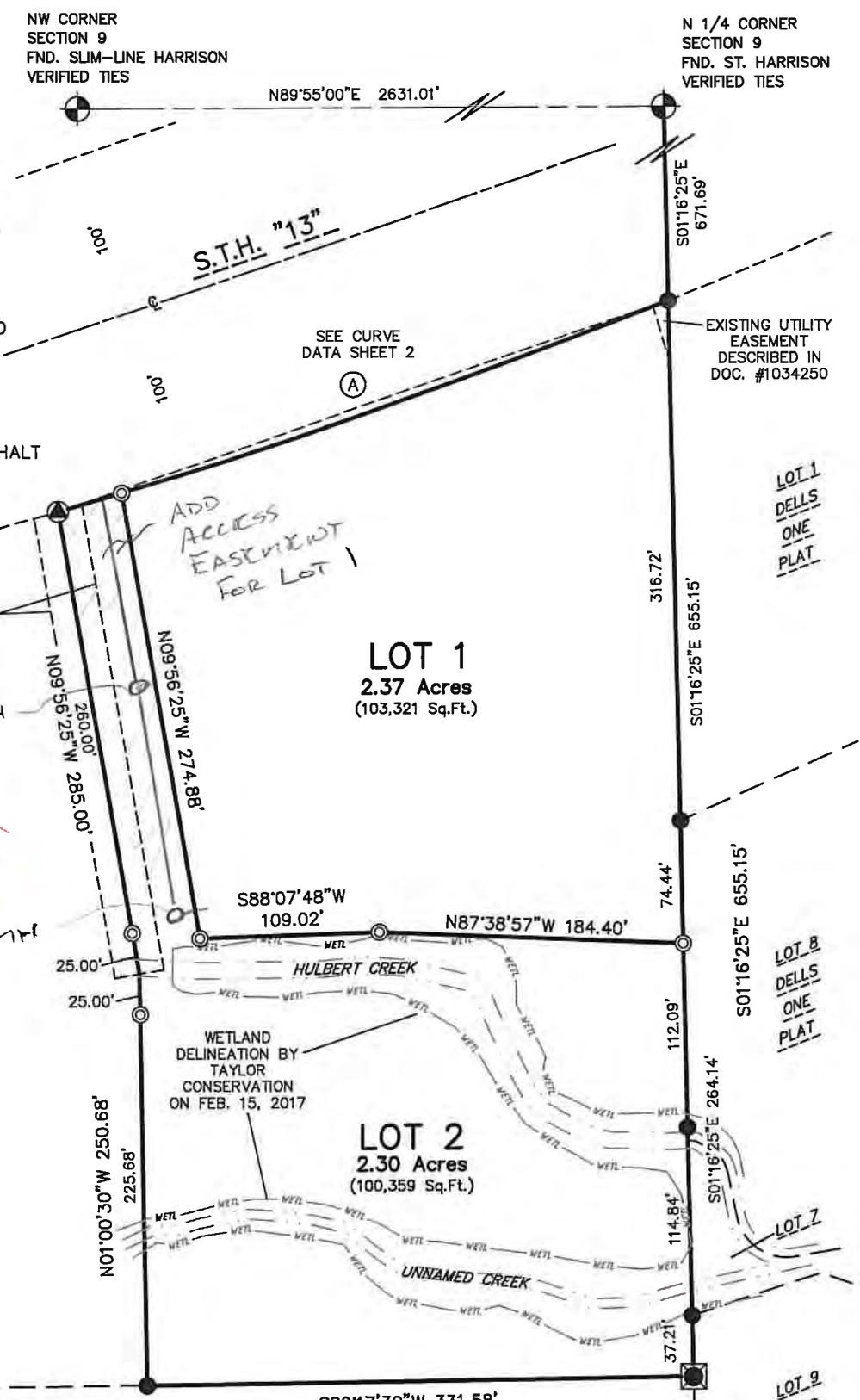
N89°55'00"E 2631.01'

S01°16'25"E
671.69'



LEGEND

- EXISTING PLSS CORNER AS NOTED
- FOUND 3/4" Ø IRON ROD
- FOUND EXISTING STONE MON.
- FOUND 1/2" Ø IRON ROD IN ASPHALT
- SET 3/4" DIA. X 24" IRON RE-BAR, 1.50 LBS./LIN.FT.



PRELIMINARY

CURVE DATA

| CURVE | RADIUS | DELTA | ARC L. | CHORD BRG. | CHORD L. | TAN. IN | TAN. OUT |
|-------|---------|-----------|--------|-------------|----------|-------------|-------------|
| A | 3919.83 | 05°43'51" | 392.08 | N71°00'31"E | 391.91 | N73°52'26"E | N68°08'35"E |
| LOT 1 | 3919.83 | 05°08'33" | 351.82 | N70°42'51"E | 351.70 | | |
| LOT 2 | 3919.83 | 00°35'18" | 40.26 | N73°34'47"E | 40.26 | | |



SAUK COUNTY CERTIFIED SURVEY MAP NO. _____

LOCATED IN THE NE1/4 OF THE NW1/4, SECTION 9, T13N, R6E,
CITY OF WISCONSIN DELLS, SAUK COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

I, Scott F. Dischler, Wisconsin Professional Land Surveyor, hereby certify that I have surveyed, divided and mapped a parcel of land being part of the Northeast Quarter of the Northwest Quarter, Section 9, T13N, R06E, City of Wisconsin Dells, Sauk County, Wisconsin, described as follows:

Commencing at the North Quarter Corner of said Section 9; thence S01°16'25"E, 671.69 feet along the East line of the Northwest Quarter of said Section 9 to the Southerly right-of-way of STH "13", the Northwesterly corner of Lot 1, Dells One Plat and the **Point of Beginning**; thence S01°16'25"E, 655.15 feet along the West line of Dells One Plat to a stone monument at the Southwest Corner of Government Lot 1, Section 9, T13N, R06E; thence S89°17'30"W, 331.58 feet; thence N01°00'30"W, 250.68 feet; thence N09°56'25"W, 258.00 feet to the Southerly right-of-way of STH "13" and the beginning of a non-tangent curve to the left having a radius of 3919.83 feet and an internal angle of 05°43'51"; thence 392.07 feet along the Southerly right-of-way of STH "13" and the arc of said curvewhose chord bears N71°00'31"E, 391.91 feet to the Point of Beginning.

Containing 4.67 acres more or less.

That such CSM is a correct representation of all exterior boundaries of the land surveyed.

That I have made such survey and land division by the direction of Steve Uphoff, Uphoff Properties, LLC, owner of said lands, according to the description furnished.

That I have fully complied with the requirements of Chapter 236.34 of the Wisconsin State Statutes, Chapter AE-7 of the Wisconsin Administrative Code, the City of Wisconsin Dells Subdivision Regulations.

Dated this _____ day of _____, 2019.

Scott F. Dischler, PLS-2605
Vierbicher Associates, Inc.

PRELIMINARY

