

# CITY OF WISCONSIN DELLS MEETING AGENDA

## Meeting Description CITY PLAN COMMISSION

Date: WEDNESDAY, JUNE 14, 2017 Time: 5:00PM Location: MUNICIPAL BUILDING  
300 LA CROSSE STREET, WISCONSIN DELLS,

		Committee Members		
Mayor Brian Landers-Chair		Alder. Mike Freel	Fire Chief Scott Walsh	Chris Lechnir
		Tifani Jones	Dan Anchor	Lisa Delmore
<b>AGENDA ITEMS:</b>				
1	CALL MEETING TO ORDER AND ATTENDANCE			
2	APPROVAL OF THE MINUTES FROM THE MAY 10, 2017 MEETING			
3	PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT APPLICATION FROM <i>WD CEF, LLC DBA CUTTING EDGE FITNESS</i> IN ORDER TO ALLOW LAND USE 12.11 SPORTS/FITNESS IN THE GARAGE LOCATED IN THE ALLEY AT 820 VINE STREET, CITY OF WISCONSIN DELLS PARCEL 1005, COLUMBIA COUNTY. THE PROPERTY IS ZONED C-1 COMMERCIAL-NEIGHBORHOOD.			
4	DISCUSSION/DECISION ON ITEM #3 (CUP-CUTTING EDGE FITNESS)			
5	PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT APPLICATION FROM <i>A&amp;G RENTALS INC/CHULA VISTA RESORT</i> IN ORDER TO ALLOW OUTDOOR ENTERTAINMENT/RECREATION AND AMUSEMENT RIDES LOCATED AT 2501 RIVER ROAD, CITY OF WISCONSIN DELLS PARCELS 291-00380-0015 & 291-00380-0020, ADAMS COUNTY. THE PROPERTY IS ZONED C-4 COMMERCIAL-LARGE SCALE.			
6	DISCUSSION/DECISION ON ITEM #5 (CUP-A&G RENTALS/CHULA VISTA)			
7	PUBLIC HEARING TO CONSIDER A SITE PLAN APPLICATION FROM <i>A&amp;G RENTALS INC/CHULA VISTA RESORT</i> TO CONSTRUCT ADDITIONAL STRUCTURES TO SUPPORT THE NEW OUTDOOR RECREATION AT 2501 RIVER ROAD, CITY OF WISCONSIN DELLS PARCELS 291-00380-0015 & 291-00380-0020, ADAMS COUNTY. THE PROPERTY IS ZONED C-4 COMMERCIAL-LARGE SCALE.			
8	DISCUSSION/DECISION ON ITEM #7 (SITE PLAN-A&G RENTALS/CHULA)			
9	DISCUSSION/DECISION ON WOODSIDE BALL FIELD CUP TO ADDRESS NUISANCE CONCERNS.			
10	PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT APPLICATION FROM <i>WOODSIDE SPORTS, LLC</i> IN ORDER TO ALLOW ADDITIONAL OUTDOOR ENTERTAINMENT/RECREATION LOCATED AT 1770 STH 13, CITY OF WISCONSIN DELLS PARCEL 291-00620-0010, ADAMS COUNTY. THE PROPERTY IS ZONED C-4 COMMERCIAL-LARGE SCALE.			
11	DISCUSSION/DECISION ON ITEM #10 (CUP-WOODSIDE SPORTS)			
12	PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT APPLICATION FROM <i>ALEXIS ELI (BLUEGREEN CORP)</i> IN ORDER TO ALLOW A WALK-UP SERVICE WINDOW LOCATED AT 29 BROADWAY, CITY OF WISCONSIN DELLS PARCEL 11291-600, COLUMBIA COUNTY. THE PROPERTY IS ZONED C-2 COMMERCIAL-DOWNTOWN.			
13	DISCUSSION/DECISION ON ITEM #12 (CUP-BLUEGREEN CORP.)			
14	PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT APPLICATION FROM NATHAN <i>GRINDSTAFF ON BEHALF OF WORKFORCE HOUSING SOLUTIONS, LLC</i> IN ORDER TO ALLOW SEASONAL WORKFORCE HOUSING AT 511 VINE ST, CITY OF WISCONSIN DELLS PARCEL 291-1113, COLUMBIA COUNTY. THE PROPERTY IS ZONED C-1 COMMERCIAL-NEIGHBORHOOD.			
15	DISCUSSION/DECISION ON ITEM #14 (CUP-WORKFORCE HOUSING SOLUTIONS)			
16	PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT APPLICATION FROM HALLIS & JOYCE KLEIER IN ORDER TO ALLOW OVERNIGHT LODGING LOCATED AT 925 BROADWAY, CITY OF WISCONSIN DELLS PARCEL 291-997, COLUMBIA COUNTY. THE PROPERTY IS ZONED C-2 COMMERCIAL-DOWNTOWN.			



Conditional Use Permit – WD CEF, LLC Fitness Facility  
Columbia County, Wisconsin Dells Parcel 11291-1005  
Staff Report for Plan Commission, 6/14/17

The City of Wis. Dells has received a Conditional Use Permit (CUP) application from WD CEF, LLC (Holly and Corey Waterman) for a SPORTS/FITNESS FACILITY. The use is proposed on Columbia County, City of Wis. Dells parcel 11291-1005, which is the location of the Dennis Electric shop in a four car garage behind a detached single family home at 820 Vine St. This area is zoned C-1 Commercial-neighborhood.

The proposed use is a Fitness class. The applicant currently conducts their fitness classes out of a property on Broadway in the C-2 Commercial-downtown Zoning district. The applicant has stated they will hold 1 hour fitness classes at 5-6am, 8-9am, and 3:30-6:30pm (+- 30 minutes). The applicant has also stated that this Fitness facility would not be open to the public outside of the class hours. The applicant has stated they currently average 8 (+- 2) people in a class, who typically have 6 cars.

This facility is currently in use for Skilled Trades services, which would be vacating the facility entirely. The intent is for the existing single family home to remain. Both Skilled Trades services and Sports/Fitness facilities are allowed in the C-1 district with a Conditional Use Permit.

The C-1 Zoning District is intended to accommodate low intensity commercial activities that serve residents rather than tourists. This facility is a bit odd, in that it shares a premise with a residential use. The parcel is a bit oversized, being comprised of 1.5 lots. This parcel is approximately 12,300 sq ft. A minimum parcel size is 7,200 sq ft. Currently, if a parcel owner wanted to establish 2 principal uses the City would want the parcel to be at least as large as 2 minimum sized parcels, or 14,400 sq ft. Therefore, the commercial use on this parcel would be considered an existing non-conforming use. The Zoning code allows a non-conforming use to change to a different non-conforming use.

While the proposed Fitness use is conditionally permitted in this Zoning District, the existing alley access seems like more of a concern for the proposed use than the existing use. The existing use has limited traffic, in that no customers visit the site and it is only utilized by employees. The proposed use requires customers to visit the site, bringing commercial traffic to what is otherwise a residential alley.

The standard concerns with any new use would be adequate parking, smooth traffic flow, garbage pickup, and nuisances to surrounding properties. The zoning code would normally require around 10 parking spaces for this facility. However, because the site already contains an existing use, and the Zoning code only requires parking for increase in spaces required from the old use to the new use. The existing use would require around 4 parking stalls. Therefore, the code would require about 6 parking stalls for this new use. The applicant has stated they expect to need 6 stalls. There appears be space off the alley for 3 legal stalls.

The applicant has indicated that they intend to park 6 cars perpendicular to the alley along their building, and would also like to utilize on-street parking for any additional needs they may have. It does not appear there is enough room from the building to the alley to accommodate a legal parking stall (19 ft). There appears to be 35 ft with 18 ft from the building to the alley and 40 ft with 16 ft from the building to the alley. Perpendicular parking along the building would likely encroach into the alley. There appears to be adequate space for 3 parallel stalls along the alley.

In addition to encroaching on the alley when parking, the increased parking adjacent to the alley would increase the traffic within the alley. As an alley rather than a street, this area is not designed for heavy traffic. At 20 ft wide, and alley is not wide enough to allow 2-way traffic.

There would be space for additional parking to be installed on the other side of the building, which would be accessed from Vine St. It appears there is width for 7 stalls perpendicular to the building. However, there does not appear to be access into the building from the back side. In addition, access to the back side of the garage building would require people to go through the residential driveway on the property. As a single property they may be able to share the drive, but it would not be an ideal situation. The applicant has stated they do not want to add parking on the back side of the building, and would not utilize this site if they had to remove the house to accommodate parking.

Without installing adequate parking on the west side of the building, it would seem utilizing on-street parking would be better than utilizing sub-standard parking along the alley.

The City can approve the CUP to allow a use to begin without all the parking spaces required by code, with the condition that the parking spaces to be added in the future if they are deemed necessary by this City in its sole discretion. Normally, this would occur when an applicant presents a reasonable justification that all the spaces required by the code are not necessary in reality, and that they will be able to provide adequate parking for their use without constructing the number of parking stalls required by the code. This application would be different, as the applicant has stated that they intend to use non-standard or on-street parking for their business.

Due to this being an existing commercial structure, it seems that a Conditional Use could be issued, with the contingency that the proper off-street parking stalls and building access be installed if deemed necessary by the City in its sole judgment. As with any new use, but especially given the unusual nature of this property, any approval should be contingent on the applicant cooperating with the City to adequately address any nuisances that may occur.

Any approval should carry the following conditions:

1. The applicant install proper parking and building access, approved by the City, if it is deemed necessary by the City in its sole judgment.
2. The use of the facility is limited to the 3 stated blocks of time (+- 30 min). Any increased use may require additional approval by the City.
3. The applicant cooperates with the City to adequately address any nuisances that may occur.

Chris Tollaksen  
City of Wis. Dells  
6/9/2017

6

# 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	59963
Application number	CUP 10-2017

**1. Applicant information**

Applicant name WD CEF, LLC.  
 Street address 5897 Clara Ave.  
 City Wis. Dells  
 State and zip code WI, 53965  
 Daytime telephone number 608-844-0456  
 Fax number, if any \_\_\_\_\_  
 E-mail, if any LC24098@yahoo.com

**2. Subject property information**

Street address	<u>820 Vine St.</u>	
Parcel number	<u>11291-1005</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>C-1 Commercial Neighborhood</u>	
Describe the current use	<u>Rental home &amp; business (Electrical business w/ work area &amp; storage)</u>	

**3. Proposed use.** Describe the proposed use.

Rental home stays as is.  
4 stall garage would be used as a fitness facility

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

We currently operate on Broadway - we are a studio with all class times that are one hour long w/ an instructor - Class times are 5-6a, 8-9a, 3:30-6:30p  
We change the schedule every few months, but those are the time slots +/- 30 minutes

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

[Empty rectangular box]

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.

Our class size is generally 8 people (+/- 2) we would need 6 spaces for cars as that is typically what we see now.

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

We are a community based business, providing a place of health & fitness to our residents.

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

Minimum # of people, there would be little to no impact on traffic & it is only for certain times of the day.

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

The garage as it is now is a perfect set up for a fitness facility (i.e. bathroom, office, roll up doors)

d. Effects of the proposed use on the natural environment

None.

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

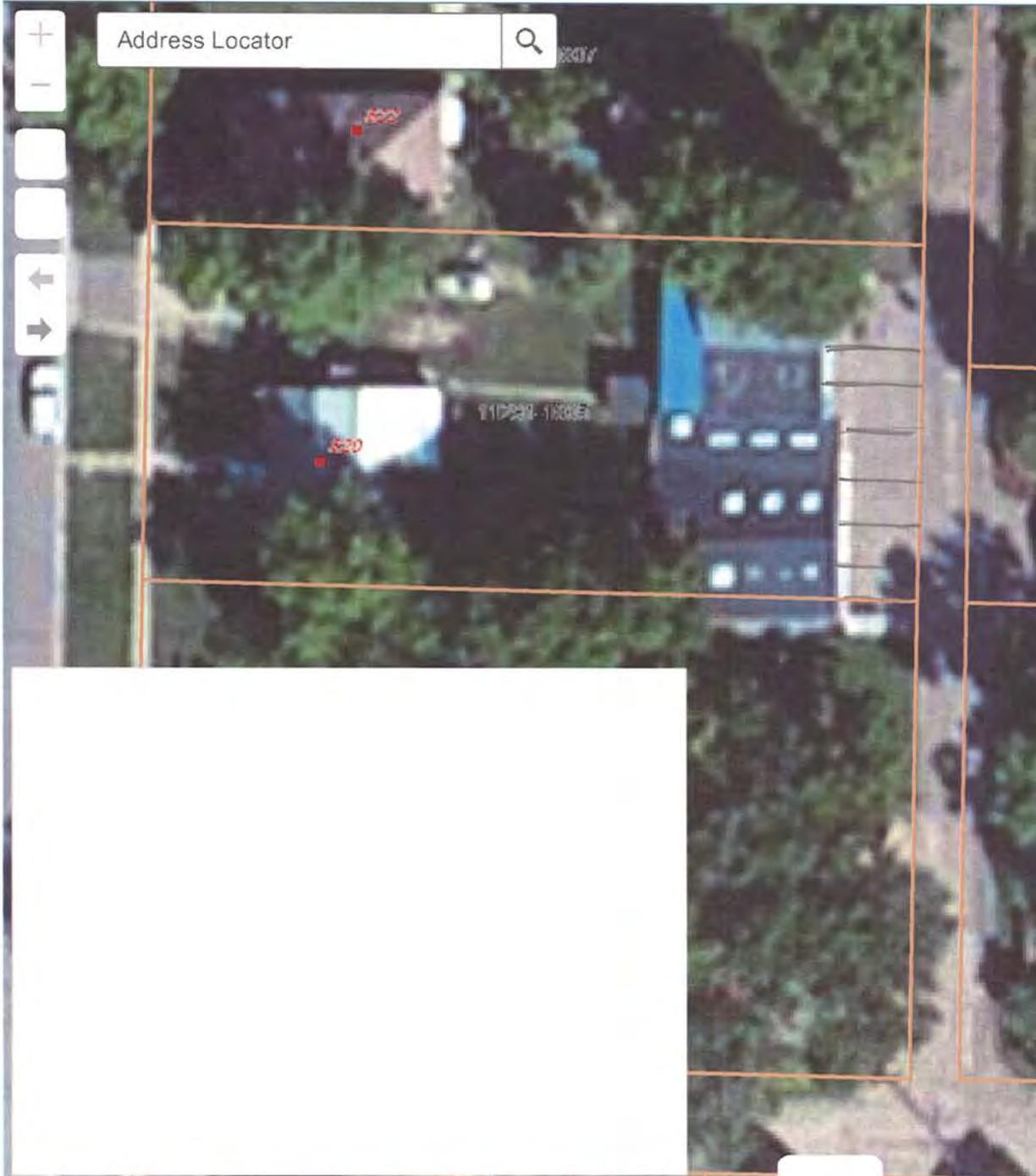
We are not open past 7pm. Our members leave the gym & orderly head to car & go home.

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

None

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

NONE



### Basemap Gallery



Imagery



Light Gray Canvas



National Geographic



OpenStreetMap



Streets



Terrain with Labels



Topographic



USA Topo Maps



USGS National Map



World Navigation Map

garage is 2 x 2 car  
 plus 30 ft between  
 we are asking for  
 6 spaces along the  
 garage.

ADDDL SPACES AS OVERFLOW

11291-1007

822

Map data not yet available

Map data not yet available

Map data not yet available

Driveway

11291-1005

820

house

garage

- 1
- 2
- 3
- 4
- 5
- 6

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

We are requesting 6 spaces along alley & street parking if necessary.

April 30<sup>th</sup>, 2017

To:

City of Wisconsin Dells  
Parking Commission

From:

Waterman Investments, LLC. (Land owner)  
WD CEF, LLC. dba Cutting Edge Fitness (Tenant)

Re:

Conditional Use Permit to operate a fitness facility and allow for 6 parking stalls

Members of the Committee:

Please find our attached application for a conditional use permit for the use of the garage, currently occupied by Dennis Electric, as a fitness facility.

Thank you for your consideration and please do not hesitate to contact Holly Waterman, or Cory Waterman may you need any additional information or have any further questions.

Holly Waterman 608.844.0456

Cory Waterman 6098.963.0336

A handwritten signature in black ink, appearing to read "Holly Waterman", is written over the printed name and phone number.

2501 River Rd. – Chula Vista

Conditional Use Permit & Site Plan – Outdoor Entertainment/Recreation & Amusement ride

Staff Report for Plan Commission, 06/14/17

The Planning & Zoning office has received a Conditional Use Permit and Site Plan application from A&G Rentals / Chula Vista Resort to allow Outdoor Entertainment/Recreation & Amusement Ride on Adams Co, City of Wis. Dells tax parcels 291-0038-00015 & 291-0038-00020. This request is to add Outdoor & indoor climbing walls, Ziplines, Hover Boards, aerial park (1 permanent & 1 may be trailer mounted), a kiddie train unit, and a bungee trampoline. Some structures will also be constructed to cover or house some of these uses or supplies for these uses. These uses are all to be added in and around the existing Waterpark area. The site map provided shows the location of these facilities. This property is in the C-4 Commercial-large scale Zoning District, which requires a CUP for Outdoor entertainment / recreation.

As additional activities within an existing approved Outdoor Entertainment/Recreation use area, with existing permanent structures for restroom and ticket sales operations, this would not be considered a use without a permanent structure with washrooms.

Site plan approval is required for any new commercial buildings.

In addition to permanent restroom and sales buildings, the Chula Vista facility has significant parking facilities to accommodate the existing recreation uses. It is expected that the new uses provide additional activities to existing patrons to this facility. The same rationale would apply to any other potential effects on the area, as additions to an existing use and development, no significant impacts are expected.

Any new commercial structure structures would have to obtain building permits, and amusement rides are inspected and licensed by the State. Approval of these uses should be contingent on them holding all the appropriate licenses and permits.

**Conditions of any CUP approval:**

- 1) All associated license and permits are obtained and in good standing.

Prepared by: Chris Tollaksen, City of Wisconsin Dells.

**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	59934
Application number	11-2017

**1. Applicant information**

Applicant name ATG Rentals. Inc / Chula Vista Resort.  
 Street address 2501 River Rd.  
 City Wisconsin Dells WI  
 State and zip code 53765  
 Daytime telephone number 608 235 2333  
 Fax number, if any \_\_\_\_\_  
 E-mail, if any mikek @ chula vista resort. com

**2. Subject property information**

Street address	<u>2501 River Road,</u>	
Parcel number	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>Water Park</u>	

**3. Proposed use.** Describe the proposed use.

Adding an outdoor + indoor climbing wall,  
 ZIP LINES, Hover Boards, + Aerial Park.  
 1/ permanent + 1 may be a trailer mounted unit. ~~to~~

ADD KID TRAIN + BUNGEE TRAMPOLINE

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

INDOOR 8am til midnight  
 outdoor - Daylight hours.



# SITE PLAN 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 form from the zoning administrator.

- Office Use Only -

Initial application fee	\$300
Receipt number	_____
Application number	_____

**1. Applicant information**

Applicant name Chok Vista Inc.  
 Street address 2501 River Road.  
 City Wis Dells WI 53965  
 State and zip code \_\_\_\_\_  
 Daytime telephone number 608 235 2333  
 Fax number, if any \_\_\_\_\_  
 E-mail, if any mikek@chokvistaresort.com

**2. Subject property information**

Street address	<u>2501 River Road</u>	
Parcel number	<u>291-380-20</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	<div style="border: 1px solid black; border-radius: 50%; padding: 5px; display: inline-block;"> <u>outdoor Amusement - train ride, zip line, Aerial Park, Depo + Garage for train, chainy walls + INFLATABLE Blow up structures</u> </div>	

**3. Proposed use.** Describe the proposed use.

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

Daylight hours of operation until 11pm.

**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: May 21, 2007

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

NONE

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

NONE

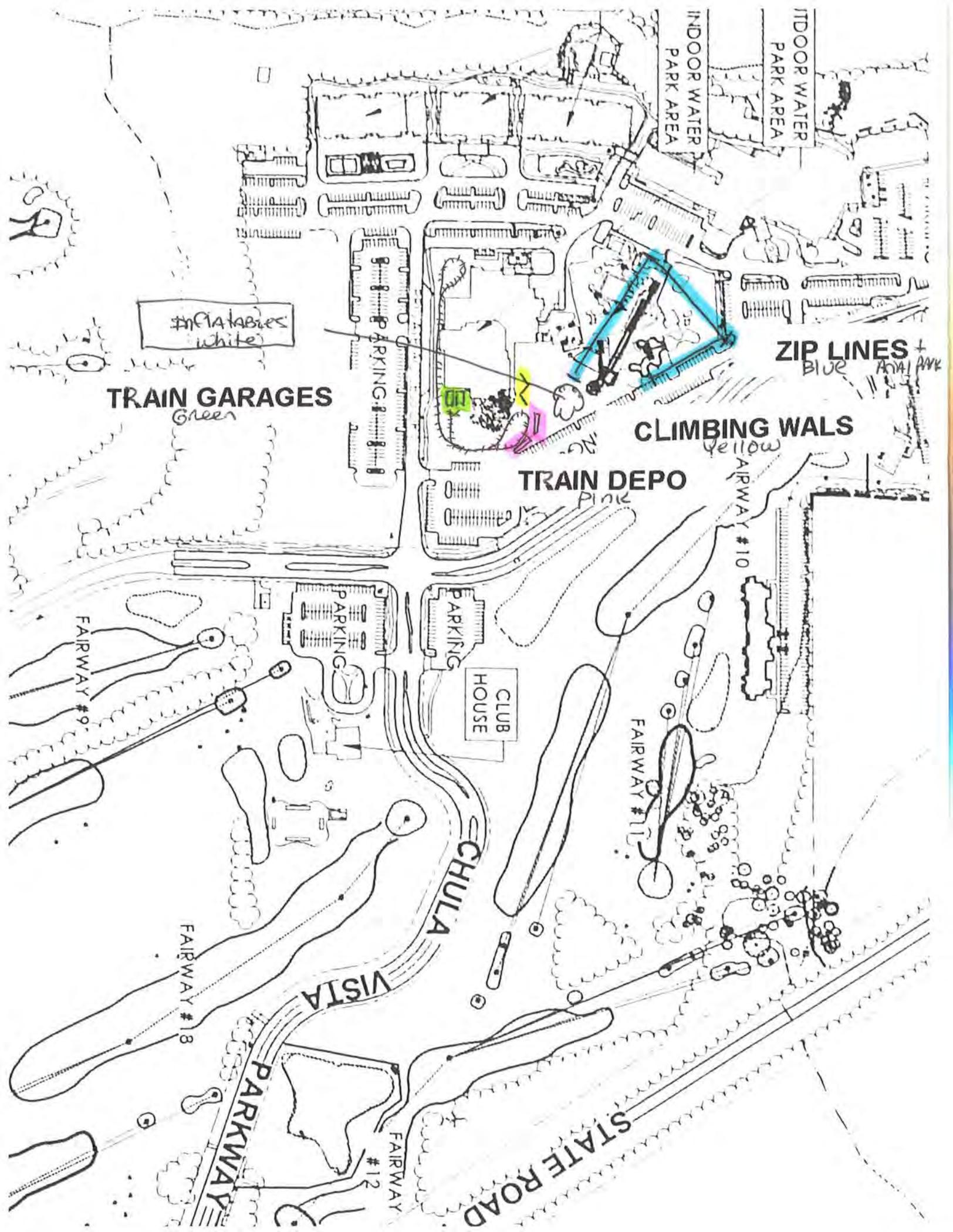
e. The overall appearance of the project

modern construction to match desert.

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.





INDOOR WATER PARK AREA  
INDOOR WATER PARK AREA

Inflatables white

TRAIN GARAGES  
Green

PARKING

TRAIN DEPO  
Pink

CLIMBING WALLS  
Yellow

ZIP LINES  
Blue

CLUB HOUSE

CHULA

VISTA

FAIRWAY #9

FAIRWAY #8

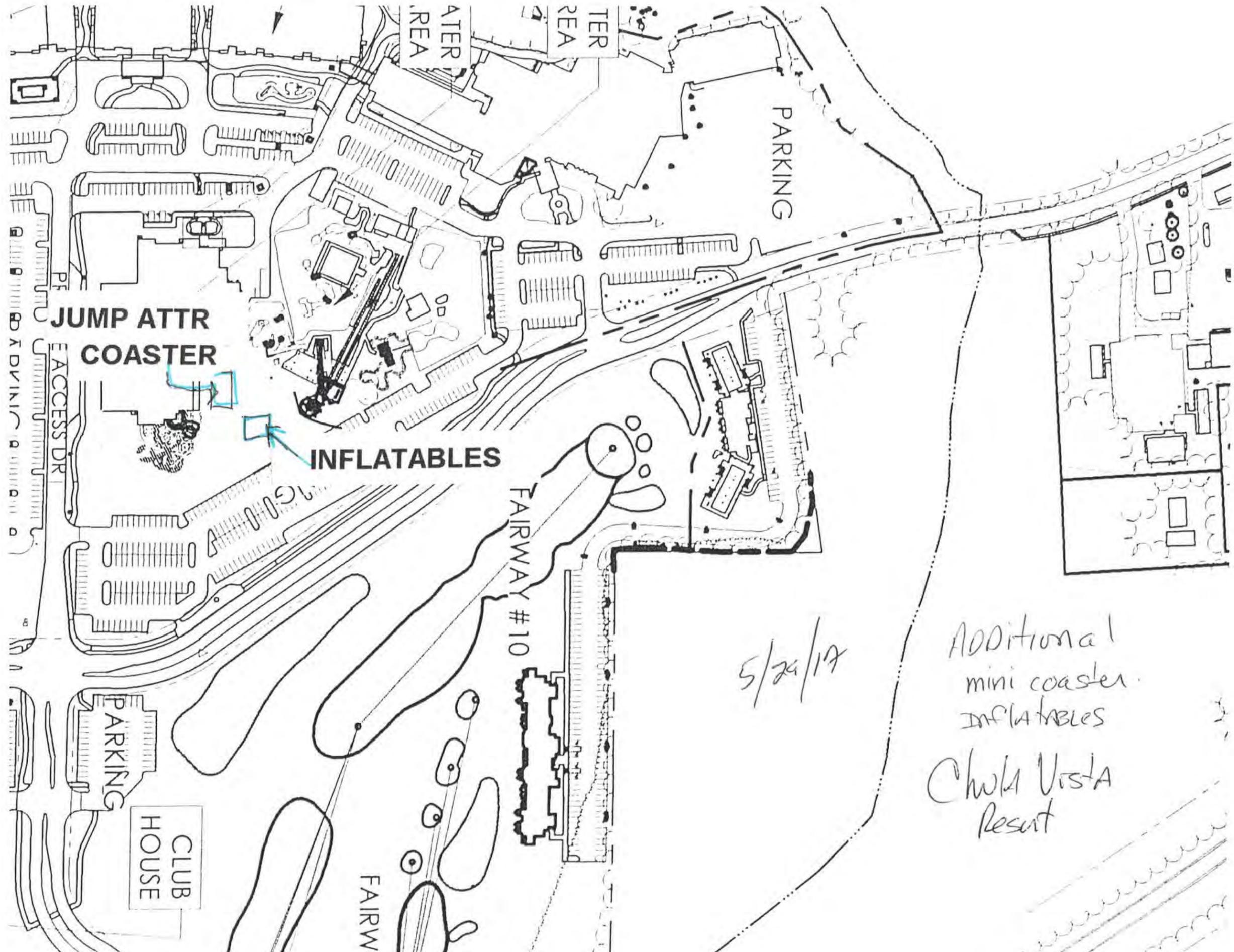
FAIRWAY #11

AIRWAY #10

FAIRWAY #12

PARKWAY

STATE ROAD



5/24/17

Additional  
mini coaster  
INFLATABLES  
Chula Vista  
Resort

### Original Woodside CUP Review

The City has received nuisance complaints from neighbors of the Woodside Sports Complex dating back to the first opening of the facility. These complaints have primarily been about amplified music being played at the facility. The complaints have included the music being played when there was no activity at the facility, the music being played too loudly, and the music played too early.

The initial application for this facility did not include amplified music as part of their operating conditions, and only referenced "PA / Announcements" as possible off-site conditions. The Staff report for the original permit commented that it was understood the amplified announcements would be limited to Championship games. The Staff report for the original permit brought up noise concerns, and asked that the applicant cooperate with the City to minimize these concerns.

The City has also received complaints about the number of balls that leave the facility and go into the road and neighboring properties. It appears much taller barrier exist between the field than exist between the facility and the road.

Chris Tollaksen  
City of Wisconsin Dells  
Planning & Zoning

Item: 16

RESOLUTION NO. 4002

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 August 7, 2013 meeting;

To APPROVE a Conditional Use Permit to Woodside Sports Complex LLC in order to allow the following land uses on Parcels 291-00520-0000, 291-00530-0000, 291-00620-0000, 291-00630-0000, 291-00640-0000 and 291-00650-0000:

- Primary Land Use 12.8 – Outdoor Entertainment/Recreation
- Accessory Land Use 20.10 – Garage, Non-Residential
- Accessory Land Use 20.13 – Outdoor Commercial Food & Beverage Service
- Accessory Land Use 20.25 – Walk-up Service Window
- Use of Temporary Restrooms per Mun. Code sec. 19.675

As a general contingency for a project of the size, the final plans must meet approval of city staff. This project plan indicates that most of the utilities for this project will be newly installed. All utilities must be constructed to city standards and utilities that end up in the road right of way which will be dedicated to the city after construction.



\_\_\_\_\_  
Brian L. Landers, Mayor



\_\_\_\_\_  
Nancy R. Holzem, City Clerk

Vote: 6 ayes 0 nays  
Date Introduced: August 19, 2013  
Date Passed: 8-19-13  
Date Published: 8-28-13

Conditional Use Permit & Site Plan  
Woodside Sports Complex  
Staff Report for Plan Commission, 08/07/13

The City has received a Conditional Use Permit and Site Plan Permit application from Woodside Sports Complex to construct a large soccer and baseball field development on Adams Co, City of Wis. Dells tax parcels 620, 630, 640, 650, and a portion of parcels 520 and 530.

This applicant is applying for CUP and Site plan approval concurrently and many of the issues addressed for these 2 permits are the same, however independent public hearings and approval will be required for the CUP and Site Plan respectively. CUP approval is generally more of a concept approval of the use and the Site Plan is approval of the more specific plans for the project. This report will try to address items for each application separately, but there will be many overlapping concerns. For the CUP consideration the main objective will be to describe the use being proposed.

**CUP Report:**

This project will involve the creation of the following land uses which require Conditional Use Permits, as described by the City of Wis. Dells Zoning Code:

Principal Use - 12.8 "Outdoor entertainment/recreation"

Accessory Uses- 20.13 "Outdoor commercial food and beverage service"

20.25 "Walk-up service window"

Temporary restrooms – requires CUP approval per Zoning code Sec. 19.675

The applicant is proposing constructing 6 outdoor baseball fields and 10 outdoor soccer fields, along with a concession stand with walk-up windows and outdoor seating areas. The applicant may also wish to install temporary restrooms on the facility. The current plan is for the 6 baseball fields and 8 soccer fields on the southern portion of the property to be synthetic grass, and the 2 soccer field near the large parking lot on the northern portion of the property would be grass, irrigated by a new private well. The total site is 64.11 acres, which includes a 100 ft right of way from STH 13 to Lane and a 66 ft right of way for a backage road that could serve existing commercial uses on STH 13. A chain link fence is proposed to surround all the ball fields. The applicant would like to start construction on the site as soon as possible. This site is currently owned by the City, which purchased the property with the intent to develop the ball fields. This site is currently unused fields, mostly cleared of trees. The intent is for the one significant wooded area on the property to remain. The plan is for the fields to be utilized to host large scale youth athletic tournaments.

This development is directed towards the players and their families and not necessarily to draw a large number of spectators to the events. Still, the size of the facility will allow for a large number of teams to attend tournaments, causing a significant increase to the traffic and activity at the site. The tournaments are proposed to run from 8am – 10 pm, and may run later if there are delays due to weather or other issues. There will be a lighting installed on the fields and an amplified announcement system.

A new access for this site, likely a roundabout, will be constructed on STH 13 in accordance with WisDOT standards. A Traffic Impact Analysis has been completed and is currently being reviewed by WisDOT.

A clubhouse will be constructed centrally on the grounds and will provide an area for teams and organizers to coordinate the activities. The existing wooded area on the site will remain for the purposes of shading and a concession stand will be constructed within the wooded area. The concessions will likely be sold from walk-up windows, with outdoor dining areas created in the shade of the existing trees. Additional picnic tables and other seating will likely be scattered throughout the site. On the east of the property will be the maintenance building and garbage containers, which will be accessed from Ave. Between the clubhouse and concession stands will be a playground. Batting cages will be installed near the 4 baseball fields and a soccer warm up area will exist at the southern tip of the property.

The applicant may wish to utilize temporary bathrooms at the southern tip of the property. Additional temporary restroom may be utilized to service the northern soccer fields that are more than 500 ft from the clubhouse and concession stand. Use of temporary restrooms is being considered under Zoning code section 19.675, which requires all commercial activity occur on a premise having a permanent building with permanent plumbing. As this requirement can be waived using the CUP process, the applicant's request to use portable restrooms to meet restroom requirements is part of the CUP approval. A more detailed description of the restroom situation for this project is included in the site plan report.

Traffic, lighting, and amplified announcements would appear to pose the most potential for significant impact on the surrounding properties. Approval of this CUP should come with the contingency that developer cooperates with the City to minimize any effects on surrounding properties.

### **Site Plan Report:**

This project will involve a significant amount of land disturbance, which will require the applicant to obtain a grading permit from the DNR. As a ball field development this project will not involve the creation of a huge amount of impervious area, so increased run-off is not as big of a concern. A storm water management plan will be conducted for this development and approved by City staff.

#### **1. Parking**

The largest creation of impervious area will be the parking lot to be constructed on the north portion of this plan. In part to alleviate costs but also to improve storm water infiltration a significant amount of this parking lot will not be paved. The parking south of Woodside way will all be paved. For the large parking lot north of Woodside Way, the southern will be paved, the center will have paved aisles but grass parking stalls and the northern will be all grass. Due to the size of this project and the distance from the gated entries to other potential parking areas, it seems very unlikely that patrons to this facility would park anywhere besides within this facility. In addition, while the applicant's objective would be to utilize this facility at maximum capacity as much as possible, it is unlikely that this will occur immediately. Therefore, there does not seem to be a major concern with the main parking lot including grass parking stalls. Infrastructure designs, such as stormwater ponds, will be sized based on a fully paved parking lot. It would seem that any issues with the parking at this facility would be felt primarily by the operator of the facility. It would also seem that if traffic at this facility is so high that more paved parking would be required, the applicant should be in a position to invest in more paved parking at that time. That said, this facility represents a rather unique case in determining the maximum capacity. The applicant provided an estimate for facility occupancy using the known number of players and coaches per team and the maximum number of teams this facility could accommodate. An estimate of just under 2 spectators per team member (players & coaches) was used. The applicant has calculated that if every field were to be utilized at maximum capacity there would be a total of 660 players and 1200 spectators for a maximum capacity of 1860 people utilizing the facility. Using the standard in the zoning code to provide 1 parking stall for every 3 patrons, this facility should have 620 parking stalls.

The applicant currently has an existing facility up and running at the Woodside Ranch property in Mauston. The applicant has provided their observations of parking usage at that facility (currently only baseball fields). The applicant has then made some assumptions and conversions to translate the number of cars that will arrive at the Wis. Dells facility based on the current observations at Mauston facility. Those calculations produced a maximum parking requirement of 900 stalls for the proposed Wis. Dells facility. This seems to follow the logic that there will be some overlap of the patrons at the facility for on-going games and those who will arrive at the site for the following games.

The proposed parking plan would provide 325 fully paved parking stalls (132 clubhouse, 193 north lot), with another 310 grass parking stalls with paved aisles. The plan also includes another 325 parking stalls that would be graded and grass only. The applicant is figuring on there being some overlap between patrons actually utilizing the playing fields of the facility and those patrons who would be preparing to utilize the fields when those games are completed. The current plan also includes 78 parking stalls at the maintenance

building that would be utilized by facility staff. This comes to a grand total of 1038 stalls. By all accounts the proposed total number of stalls should be adequate for this facility. The number of totally paved stalls does not meet the code requirement based on maximum capacity, however the applicant does not expect to achieve maximum capacity immediately. It has been past practice to allow facilities to not fully pave their required parking as long as they have the space to expand their paved parking in the future, if necessary.

## **2. Pedestrian Crossing**

Another item of concern would be the pedestrian crossing of Woodside Way, from the parking lot to the ball fields. Approval of this site plan should be contingent on City approval of the final crossing design, with the thought that the crossing may move away from the parking lot entrance to allow separation of pedestrian crossing and vehicle traffic into and out of the parking lot.

## **3. Bathrooms**

The plan application shows 3 permanent buildings, all of which will be equipped with restrooms. A restroom location has been identified at the south tip of the property. The applicant has expressed a desire for this restroom facility to be temporary restrooms. It is understood that these facilities will not be porta-potties, but rather the new portable restroom facilities in trailers with sinks and flushable toilets. It should be noted that the temporary restrooms are proposed to be constructed almost directly over City water and sewer facilities. The building code standard is for path of travel to restrooms to be within 500 ft. The 3 public restroom facilities on the south portion of the property provide restroom within 500 ft of the 8 soccer fields and 6 baseball fields. However, the 2 grass soccer fields near the large parking lot to the north of the property will be much further than 500 ft from the restrooms. It is expected that when these northern fields are utilized, additional portable restroom may be utilized north of Woodside Way.

Based on the occupancy projections utilized for the parking requirements, there may be a significant number of bathrooms required for this facility. Approval should be granted now if temporary bathrooms are going to be allowed to meet these requirements. Obviously, portable bathrooms could be moved to ensure they are within reasonable distances to patrons of the ball fields.

## **4. Utilities (existing easements)**

Utilities exist on the along the southern border of the property that were installed to for the Prairie Oak Subdivision. The majority of the ball fields are outside of the utility easement, but the southern most soccer field is over the utilities. The City needs to have easements in place over these utilities. The applicant must be aware that if there are any issues with these utilities, the City may have to dig them up to be repaired on short notice. The City will fill any hole to sub-grade, but will not be responsible for replacing the soccer fields to their improved state. It should also be noted that some of the utilities we installed outside of the described easement and that easement will need to be modified. Access to these utilities shall be provided through the perimeter gate surrounding this facility.

## **5. Additional Utility Easements**

To ensure property north of this development can be served by City utilities in the future, the City would like a 10 ft utility easement along the east side of the n-s backage road, so that future sanitary sewer can be installed without tearing up the road.

## **6. Hydrant Accessibility**

All hydrants are to be made accessible, primarily for emergency response. It should be noted that if the backage road along STH 13 is not constructed, the developer shall be responsible for providing adequate access, approved by the Fire Chief, to the hydrant that is to be located in that right of way. The City would also want to have access to hydrants on private property for routine exercising of valves to ensure everything will function properly if an emergency situation should occur.

## **7. Private Well**

The applicant would like to install a private well to irrigate the 2 grass soccer fields on the north of the project site. Private wells may be permitted within the City, particularly if such wells do not feed systems that utilize the public sanitary sewer. Private wells are subject to well permit requirements.

## **8. Privacy fence abutting residential properties**

This development will represent a significant change to the area. This site is surrounded by a mix of commercial, agricultural, and single family uses.

Privacy barriers should be installed in the perimeter fence adjacent to residential uses.

## **9. Future light screens, if necessary**

Lighting at this site would be designed to stay on the ball fields and not bleed off onto neighboring properties. The applicant is expected to cooperate with the City to address any issues that may occur due to lighting bleeding onto neighboring properties.

The applicant has stated that amplified announcement of play by play will not occur at the vast majority of games; play by play may only occur for the championship game of a significant tournament. Otherwise amplified announcement should only occur for emergency/weather reports.

The City has been working on developing ball fields in this area to help increase traffic to the Dells area. However, these ball fields are designed more to cater to teams rather than to a large amount of spectators. So traffic should be spread out over the entire day, rather than huge surges of traffic at one particular time (i.e. when a game ends). A Traffic Impact Analysis has been performed to help ensure roadway improvements made will be adequate to handle the traffic that this development would generate. The new access off STH 13 will be onto the new Woodside Way which will connect STH 13 to this project and continue east to Ave. Woodside Way will be a four lane road from STH 13 to the parking lot entrance towards the middle of the property. East of the parking entrance Woodside Way will continue as a 2-lane road to Ave. This portion of the roadway will be constructed to be easily converted to a four lane road if traffic needs increase, potentially for a new school east Ave. The right of way for Woodside way will also be large enough to allow utilities to be run east to Ave in the future without disturbing the roadway.

As a large unused field this property is well suited for the development of large outdoor ball fields.

This property was annexed into the City with the intention of developing an outdoor sports complex on this site. The comprehensive plan was updated in January 2013 to include this property as a potential commercial use in preparation of the development of ball fields on this site.

As most of the development of this property will be grading with relatively little creation of impervious area, this commercial development would have relatively low impact on the natural environment. This property is already mostly cleared of trees and the one significant wooded area that remains on the property will be saved and incorporated as an outdoor seating area.

This development will create a significant increase in traffic at this site. As such a Traffic Impact Analysis has been completed and a new improved intersection with STH 13 will be constructed. Construction of a new access off of STH 13 will not be able to begin until next year, after the facility is opened. Therefore, a temporary access will have to be utilized in 2014.

It is the expectation that this project will spur development of permitted uses on the surrounding properties.

The main items highlighted for consideration are:

1. Applicant would like to incorporate grass parking, with paved access to required stall and all grass for overflow stalls.
2. Potentially provide separation between the pedestrian crossing of Woodside Way and the vehicle access off Woodside Way into the parking area.
3. Applicant requests permission to utilize Temporary Bathrooms
4. The City would like utility easements that cover existing utilities on south of property and acknowledgement that the City is not responsible for ball fields surfaces that must be disturbed during emergency service of utility mains.
5. The City would like utility easements to property north of this development so that future utilities could be installed with minimal roadway disturbance.
6. Fire Hydrants are to be accessible to the City. This includes providing paved access if potential roads are not developed and allowing access to private hydrants so they can be exercised.

7. The applicant would like to create a Private well to irrigate the 2 grass soccer fields.
8. Privacy screens should be included in the chain link boundary fence where the project abuts residential properties.
9. Additional screening of field lighting should be provided to abate excessive light bleed onto neighboring properties, if a legitimate issue is found after development is completed.

As a general contingency for any project of this size, the final plans must meet approval of City staff. This project plan indicates that most of the utilities for this project will be newly installed. All utilities must be constructed to City standards and utilities that end up in road right of way will be dedicated to the City after construction.

Chris Tollaksen  
Wis. Dells Public Works

# 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	42769
Application number	L210-2013

**1. Applicant information**

Applicant name Woodside Sports Complex  
 Street address W 4217 50<sup>th</sup> St  
 City Mauston  
 State and zip code WI 53948  
 Daytime telephone number 800-517-8360  
 Fax number, if any 608-478-0991  
 E-mail, if any lmassey@woodsideranch.com

**2. Subject property information**

Street address	N/A
Parcel number	29100650000, 29100630000, 29100640000 <small>Note: the parcel number can be found on the tax bill for the property or may be obtained from the City.</small>
Current zoning classification(s)	C4
Describe the current use	Vacant farmland

**3. Proposed use. Describe the proposed use.**

Multi Sport Athletic Facility, to include concessions, retail, offices, maintenance, and other related amenities, temporary restrooms.

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

8A-10p, to include focused lighting on the fields.  
 A fence will surround the property. Play AFTER 10PM MAY OCCUR IF DELAYS OCCUR DUE TO WEATHER OR OTHER.

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

6. 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.

Exterior lighting, New Hwy 13 intersection, Parking on Site,  
PA/ANNOUNCEMENTS

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  
This area is not in the city's comprehensive plan, however the city had looked to develop sports fields here before.
- b. Effects of the proposed use on traffic safety and efficiency and pedestrian circulation, both on-site and off-site  
A public street will be created for direct access to Hwy 13, with a proposed roundabout @ STM 13
- c. The suitability of the subject property for the proposed use  
This area has been considered for quite some time for this use.
- d. Effects of the proposed use on the natural environment  
Minimal on vacant farm land
- e. Effects of the proposed use on surrounding properties, including operational considerations relating to hours of operation and creation of potential nuisances  
Some traffic and volume of guests, FIELD LIGHTING (MINIMAL EFFECT)
- 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, THIS MAY PROMOTE ADDITIONAL COMMERCIAL DEVELOPMENT IN THE FUTURE
- g. Effects of the proposed use on the city's financial ability to provide public services

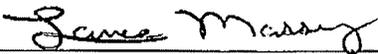
**CONDITIONAL USE APPLICATION**  
**Wisconsin Dells, Wisconsin**  
 Version: May 21, 2007

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

**8. Applicant certification**

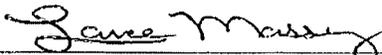
◆ I certify that the application is true as of the date it was submitted to the City for review.
◆ I understand that I may be charged additional fees (above and beyond the initial application fee) consistent with the agreement below.

	7/23/13
Applicant Signature	Date

<b>Governing Regulations</b>	The procedures and standards governing this application process are found in Chapter 10, Article 4, Division 6, of the City's Municipal Code.
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**Reimbursement Agreement for Application Review Costs**

<p><b>A. Payment for Eligible Costs.</b>                  By submitting this application for review, the applicant agrees to pay all administrative costs incurred by the City in the processing, study, and review of the application including costs for planning, legal, engineering, and related services, referred to herein as eligible costs.</p> <p><b>B. Guarantee of Payment.</b>                  To guarantee reimbursement, the applicant shall submit one of the following along with this application:</p> <ol style="list-style-type: none"> <li>1. an irrevocable letter of credit in the name of the City in an amount as set by the zoning administrator; or</li> <li>2. a cash deposit in an amount as set by the zoning administrator.</li> </ol> <p>If a cash deposit is used to guarantee reimbursement, the City will periodically deduct from the cash account such amounts necessary to pay for eligible costs and submit a written statement to the applicant. If a letter of credit is used, the applicant agrees to pay such amounts as invoiced within 7 days of the invoice date. An interest rate of 1½ percent shall be charged on invoices not paid within 30 days of the invoice date. The City shall access the letter of credit to pay for overdue invoices, including late penalty charges, and submit a written notice to the applicant.</p> <p>If remaining monies in the cash account are insufficient to pay for current and reasonably anticipated eligible costs, the applicant agrees to deposit additional monies into the cash account in an amount as set by the zoning administrator. If the principal amount of the irrevocable letter of credit is insufficient to pay for current and reasonably anticipated eligible costs, the applicant agrees to submit a second letter of credit in an amount as set by the zoning administrator. The applicant may withdraw this application prior to final action by the City Council by submitting a written letter to the City. Upon such notice, the City shall cease all work related to the review of the application. However, withdrawal of this application does not terminate this reimbursement agreement.</p> <p>If the applicant does not pay for eligible costs, the City Clerk/Treasurer shall add the outstanding balance to the tax roll as a special assessment against the subject property. In addition, the City may pursue other legal means to obtain the outstanding balance as allowed by law.</p> <p><b>C. Termination of Guarantee.</b>                  If a cash deposit is used to guarantee reimbursement, the City agrees to reimburse the applicant any unused monies in the cash account, including earned interest, within 60 days of the date when the City Council takes final action on the application. If a letter of credit is used, the City shall send a written letter to the applicant releasing the applicant from the letter of credit when all outstanding invoices have been paid.</p>
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	7/23/13
Applicant Signature	Date

1770 STH 13 – Woodside Sports Complex  
Conditional Use Permit & Site Plan – Outdoor Entertainment/Recreation  
Staff Report for Plan Commission, 06/14/17

The Planning & Zoning office has received a Conditional Use Permit and Site Plan application from Woodside Sports, LLC to allow Outdoor Entertainment/Recreation on Adams Co, City of Wis. Dells tax parcel 291-0062-00010. This request is to add 3 to 5 blow up structures for children to bounce & play on (bounce house, obstacle course, slide, ect.) These uses are all to be added in an open area near the batting cages at the existing Woodside ball fields. The site map provided shows the location of these facilities.

This property is located in the C-4 Commercial-large scale Zoning District, and a Conditional Use permit is required for Outdoor entertainment/recreation uses in this zone. As additional activities within an existing approved Outdoor Entertainment/Recreation use area, with existing permanent structures for restroom and ticket sales operations, this would not be considered a use without a permanent structure with washrooms.

Inflatable are considered Amusement rides by the State DSPS and will require state registration and inspection.

A concern with inflatable structures outside would be that they are properly anchored so they are not blow around by the wind. These structures should remain current and compliant with any requirements for permitting, licensing, and inspection requirements.

The Woodside facility has limited permanent parking facilities and has an agreement with the City to utilize City owned property directly north of their venue for overflow grass parking. It is expected that the new uses provide additional activities to existing patrons to this facility. The same rationale would apply to any other potential effects on the area, as additions to an existing use and development, no significant impacts are expected.

The only concern with this request would be in nuisance complaints the City has received from the existing use from neighboring property owners. As part of the original Permit for this facility, the City brought up the concern of nuisances to existing residences in the area, specifically amplified noise concerns. The City asked that Woodside cooperate to minimize any nuisances from their facility. The City has not found Woodside cooperative in addressing these nuisance concerns. It does not seem prudent to approved permits for additional uses at this Site unless Woodside can be cooperative with the City on concerns with the existing uses.

**Conditions of any CUP approval:**

- 1) Woodside is not found to be in violation of the City noise/nuisance Ordinance.
- 2) The inflatables are all property registered and licensed.
- 3) The inflatables are securely anchored.

Prepared by: Chris Tollaksen, City of Wisconsin Dells.

# 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	60041
Application number	12-2012

**1. Applicant information**

Applicant name Woodsize Sports LLC  
 Street address 4177 N. Hwy 13  
 City WIS Dells WI 53965  
 State and zip code \_\_\_\_\_  
 Daytime telephone number 608 432 3400  
 Fax number, if any \_\_\_\_\_  
 E-mail, if any chris clechir@woodsize sports.com

**2. Subject property information**

Street address	<u>4177 N. Hwy 13</u>	
Parcel number		<small>Note: the parcel number can be found on the tax bill for the property or may be obtained from the City.</small>
Current zoning classification(s)	<u>Commercial</u>	
Describe the current use	<u>LAWN-</u>	

**3. Proposed use.** Describe the proposed use.

to install 3 to 5 Blow up structure for children to bounce + play on.  
 (Bounce house, obstacle course, slide, etc.)

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

Daylight hours.

# 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

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

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

NONE

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

NONE

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

Good. NONE sport participants can have  
Additional entertainment

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

NONE

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

NONE

- 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

Proposed  
Location



INFLATABLE



Conditional Use Permit – Bluegreen Timeshare

29 Broadway

Staff Report for Plan Commission, 6/14/17

The City of Wis. Dells has received a Conditional Use Permit (CUP) application from Alexis Eli for a Walk-up Service Window at 29 Broadway, Columbia Co, City of Wis. Dells tax parcel 291-600. This property is located in the C-2 Commercial – downtown Zoning District. A Conditional Use Permit is required for a Walk-up service window in this Zoning District.

This location is an existing small booth located at the east end of the Riverfront area. There is no access for the public within this booth, and it was constructed and used in past to serve customers standing outside the booth on the sidewalk. This booth has not been actively used for several years. If a Conditionally permitted use is discontinued for more than 12 months a new CUP must be obtained before the use can start again. The applicant is renting this location and intends to open a Visitors office and sell mini vacation packages and attraction tickets from the booth in the summer months.

A concern with the use of a Walk-up service window onto the public sidewalk is the disruption of pedestrian flow on the sidewalk. Any approval of this CUP must be contingent on the applicant managing any lines that may form at the window to ensure pedestrians flow along the sidewalk is maintained. As a general rule a minimum of 4 ft of clear sidewalk must be maintained. The sidewalks at this location are approximately 11 ft from building to curb, and there is an alcove at the booth that would allow customers to leave the public sidewalk when at the booth.

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. No speakers should be mounted to the exterior of the building. Any pamphlets, flyers, or other literature of any kind is only provided to customers at the booth, and should not be offered to passersby to attract their attention or for any other reason. In anything from this ticket booth becomes litter in the surrounding area, even if it is not directly in front of the ticket booth, the applicant is responsible for ensuring that litter is properly disposed of.

If signage is installed on the building for this use, it is to be removed immediately if this use discontinues or if the applicant no longer leases the premise.

The fire department has expressed concerns with these ticket booths in town. The applicant will have to ensure that any use of this space meet the approval of the fire department.

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

1. The applicant maintains a clear path for pedestrian traffic around their Walk-up service window.
2. The applicant maintains the sidewalks in front of their businesses, and cleans up litter associated with there business from the surrounding area.
3. The applicant complies with any concerns from the fire department.
4. There is no “barking” or calling out from the booth to people on the sidewalk or street.
5. Any pamphlets or flyers that may be distributed from the booth are only given to customer at the booth, and are not offered to passersby to attract their attention of for any other reason. The applicant cleans the surrounding area of any litter from their business.
6. Any signage installed on the building for this use is removed once this use discontinues or the applicant no longer leases the premise.
7. This permit is non-transferrable. Any new user of this walk-up service window must obtain a new permit

Chris Tollaksen

City of Wis. Dells

6/14/2017

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

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- Office Use Only -

Initial application fee	\$525.00
Receipt number	59964
Application number	13-207

**1. Applicant information**

Applicant name Alexis Eli  
 Street address 4960 Conference Way N #100  
 City Boca Raton  
 State and zip code FL 33431  
 Daytime telephone number 561-443-8896  
 Fax number, if any 561-912-8299  
 E-mail, if any alexis.eli@bluegreenvacations.com

**2. Subject property information** Riverview Boat Line

Street address	<u>31 Broadway, Wisconsin Dells, WI 53965</u>	
Parcel number	<u>600</u>	Note: the parcel number can be found on the tax bill for the property or may be obtained from the City.
Current zoning classification(s)		
Describe the current use	<u>Amusement Park.</u>	

**3. Proposed use.** Describe the proposed use.

OPC Booth - Selling mini vacation packages and attraction tickets  
in established Bldg  
May 31, 2017 - Nov 15, 2017  
No site plan

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

Daily - 9am - 7pm  
\* will be set up as a visitors office.

Conditional Use Permit – Seasonal Workforce Housing

511 Vine St.- new owner for Existing facility

Staff Report for Plan Commission, 6/14/2017

The City of Wis. Dells has received a Conditional Use Permit (CUP) application from Nathan Grindstaff on behalf of Workforce Housing Solutions, LLC for a Seasonal Workforce Housing Facility at the 511 Vine St. This property is in the C-1 Commercial – neighborhood Zoning District, which requires a Conditional Use Permit for Seasonal Workforce Housing.

This property has been operated as a Seasonal Workforce Housing facility for several years. The applicant intends to purchase the facility and continue to run it for Seasonal Workforce Housing. It was a condition of the current owners CUP that any new owners of the facility obtain a new CUP from the City. New operators of a Seasonal Workforce housing facility must obtain a one-time CUP for the use and then annually renew the Seasonal Workforce Housing license.

The current owner of this facility has managed and maintained the facility at a high level of quality. This office has not received any complaints about this facility, and inspections have found it to be one of the best maintained in the City. The applicant has stated that they have been actively managing the facility for the current owner for the last couple of years, and wish to obtain full control of the facility. This office has no reason to believe the applicant will not continue the high quality management and maintenance of the facility, but wishes to make it clear to the applicant they will be expected to do so.

It has been past practice that any approval of a Group Lodging Facility use is granted solely to the current applicant, and cannot be transferred to another party. Any sale of the property will terminate the permit, and any subsequent owner will be required to obtain a separate CUP for this facility. Another past practice is to make it clear to the applicant that approval is contingent on continued diligence to the proper management of the facility. If the facility is deemed to become a nuisance to the surrounding properties, the permit may be revoked.

This property is located in a commercial area that is near a full grocery store, laundry, library, and other services the residences may need. This facility is away from the main commercial area but is still close to the center of town.

This use should not have a significant impact on the traffic circulation in this area.

As this use will take place in an existing facility, the effects on the natural environment will be minimal.

This use could have a negative effect on surrounding commercial properties, as employee housing can become a nuisance property if not properly managed. This property currently is in need of maintenance and the applicant is expected to address these items.

Approval of this permit may contain the following contingencies.

1. The permit is not transferrable, any new owner or operator of this facility must obtain a new permit.
2. The facility shall be properly maintained and managed to prevent it from becoming a nuisance.
3. The City is always provided with a current contact as the site manager. The City may contact this manager with any issues at the facility. That contact, included verbal only, will be considered "Official notice" of any enforcement items, and may be followed up with enforcement actions such as the issuing of citations.

Chris Tollaksen  
City of Wis. Dells

# 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	
Application number	14-2017

1. **Applicant information** Nathan Grindstaff on behalf of  
 Applicant name Workforce Housing Solutions, LLC  
 Street address 3505 N. Main St.  
 City Crossville  
 State and zip code TN, 38555  
 Daytime telephone number 931-459-4474  
 Fax number, if any \_\_\_\_\_  
 E-mail, if any \_\_\_\_\_

2. **Subject property information**

Street address	<u>511 Vine Street</u>	
Parcel number	<u>1113</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>C-1 Commercial Neighborhood</u>	
Describe the current use	<u>Workforce Housing</u>	

3. **Proposed use.** Describe the proposed use.

Workforce Housing for Employee's

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

Operation will be residential in nature.

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

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

Consistency with other similar properties and uses in this area.

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

None

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

Very Good

d. Effects of the proposed use on the natural environment

None

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

With proper management of the property there should be little effect.

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

Positive effects as these buildings will be continually updated and kept clean/tidy.

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

## Employee/Tenant Housing Rules and Regulations

To ensure that all MasterCorp staff utilizing employee housing have a safe, relaxing, and secure place to reside when they are not working. At a minimum, the following rules and regulations have been established. Each resident is required to adhere as described below. (Employee/Tenant to initial next to each rule/regulation)

- \_\_\_\_\_ 1. Individuals who are not employed by MasterCorp are not permitted to reside in the housing unit.
- \_\_\_\_\_ 2. All visitors are to vacate by 10:00 PM each night.
- \_\_\_\_\_ 3. Quiet hours are 10:00 PM to 7:30 AM. It is expected activities and noise that may disturb others are not engaged between these hours.
- \_\_\_\_\_ 4. Alcohol consumption by anyone under the age of 21 years or providing alcohol to anyone under the age of 21 years is prohibited.
- \_\_\_\_\_ 5. The use or storage of any illegal substances on the property is prohibited.
- \_\_\_\_\_ 6. Possession, storage or use of any item which may be a weapon (firearms, explosives/fireworks, poisons, paintball, BB gun/pistol, rifle, pistol, bows, arrows, knives) is prohibited.
- \_\_\_\_\_ 7. Smoking, of any substance, inside units or in any common area is prohibited.
- \_\_\_\_\_ 8. The unit and all common areas are to be kept neat, clean, sanitary and uncluttered at all times.
- \_\_\_\_\_ 9. No items are to be hung outside or left on patios or balconies.
- \_\_\_\_\_ 10. Creating a potential fire hazard and/or disabling and/or removing smoke detectors, fire alarms, or fire extinguishers is prohibited.
- \_\_\_\_\_ 11. Should your unit be equipped with a fireplace, operation/use of the fireplace is prohibited. Any resident who uses the fireplace will be subject to a fine of \$50.00 for each offense.
- \_\_\_\_\_ 12. Residents are expected to adhere to parking policy. Each unit is allotted \_\_\_\_\_ parking spaces to be equally shared by those needing to park their vehicle.

- \_\_\_\_\_ 13. Storage of disabled vehicles and/or vehicle repair on property is prohibited.
- \_\_\_\_\_ 14. Accommodations are provided based on double occupancy for each bedroom.
- \_\_\_\_\_ 15. Only same sex residents may reside within each unit. (Exception may be given for married couples only.)
- \_\_\_\_\_ 16. All furnishings provided to include but not be limited to: bed, bedding, large and small appliances, dishware, are to be maintained and safeguarded against damage and/or theft. Fees may be collected for missing or damaged items.
- \_\_\_\_\_ 17. All pets/animals are prohibited.
- \_\_\_\_\_ 18. All maintenance issues i.e. water leaks, electrical outages, pests, should be reported to management as soon as possible.
- \_\_\_\_\_ 19. There will be a \$30.00 fee to replace any lost key or gate card.

\_\_\_\_\_ **Failure to follow the above rules and regulations may result in eviction.**

\_\_\_\_\_ **Termination of employment with MasterCorp, Inc. WILL result in eviction.**

\_\_\_\_\_  
Employee/Tenant Name(print)      \_\_\_\_\_  
Employee/Tenant Signature      \_\_\_\_\_  
Date

\_\_\_\_\_  
MasterCorp Manager Name(print)      \_\_\_\_\_  
MasterCorp Manager Signature      \_\_\_\_\_  
Date

**SUMMARY OF PLANS FOR CARTER'S MOTEL, 511 VINE ST, WISCONSIN DELLS**

In addition to the information supplied in the Conditional Use Application, Nathan Grindstaff on behalf of Workforce Housing Solutions, LLC offers the following information regarding Management of the premises:

The property has had as tenants MasterCorp, Inc. which the occupants are employed with, for a number of years and which the purchasing entity will retain as a tenant going forward. Therefore, the property will maintain the same number of occupants and will operate in the same manner as it has over the last few years under Paris Investments, LLC.

The property will also have active management from area managers to ensure that any noise or disturbance from the occupants are handled quickly and thoroughly. The current tenant is a cleaning company for the Hospitality Industry and they pride themselves in the cleanliness of both their properties and employees. All occupants are required to sign an Employee Housing Agreement that contains Housing Rules (Attached). These rules are meant to ensure that the occupants behave in such a manner that creates a safe, relaxing and secure place to reside. If the occupant/employee violates one of these rules then they could lose their employment with the tenant and be evicted from the premises. This tenant requires the managers to be in the area at all times. These active managers include the following individuals:

*Shawn Williams- Regional Director (First point of contact)*

*Cell: 608-495-0324*

*Email- shawn.williams@mastercorp.com*

*Nicholas Stenzel- Executive Housekeeper at Christmas Mountain*

*Cell: 630-862-4458*

*Email: nicholas.stenzel@mastercorp.com*

*Bradley Halford: Executive Housekeeper at Glacier Canyon*

*Cell: 443-771-3959*

*Email: Bradley.halford@mastercorp.com*

**Shawn Williams will be the point of contact that the city should use in the case of any issue or concern that should arise regarding the occupants.** He will ensure that any issue that comes up will be promptly and efficiently handled. These managers have experience in managing Workforce housing and will work hard to ensure that the property is kept clean, safe, and up to date. Please know that it is the intention of the buyer to always fully cooperate with the planning and zoning administrator in all matters related to this property.

Sincerely,



Nathan Grindstaff  
Secretary of Workforce Housing Solutions, LLC  
(931) 248-0858



000903111

**ARTICLES OF ORGANIZATION  
LIMITED LIABILITY COMPANY**

SS-4270



**Tre Hargett**  
Secretary of State

Division of Business Services  
Department of State  
State of Tennessee  
312 Rosa L. Parks AVE, 6th FL  
Nashville, TN 37243-1102  
(615) 741-2286

Filing Fee: \$50.00 per member  
(minimum fee = \$300.00, maximum fee = \$3,000.00)

*For Office Use Only*

**-FILED-**

Control # 000903111

The Articles of Organization presented herein are adopted in accordance with the provisions of the Tennessee Revised Limited Liability Company Act.

1. The name of the Limited Liability Company is: Workforce Housing Solutions, LLC

(Note: Pursuant to the provisions of T.C.A. §48-249-106, each Limited Liability Company name must contain the words "Limited Liability Company" or the abbreviation "LLC" or "L.L.C.")

2. Name Consent: (Written Consent for Use of Indistinguishable Name)

This entity name already exists in Tennessee and has received name consent from the existing entity.

3. This company has the additional designation of: None

4. The name and complete address of the Limited Liability Company's initial registered agent and office located in the state of Tennessee is:

NATHAN ALAN GRINDSTAFF  
LEGAL DEPARTMENT  
3505 N MAIN ST  
CROSSVILLE, TN 38555-5417  
CUMBERLAND COUNTY

5. Fiscal Year Close Month: December

6. If the document is not to be effective upon filing by the Secretary of State, the delayed effective date and time is:  
(none) (Not to exceed 90 days)

7. The Limited Liability Company will be:

Member Managed  Manager Managed  Director Managed

8. Number of Members at the date of filing: 1

9. Period of Duration: Perpetual

10. The complete address of the Limited Liability Company's principal executive office is:

3505 N MAIN ST  
CROSSVILLE, TN 38555-5417  
CUMBERLAND COUNTY

B0394-10117 05/04/2013 5:14 PM Received by Tennessee Secretary of State



ARTICLES OF ORGANIZATION  
LIMITED LIABILITY COMPANY

SS-4270



Tre Hargett  
Secretary of State

Division of Business Services  
Department of State  
State of Tennessee  
312 Rosa L. Parks AVE, 6th FL  
Nashville, TN 37243-1102  
(615) 741-2286

Filing Fee: \$50.00 per member  
(minimum fee - \$300.00, maximum fee - \$3,000.00)

For Office Use Only

-FILED-

Control # 000903111

The name of the Limited Liability Company is: Workforce Housing Solutions, LLC

11. The complete mailing address of the entity (if different from the principal office) is:

LEGAL DEPARTMENT  
PO BOX 4027  
CROSSVILLE, TN 38557-4027

12. Non-Profit LLC (required only if the Additional Designation of "Non-Profit LLC" is entered in section 3.)

I certify that this entity is a Non-Profit LLC whose sole member is a nonprofit corporation, foreign or domestic, incorporated under or subject to the provisions of the Tennessee Nonprofit Corporation Act and who is exempt from franchise and excise tax as not-for-profit as defined in T.C.A. §67-4-2004. The business is disregarded as an entity for federal income tax purposes.

13. Professional LLC (required only if the Additional Designation of "Professional LLC" is entered in section 3.)

I certify that this PLLC has one or more qualified persons as members and no disqualified persons as members or holders.  
Licensed Profession:

14. Series LLC (optional)

I certify that this entity meets the requirements of T.C.A. §48-249-309(a) & (b)

15. Obligated Member Entity (list of obligated members and signatures must be attached)

This entity will be registered as an Obligated Member Entity (OME) Effective Date: (none)  
 I understand that by statute: THE EXECUTION AND FILING OF THIS DOCUMENT WILL CAUSE THE MEMBER(S) TO BE PERSONALLY LIABLE FOR THE DEBTS, OBLIGATIONS AND LIABILITIES OF THE LIMITED LIABILITY COMPANY TO THE SAME EXTENT AS A GENERAL PARTNER OF A GENERAL PARTNERSHIP. CONSULT YOUR ATTORNEY.

16. This entity is prohibited from doing business in Tennessee:

This entity, while being formed under Tennessee law, is prohibited from engaging in business in Tennessee.

17. Other Provisions:

Electronic  
Signature

Nathan A Grindstaff  
Printed Name

Organizer  
Title/Signer's Capacity

May 9, 2017 2:55PM  
Date

E0392-1615 07/09/2017 2:58 PM Received By: Tennessee Secretary of State Tre Hargett

Conditional Use Permit – Broadway Motel  
925 Broadway Rd  
Staff Report for Plan Commission, 6/14/2017

The City of Wis. Dells has received a Conditional Use Permit (CUP) application from Joyce & Hollis Kleier for an Overnight Lodging Facility at the Broadway Motel located at 925 Broadway Rd. This property is in the C-2 Commercial-downtown Zoning District, which requires a Conditional Use Permit for Overnight Lodging.

The applicants intend to purchase this facility contingent on their ability to re-open it as an Airbnb. The applicants have been informed that this use would be considered a motel due to the short term rentals of the property, regardless of the fashion in which the rooms are booked. The applicant was also informed that the facility would be required to obtain a license from the State and pay all applicable taxes associated with the rental of the facility, included the local room tax and premier resort tax. This facility is immediately adjacent to residential properties to the west and north.

The intention to rent the facility as an Airbnb implies the facility will not be managed as a standard motel, and possibly not have 24-7 on-site supervision. Such a use carries some concerns. The applicant has stated that they intent to have a family member live on-site for the first year to get the facility up and running smoothly. However, after that time they intend to place the single family home on the property in the rental pool, and have a local manager who live about 5 miles away manage the property. If this were to be permitted, the name and contact information of the local manager must be supplied to the City with current information.

This facility currently does not hold a valid permit to operate any commercial activity on the premise. The facility is rather old and in need of substantial remodeling and rehabilitation. There City currently has property maintenance orders out to the owners of the facility for general maintenance requirements.

The applicants have stated that they intend to invest \$100,000 to \$150,000 in the facility. The have stated they have a history of purchasing dilapidated homes and rehabilitating them into high end “vacation rentals by owner” (vrbo), but have not operated a multi-unit facility before. The City has no references for the applicant. This facility is in the C-2 Commercial – downtown Zoning district and is subject to the Design Standards and approval by the Design Review Committee of any work they do on the property.

When last inspected, this facility had 8 rooms; 7 of the rooms were approximately 200 sq ft with 1 of the rooms about twice as large. There were a second larger room that was being utilized for storage, as well as a garage on the property, and the single family residence.

There appeared to be space for 7 or 8 cars to park at this facility. Since the facility is in the C-2 Commercial-downtown zoning district, there is no parking requirement. However, the standard parking requirement in the zoning code for motels facilities is 1 space for each room plus 1 space for each employee. 2 spaces are required for a single family house. The total parking standard from the zoning

code would be 2 spaces for the house and 1 space for each room (all under 400 sq ft), for a total of 10 spaces.

Returning this facility to a motel use would bring it more in line with the Comprehensive plan for this location as a commercial use.

The proposed use of this facility may cause parking problems at this facility. However, this is an existing facility in the C-2 district without a parking requirement. Still, the applicant would be expected to cooperate with the City if parking issues arise. This could include limiting the number of rooms that may be rented on any one night.

As this facility already exists, these uses pose no addition impact on the natural environment. It would seem facility without 24-7 supervision and management would have a higher potential to be a nuisance to surrounding properties and this facility is adjacent to residential uses. This facility is also surrounded by commercial properties, and poor property maintenance could have a negative impact on the ability of these businesses to attract customers. On the other hand, this facility was already in a state of severe distress, and if done properly, the applicant's rehabilitation of the property could be a significant improvement.

As this facility already exists, it is not a new hindrance to future development of this area. If this property were improved it could be an improvement to the area.

The execution of the proposed rehabilitation of this facility is a significant factor in this proposed use.

Approval of this use should come with the following conditions:

1. The applicant complies with the Design Standards and recommendations of the Design Review Committee.
2. The applicant maintains all applicable licenses and permits and pay all applicable taxes.
3. The applicant addresses any parking concerns that may arise, potential limiting the maximum occupancy of the facility.
4. The facility is managed and maintained to a high level of quality. Failure to do so could result in revocation of this permit.
5. The City always has current and valid contact information for the site manager. This person is responsible for receiving and addressing any issues that may arise. Any notices of violations given to this person, even verbally, shall be considered official notice.
6. The applicant cooperates with the City to address any nuisances that may arise from this facility.

Optional

1. An on-site manager must live at the facility.

Chris Tollaksen

City of Wis. Dells Public Works

# CONDITIONAL USE APPLICATION

Wisconsin Dells, Wisconsin

Version: May 31, 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	\$425.00
Receipt number	00167
Application number	

**1. Applicant information**

Applicant name: Hollis & Joyce Kleier  
 Street address: 301 Breeze Terrace  
 City: Argyle  
 State and zip code: WI 53504  
 Daytime telephone number: 608-558-8123  
 Fax number, if any: \_\_\_\_\_  
 E-mail, if any: joycekleier@gmail.com

**2. Subject property information**

Street address	<u>925 Broadway Wisconsin Dells WI</u>	
Parcel number	Note: the parcel number can be found on the tax bill for the property or may be obtained from the City.	
Current zoning classification(s)		
Describe the current use	<u>Motel - Not in operation for a while.</u>	

**3. Proposed use. Describe the proposed use.**

We would continue to use the property as a motel - air bnb or vacation rental. We are planning to invest \$100,000 to 150,000 in renovations and amenities for guests to use as short term rentals.

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

Operating conditions will have minimal effect on the surrounding area. Onsite ~~traffic~~ parking will keep traffic to a minimal amount. Quiet hours will be managed by our onsite management or possible management within 15 min. Maintenance tasks will be done during normal business hours.

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

[Empty rectangular box]

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.

We would be low volume, short term rental and would have minimal effect on surrounding area. Parking is onsite and quiet hours will be maintained by staff.

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

minimal we provide onsite parking.

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

This was the intended use of the property.

d. Effects of the proposed use on the natural environment

minimal, this is the intended use of the property.

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

It is consistent with other motels in the area.

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

Attract more business in this area of the Dells.

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

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

*We will be hiring local cleaning and maintenance companies in area to support local business. We will also be investing 100K-150K to help increase property value.*

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: 8 1/2" 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.

*Joseph M. Kluever*  
 Applicant Signature

*5/23/17*  
 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 1% 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.

*Joseph M. Kluever*  
 Applicant Signature

*5/23/17*  
 Date

Columbia County, WI

# Tax Parcel Map

MAP SCALE 1:460

SOURCE Columbia County Land Information  
[www.co.columbia.wi.us/ColumbiaCounty/LandInformation](http://www.co.columbia.wi.us/ColumbiaCounty/LandInformation)

DATE May 25, 2017



Columbia County Wisconsin Land Information Department

## Staff Report

Planned Development District – General Development Plan (GDP) & Phase 1A Specific Site Plan (SSP).  
City of Wis. Dells Plan Commission, 6/14/2017

The City has received and updated General Development Site Plan for the Riverwood Development PDD application, as well as a Site plan application for the Specific Site Plan of Phase 1A of the Development. Riverwood has submitted a Site plan application for Phase 1A which consists of one single story development containing: 30 Assisted Living unit, 22 Memory Care units, and 13 Independent Living duplexes (totally 26 apartment) with a Community Nook (coffee and grab-and-go food) and a Telemedicine Suite (clinical exam rooms, office space and waiting area). The Site plan application references the Phase 1B 38 unit apartment building, but that is not part of this approval.

The City needs to approve the GDP of the entire development so that the PDD Zoning process can be completed. At that point this property will be Zoned PDD-2. Then the City will need to approve the Site plan application before a building permit can be issued for Phase 1A. Phase 1A is limited to the development of 30 Assisted Living units and 22 memory care units with a Community Nook (coffee and grab-and-go food) and a Telemedicine Suite (clinical exam rooms, office space and waiting area) on Parcel 11291-2200.1903; as well as 13 independent living duplexes (totaling 26 apartments) on parcels 11291-2200.701 thru 11291-2200.707 and 11291-2200.736 thru 11291-2200.743.

In November 2016 Riverwood Eagle's Nest, LLC had requested a zoning map change to re-zone the Riverwood Eagle Watch Condominiums and the associated Phase II and Phase III condominium expansion lands from R-5 Residential – multi-family to Planned Development District 2. The applicant would like to develop a 50+ senior living community that will provide independent living, assisted care, memory care, and medical services. The development will also include food, recreation, and wellness activities; as well as worship, meeting, and social areas. Overnight lodging will also be made available in the development for its resident families and guests.

The conceptual General Development site plan for this development was largely acceptable, with the main concern being the lack of a secondary emergency access across the RR tracks. While a full train derailment seems unlikely, train stoppages due to other issues such as hitting a vehicle have occurred. Riverwood did not make a significant effort to find a solution, stating to the public safety committee that their contractor had advised a tunnel under the railroad would be possible. This needed to be verified and the PDD approval was held contingent on a solution to the secondary access being found that was acceptable to Emergency management personnel. The City made its own investment with their engineers to evaluate the options for a crossing of the RR track, and they immediately determined that a tunnel under the tracks was not feasible. Preliminarily, a bridge over the tracks was deemed more realistic, but preliminary estimates put the costs at \$1-5 million depending on location, with the lower cost options having other access concerns. There remains the concern with gaining approval from the RR to construct a new off-grade RR crossing. The City's engineers also evaluated the possibility of utilizing the existing RR tunnel at Grand Cambrian Dr. and constructing a road connected Grand Cambrian Dr. with Bowman Rd. Preliminary, this option seems more cost effective at approximately \$750,000. However, this did not include costs to complete the access road through the tunnel under the bridge, and the connecting road would pass through a DNR controlled wetland and it is unclear if permission to construct the road would be granted by the DNR.

Riverwood has stated that their licensing from DHS addresses emergency response accessibility to the Site. DHS was contacted to determine the extent of Site access in their review. The DHS referenced the State Administrative Code Chapter DHS 83 and referred the City to 2 section in particular. The exiting section 83.59(1)(g) and the emergency disaster plan 83.47(2).

83.59(1)(g) states : (g) Exits, sidewalks and driveways used for exiting shall be kept free of ice, snow, and obstructions. For facilities serving only ambulatory residents, the CBRF shall maintain a cleared pathway from all exterior doors to be used in an emergency to a public way or safe distance away from the building. For facilities serving semi-ambulatory and non-ambulatory residents, a CBRF shall maintain a cleared, hard surface, barrier-free walkway to a public way or safe distance away from the building for at least 2 primary exits from the building. All other required exits shall have at least a cleared pathway maintained to a public way or safe distance from the building. An exit door or walkway to a cleared driveway leading away from the CBRF also meets this requirement.

83.47(2) states: (2) EMERGENCY AND DISASTER PLAN.

- (a) *Written plan.* The CBRF shall have a written plan for responding to emergencies and disasters that is readily available to all employees. The plan shall specify the responsibilities of employees. The plan shall include all of the following:
1. Procedures for orderly evacuation or other department-approved response during an emergency or disaster. The plan shall include procedures for any resident who refuses to follow evacuation or emergency procedures.
  2. The CBRF's response to serious illness or accidents.
  3. Procedures to follow when a resident is missing.
  4. The CBRF's preparation for and response to severe weather including tornado and flooding.
  5. A route to dry land when the CBRF is located in a flood plain.
  6. Location of an emergency shelter for the residents.
  7. A means of transporting residents to the emergency shelter.
  8. How meals and medications will be provided to residents at the emergency shelter.
- (b) *Exit diagram.* The disaster plan shall have an exit diagram that shall be posted on each floor of the CBRF used by residents in a conspicuous place where it can be seen by the residents. The diagram shall identify the exit routes from the floor, including internal horizontal exits under par. (f) when applicable, smoke compartments or a designated meeting place outside and away from the building when evacuation to the outside is the planned response to a fire alarm.
- (c) *Emergency and disaster procedures.* Fire, tornado, flooding or other emergency or disaster procedures shall be clearly communicated to a new resident within 72 hours after admission.
- (d) *Fire drills.*
1. Fire evacuation drills shall be conducted at least quarterly with both employees and residents. Drills shall be limited to the employees scheduled to work at that time. Documentation shall include the date and time of the drill and the CBRF's total evacuation time. The CBRF shall record residents having an evacuation time greater than the time allowed under s. [83.35 \(5\)](#) and the type of assistance needed for evacuation. Fire evacuation drills may be announced in advance.
  2. At least one fire evacuation drill shall be held annually that simulates the conditions during usual sleeping hours. Fire evacuation drills may be announced in advance. Drills shall be limited to the employees scheduled to work during the residents' normal sleeping hours.
- (e) *Other evacuation drills.* Tornado, flooding, or other emergency or disaster evacuation drills shall be conducted at least semi-annually.

DHS staff advised their review for the licensing of a facility will take a general look at the site accessibility, but stressed local emergency responders are best equipped to evaluate their ability to serve the facility. Initial review of the DHS code and discussions with DHS staff indicate that DHS concerns lie more in the evacuation of the buildings, and emergency plans for a disaster. DHS would ask for the operator to work with local Emergency Response personnel to develop emergency response evacuation plans. Concerns from City Emergency Response personnel are focused on the vulnerability of tenants in this type of facility, and the significant number of Emergency call to similar facilities. Hindrances to site access impede normally expected emergency response.

It is understood that this initial project approval is limited to Phase 1A which consists of one single story development containing: 30 Assisted Living unit, 22 Memory Care units, and 13 Independent Living duplexes (totally 26 apartment) with a Community Nook (coffee and grab-and-go food) and a Telemedicine Suite (clinical exam rooms, office space and waiting area. The Site plan application references the Phase 1B - 38 unit apartment building, but that is not part of this approval.

Secondary access was discussed at the June 5 meeting of the Public Safety Committee. At that meeting the Fire Chief stated they would recommend the GDP carry the condition that a secondary access plan be in place prior to the approval of a Specific Site Plan for Phase 1B, and that the secondary access be in place prior to the occupancy of the apartment building that will be constructed as part of Phase 1B. The Public Safety Committee was presented with a Developers Agreement that stated the secondary access would not be required until Phase 2, after the apartment building is constructed and occupied as part of Phase 1B. The Public Safety Committee voted to approve the Developer's Agreement as is. However, the approval of the GDP was contingent on the access being approved by Emergency Response Personnel. Therefore, the recommended contingency of the GDP approval remain that the secondary access plan, with property acquisition in place, be part of the Phase 1B Specific Site Plan, and the secondary access is to be constructed and in place prior to the occupancy of the apartment building as part of Phase 1B.

The updated GDP has removed the looped road through the north of the facility, which greatly decreases the emergency access within that portion of the facility. Emergency access lanes and turnarounds have been included in the plan that seems to be acceptable.

The other item of note in the conceptual GDP layout is the request for future encroachments into the 200 ft shoreland buffer zone along the Wisconsin River and the installation of boat dock and possibly a beach shelter. These may be discussed in concept at this time, but no formal exception can be approved without specific plans of the exact location and nature of these encroachments. As these encroachments are part of the final future phase of this development, those plans will not be developed for some time. The final decision on this issue will have to be made at a later date with a potential future amendment to this PDD if approved at that time.

The Site plan application that has been submitted includes Phase 1A being the assisted living and some of the commons and well as Phase 1B, which is the independent living apartments. The City has an agreement that only covers Phase 1A of this development, so any approvals at this stage only apply to Phase 1A. An additional Site plan application must be submitted and approved before Phase 1B can commence.

It is preferable for the City to have a completed Storm Water Management plan to review with the Site plan application. The developer has stated that the Storm water management plan for Phase 1A is not complete, and has provided only preliminary information about the Storm water plan.

Initially, it was indicated that most storm water would flow directly from this site westerly to the Wisconsin River. As the storm water would not pass by or through any other property, it seemed adequate to allow the storm sewer system to be developed to DNR standards. There is some concern that the private roads could have frequent flooding and wash out issues due to the apparent increase in larger rain fall events recently. During the PDD review the City indicated it may require storm water capacities around the roads in excess of State minimum requirements. It has also been stated that the developer intends to send a significant amount of its storm water east to cross Bowman Rd. and enter the wet-lands on the east side of Bowman Rd. The basic preliminary sketch of the storm water plan indicates that all of the storm water from the duplex development area will be directed towards Bowman Rd. and discharged just north of the Clubhouse. This water will run to an existing smaller culvert that crosses a private drive immediately south of the clubhouse. Another smaller culvert then carries the storm water from the private drive across Bowman Rd to the east toward the wetland. If the existing culverts are overcome with storm water, the developer will be responsible for up sizing these existing culverts. The culvert discharge on the east side of Bowman Rd appear to be on top of a significant hill that drops down to the wetland below. If erosion (or any other) storm water problems arise the developer will be responsible for installing additional rip rap or other erosion control measures.

Especially given that a full Storm water management plan has not been provided with the Site plan application, it should be made clear that all storm water facilities in this development are the responsibility of the developer. The developer is responsible to correct any storm water nuisances that this development may create. The developer has stated that their storm water management plan will control the 100 year storm event to pre-development levels.

There have already been storm water washout issues on Bowman Rd, so the City will require that the Bowman Rd crossing be designed to handle a high storm event. Historically, there have been storm water issues from the developed portion of the existing Phase II of the Riverwood development having an adverse effect on the original Phase I Riverwood development. These issues appear to have been privately corrected, but this development shall ensure that its storm water does not have an adverse effect on the property to the south, or any other property.

Generally, City owned main line water and sewer utilities are located within the road ROW. While the roads of this development will remain private, the developers intend to engineer and install the water and sewer utilities to City specifications and then turn those utilities over to the City with easements to allow City access to maintain the utilities. The details of these easements must be ironed out and may be applied to the existing utilities, some of which may not be located in the roadway. As such, the utility easements shall allow City vehicles access onto and through the property to access these easement. The City should not be liable for any surface damage that may occur when accessing the water, sewer, or other utilities for maintenance purposes. The City has made a significant investment in a GIS mapping system to accurately map all public utilities. Prior to dedicating the any underground facilities to the City, the developer has provide the City with accurately GPS maps of the facilities that is compatible with the new City mapping system.

As a standard issue with all new development, the City wants to ensure that proper buffers exist between the new development and existing properties. It appears the neighboring properties to the north and south would be the main concern. This development proposes duplexes neighboring the property to the south, which do not seem likely to create a nuisance. The apartments to the north would be more of a concern, but the RR row provides an additional approximately 150' set-back between the apartments and the neighboring residents. Still, efforts should be made to maintain as many of the existing mature trees as possible to retain a buffer, and additional buffering may be requested if deemed prudent by the City.

Approval of this PDD GDP should come with the following contingencies, which are to be considered additive to the contingencies from the November 2016 meeting:

1. The utility easements within the facility do not hold the City responsible to repair any improvements above the utilities (i.e. pavement or landscaping)
2. Any public utilities within the development meet City standards, are approved by the City, and utility easements approved by the City are recorded.
3. Any underground facilities to be dedicated to the City are GPS and the City is provided adequate mapping of the facilities that is compatible with the City's GIS mapping system.
4. Fire lanes are accepted by the Fire Chief.
5. The secondary access plan, while land acquisition in place, is provided with the Phase 1B Site Plan application. The secondary access to the facility is in place prior to the occupancy of the Apartment building referred to as Phase 1B.
6. The developer is responsible to correct any storm water nuisances that their development creates.
7. Adequate buffers are established between the development and neighboring properties
8. The developer cooperates with the City to resolve any nuisances that may result from this development.

Approval of the Site plan application for Phase 1A should come with the following contingencies:

1. All final utility plans (water, electric, sanitary and storm sewer) are provided to the City for review and approval prior to the commencement of any construction.
2. Any site improvements not part of this plan shall be approved by City staff at their sole discretion.
3. Storm water is not allowed to run on Bowman Rd. or anywhere else where it would cause a nuisance or damage. The developer is responsible for upsizing downstream culverts and installing additional erosion control measures if required.
4. This approval does not include Phase 1B. An additional Site plan application is to be submitted and approved by the City prior to beginning Phase 1B.

Chris Tollaksen  
City of Wis. Dells  
Planning & Zoning  
6/09/2017



PROFESSIONAL SERVICES

# Memo

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**To:** Chris Tollaksen, Zoning Administrator, City of Wisconsin Dells  
**From:** Chuck Bongard, P.E. & Tim Mikonowicz, P.E.  
**Subject:** Riverwood Site Plan  
**Date:** June 9, 2017

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We have reviewed the revised overall layout for the Riverwood Development. Our comments are as follows:

Layout: The significant change from the original plan is the removal of the second proposed access to Bowman Road and the accompanying perimeter drive along and parallel to the railroad tracks. Secondary access to the site had been a concern discussed at many of the early meetings so we will defer to the emergency services providers on whether or not this is a concern.

The development will exclusively branch off of the existing entrance drive and there is a circle feature at the end of the drive in the dropoff area for the main building.

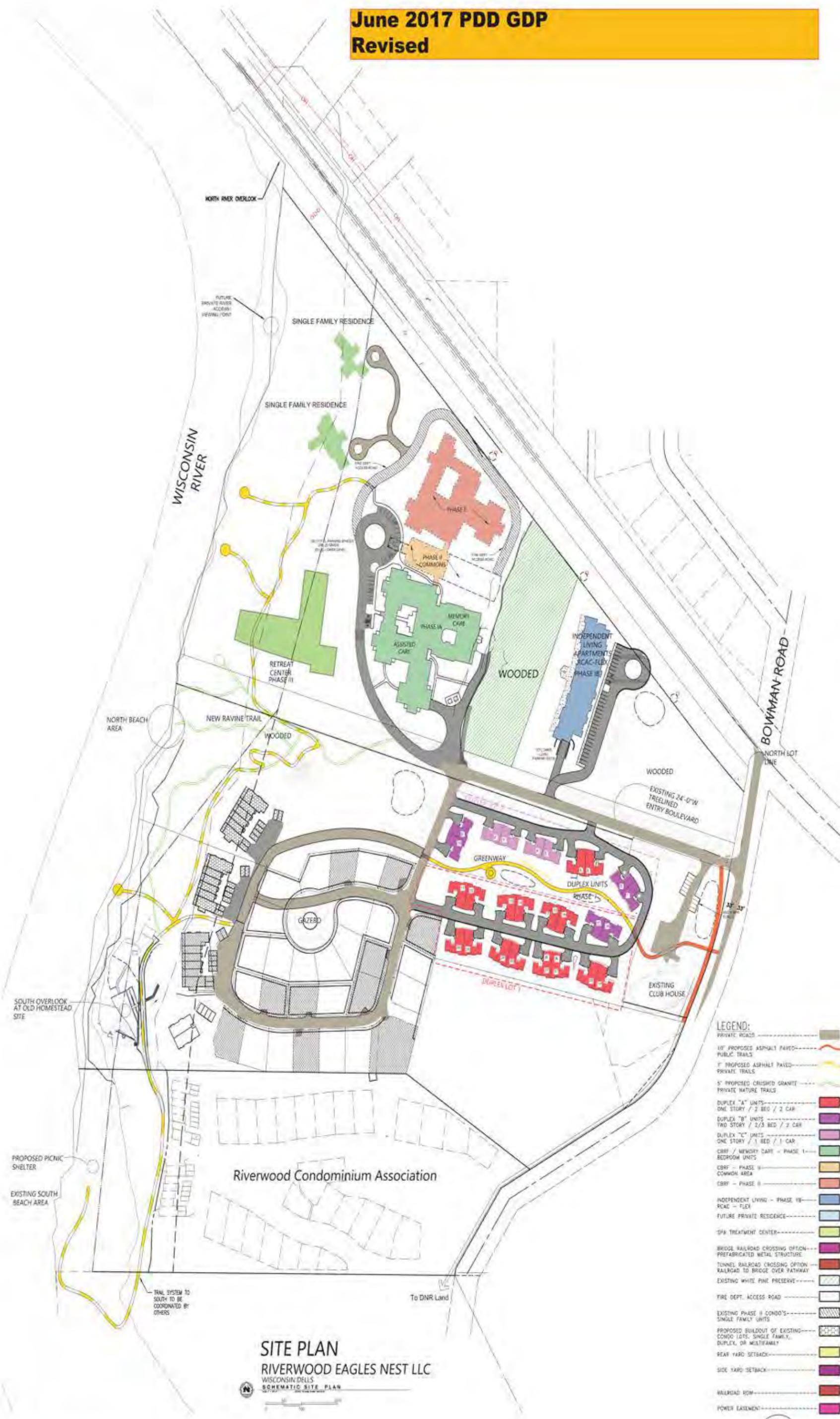
Stormwater Management: What was provided on drainage was a schematic only but this layout shows the site drainage being divided with the duplex area now shown to drain toward Bowman Road. Additional detail and calculations will need to be provided to ensure that the rate of discharge to this area does not exceed the pre-development rates as this could cause issues to downstream properties.

Sanitary Sewer: It appears that proposed public sanitary mains are 8-inch diameter, although they are not all labeled and there are no grades listed to determine if minimum pipe slopes have been satisfied. It is our recommendation that all private/public sanitary laterals are a minimum of 6-inch diameter up to the nearest clean-out to the building entrance. Additional details (pipe lengths, sizes, and grades) of the sanitary system are required prior to issuing any approvals on the City's behalf.

Water Main: There appears to be several "dead-end" water main extensions associated with this phase. Our recommendation would be to eliminate as many dead-ends as possible by looping the proposed public water mains and including valves at appropriate locations to minimize service disruptions to proposed buildings. All hydrants, and proposed future hydrants, should be accessible to emergency response services. Horizontal directional drilling of pressure conduits across RR right of way is not an acceptable method. The pressure conduit would need to be cased within a steel casing. It appears several connections to the existing water main along the main entrance road (Shields) have been proposed. It should be noted that the age, size, and overall condition of this main are not known at this time, and multiple connections to this main should not be made until this information is verified.

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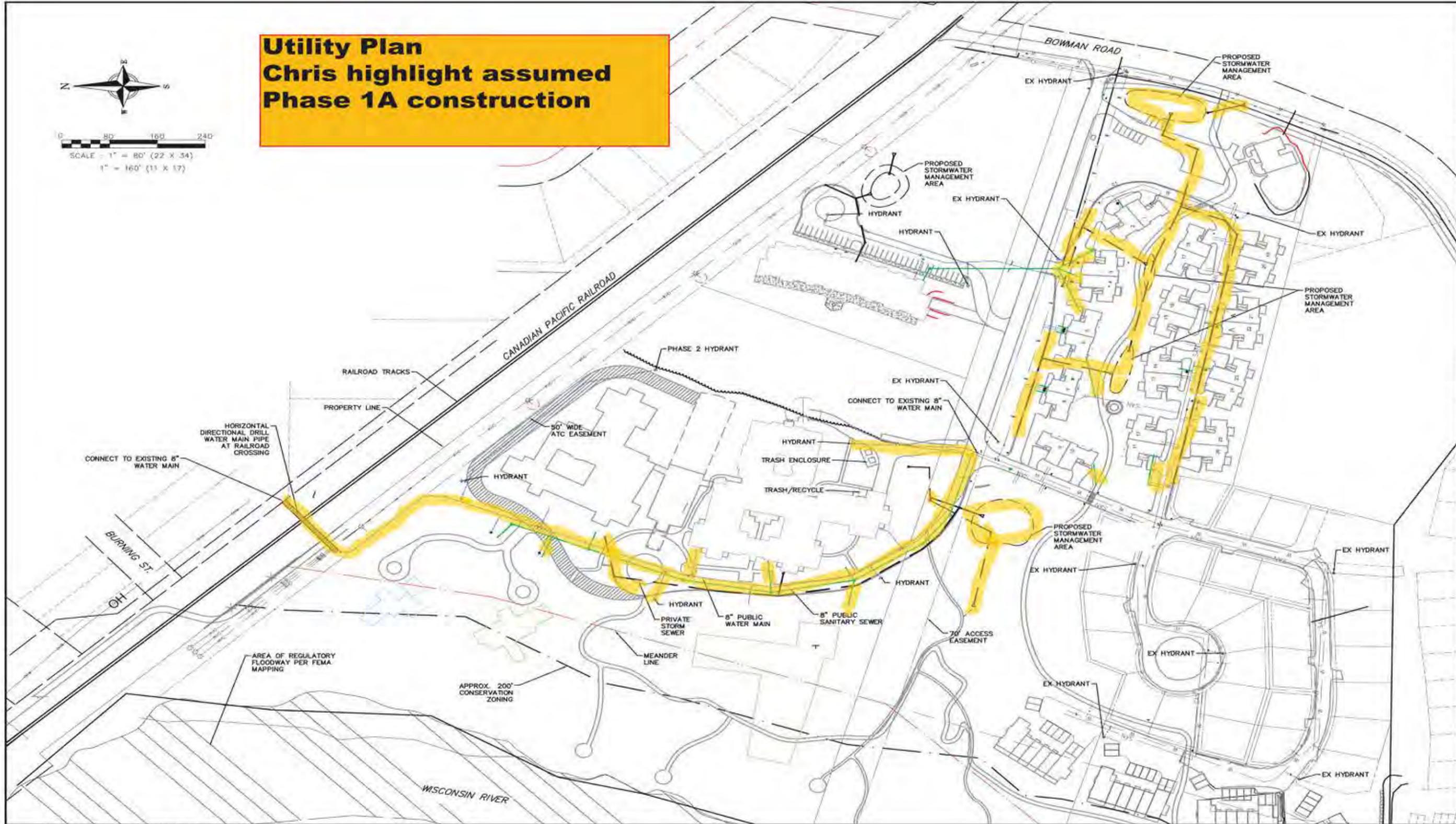
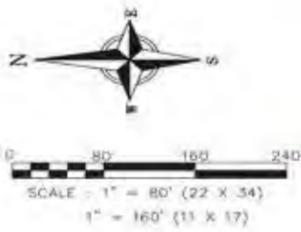
1230 South Boulevard, Baraboo, WI 53913  
(608) 356-2771 (800) 362-4505  
FAX: (608) 356-2770 WEB ADDRESS: [www.msa-ps.com](http://www.msa-ps.com)



**SITE PLAN  
RIVERWOOD EAGLES NEST LLC**  
WISCONSIN DELLS  
SCHEMATIC SITE PLAN

- LEGEND:**
- PRIVATE ROADS
  - 10' PROPOSED ASPHALT PAVED PUBLIC TRAILS
  - 5' PROPOSED ASPHALT PAVED PRIVATE TRAILS
  - 5' PROPOSED CRUSHED GRANITE PRIVATE NATURE TRAILS
  - DUPLEX "A" UNITS ONE STORY / 2 BED / 2 CAR
  - DUPLEX "B" UNITS TWO STORY / 2.5 BED / 2 CAR
  - DUPLEX "C" UNITS ONE STORY / 1 BED / 1 CAR
  - CBFF / MEMORY CARE - PHASE I - BEDROOM UNITS
  - CBFF - PHASE II COMMON AREA
  - CBFF - PHASE II
  - INDEPENDENT LIVING - PHASE VI - RCAC - FLEX
  - FUTURE PRIVATE RESIDENCE
  - SPB TREATMENT CENTER
  - BRIDGE RAILROAD CROSSING OPTION - PREFABRICATED METAL STRUCTURE
  - TUNNEL RAILROAD CROSSING OPTION - RAILROAD TO BRIDGE OVER PATHWAY
  - EXISTING WHITE PINE PRESERVE
  - FIRE DEPT. ACCESS ROAD
  - EXISTING PHASE II CONDO'S SINGLE FAMILY UNITS
  - PROPOSED BUILDOUT OF EXISTING CONDO LOTS: SINGLE FAMILY, DUPLEX, OR MULTIFAMILY
  - REAR YARD SETBACK
  - SIDE YARD SETBACK
  - RAILROAD ROW
  - POWER EASEMENT

**Utility Plan**  
**Chris highlight assumed**  
**Phase 1A construction**



ISSUANCE/REVISION	DATE
DESIGN DEVELOPMENT	05-30-17

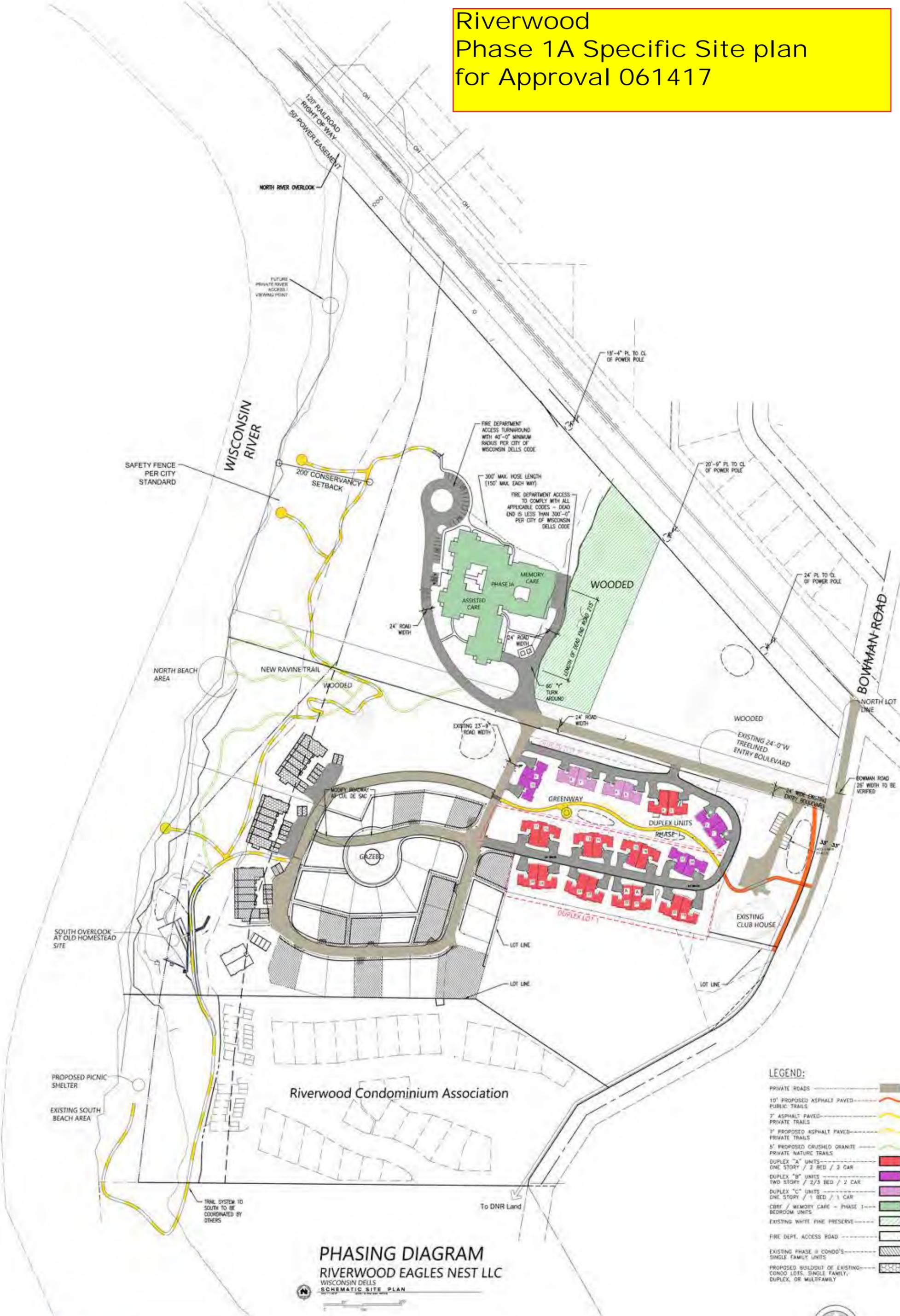
818 N Meadowbrook Ln  
 Waunakee, WI 53597  
 phone (608) 849-9378  
 www.pe-wi.com

**PROFESSIONAL ENGINEERING** LLC

**RIVERWOOD DEVELOPMENT**  
**OVERALL UTILITY PLAN**  
 WISCONSIN DELLS, WISCONSIN

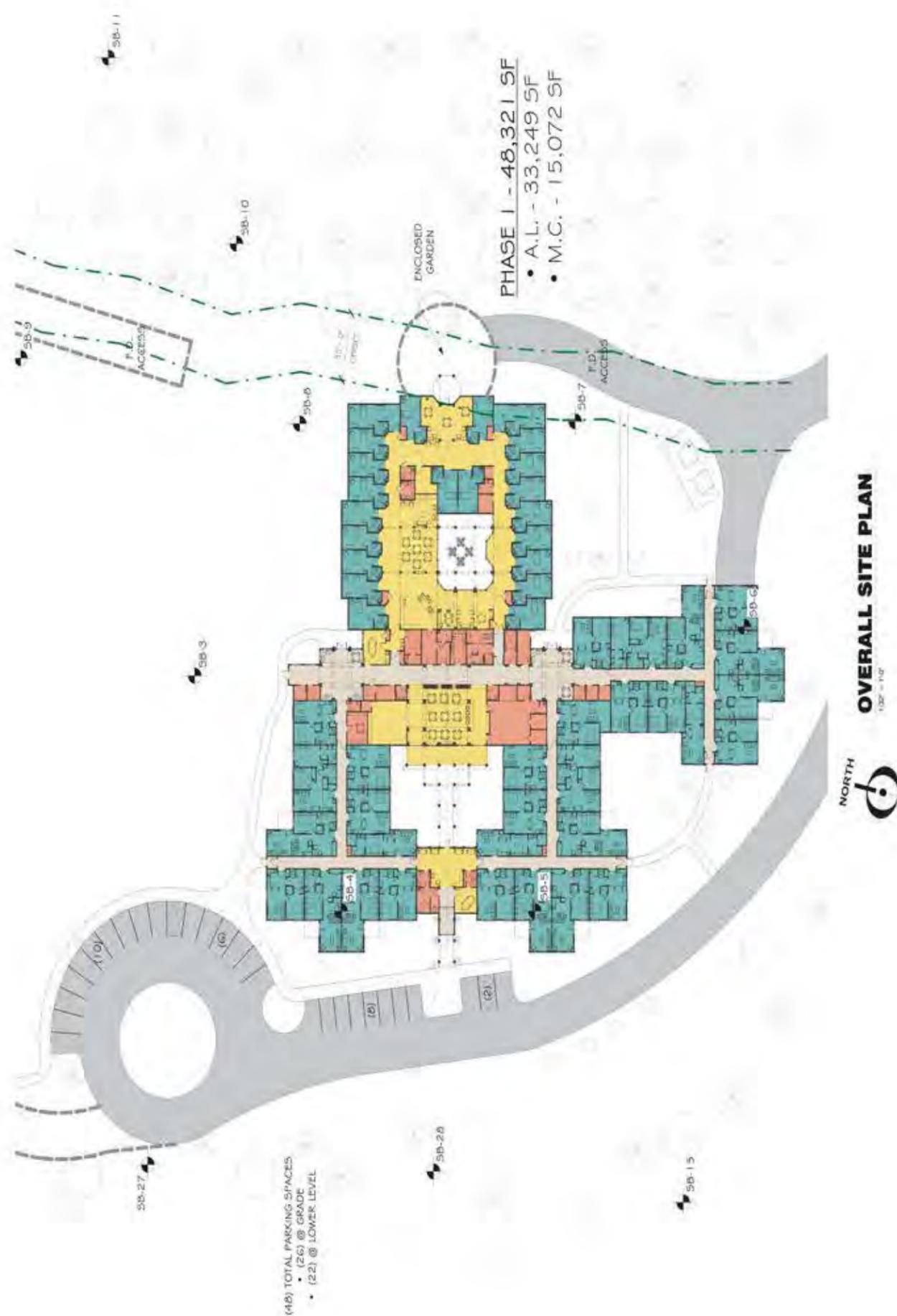
C400

# Riverwood Phase 1A Specific Site plan for Approval 061417



**LEGEND:**

- PRIVATE ROADS
- 15' PROPOSED ASPHALT PAVED PUBLIC TRAILS
- 7' ASPHALT PAVED PRIVATE TRAILS
- 3' PROPOSED ASPHALT PAVED PRIVATE TRAILS
- 5' PROPOSED CRUSHED GRANITE PRIVATE NATURE TRAILS
- DUPLIX "A" UNITS ONE STORY / 2 BED / 2 CAR
- DUPLIX "B" UNITS TWO STORY / 2/3 BED / 2 CAR
- DUPLIX "C" UNITS ONE STORY / 1 BED / 1 CAR
- CAR / MEMORY CARE - PHASE 1 - BEDROOM UNITS
- EXISTING WHITE PINE PRESERVE
- FIRE DEPT. ACCESS ROAD
- EXISTING PHASE II CONDO'S - SINGLE FAMILY UNITS
- PROPOSED BUILDOUT OF EXISTING CONDO LOTS, SINGLE FAMILY, DUPLEX, OR MULTIFAMILY



(48) TOTAL PARKING SPACES  
 • (26) @ GRADE  
 • (22) @ LOWER LEVEL

PHASE I - 48,321 SF  
 • A.L. - 33,249 SF  
 • M.C. - 15,072 SF

**OVERALL SITE PLAN**  
 1/32" = 1'-0"

**RIVERWOOD EAGLE'S NEST**      **WISCONSIN DELLS, WI**      **3/31/17**

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 P 920-969-9344 | F 920-969-9345  
[communitylivingsolutions.com](http://communitylivingsolutions.com)



**ALT. BID LOWER LEVEL**  
 • 7,309 SF

**BASE BID LOWER LEVEL**  
 • 12,517 SF

**LOWER LEVEL PLAN**  
1/8" = 1'-0"

**WISCONSIN DELLS, WI**  
 3/31/17

**RIVERWOOD EAGLE'S NEST**  
 SUSTAINABLE BUSINESS SOLUTIONS FOR SENIOR LIVING PROVIDERS

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# Riverwood Original Application November 2016

Staff Report  
City of Wis. Dells Plan Commission, 11/14/2016  
Zoning Code Amendment  
Zoning Change – Planned Development District.

Riverwood Eagle's Nest, LLC has requested a zoning map change to re-zone the Riverwood Eagle Watch Condominiums and the associated Phase II and Phase III condominium expansion lands from R-5 Residential – multi-family to Planned Development District 2. The applicant would like to develop a 50+ senior living community that will provide independent living, assisted care, memory care, and medical services. The development will also include food, recreation, and wellness activities; as well as worship, meeting, and social areas. Overnight lodging will also be made available in the development for its resident families and guests. This mix of planned residential and commercial activities would not be permitted in any of the existing Zoning Districts, and the creation of a Planned Development District is necessary to accommodate this mix of uses. One other minor variance would result from set-backs from lot-lines that separate developer owned land in the condominium plat from developer owned land outside the condominium plat. The 13 duplexes will be developed in a cluster that includes some of the property in the condominium plat and some property outside of the development plat. As the developer owns the property on either side of the property line, the set-back requirement is not as significant. Still, some of the duplex's backyards will not be the standard 10' from the lot-line.

Originally, the developer had proposed dedicating the roads within the development to the City. Creating these public roads required allowing flexibility from some of the lot set-back required in the City's existing development standards. This flexibility from set-back requirements is to allow the developer freedom to follow their design philosophy which is stated to include building placement that complements the current vegetation and topography. The developer has stated that in many instances buildings were moved or eliminated to ensure mature trees remain in place. However, the proposed site plan resulted in deviations from road ROW standards and well as set-back standards. The set-back deviations may have been acceptable, but the ROW deviations are not and the road will remain private which removes any ROW or set-back deviations within the development.

The conceptual Site plan for this development seems to be largely acceptable, with the main concern within the development being the new intersection with Bowman adjacent to the RR Row. The odd angle of this intersection along with the proximity to the RR crossing raises concerns, and the recommendation would be for this road to loop back to itself, so the existing access to the property can be utilized. Providing looped road through a development is a very important feature for improved emergency assesses and must be retained. Roads adjacent and parallel to rail-rails are not ideal, but the benefit of the improved access this road provides far out-weighs the concerns with the proximity to the RR, except in the case instance of the intersection with Bowman Rd. The developers have updated the original condominium plat to provide addition looping and improve access to the existing lots.

The other item of note in the conceptual layout is the request for future encroachments into the 200 ft shoreland buffer zone along the Wisconsin River and the installation of boat dock and possible a beach shelter. These may be discussed in concept at this time, but no formal exception can be approved without specific plans of the exact location and nature of these encroachments. As these encroachments are part of the final future phase of this development, those plans will not be developed for some time. The final decision on this issue will have to be made at a later date with a potential future amendment to this PDD if approved at that time.

Another significant concern with this development is the lack of a secondary access across the RR tracks to this site. The development plan identifies a second off-grade RR crossing to the north-west of the Bowman Rd crossing, in the form of a tunnel or bridge designed for pedestrian and golf-cart use only. This leaves Bowman Rd as the only emergency vehicle access to the site. Given the number of senior residents and the multi-story building proposed for this development, a blockage of access across the tracks at Bowman Rd. could create a significant emergency response problem. Phase I of this development proposed 124 dwelling units, including the 3-story apartment building, making emergency access an immediate concern. Normal train operations to not include routine stops in this area, and blockages of the Bowman Rd. crossing

would normally be only a few minutes (it should be noted that emergency response personnel consider a few minutes to be significant and very likely to result in significantly reduced emergency response results). While medical services will be provided on site, local emergency responders routinely respond to current facilities with medical services and routinely find them unable to provide adequate emergency services. There is also the concern with train issues causing more substantial restrictions to the Bowman Rd. railroad crossing. While a major train derailment seems to be rather unlikely, the Police department has reported several recent cases where the trains have been stopped in this vicinity due to conflicts with vehicles and pedestrians on the tracks. Therefore, the potential for a lack of emergency access to the site is a real concern. As such, an off-grade crossing that can accommodate an ambulance is a minimum requirement for this development. Options discussed have been constructing a bridge at the Bowman Rd crossing to provide permanent off-grade vehicle access to the site, enhancing the proposed pedestrian crossing to the north-west so it can accommodate an ambulance, or establishing an emergency vehicle access to Bowman Rd. from the Grand Cambrian RR tunnel that exists approximately ½ mile south-east of the Bowman Rd railroad crossing.

See the MSA memo attached at the end of this report for additional comments of this proposed development and PDD application.

It should be noted that this PDD process involves a conceptual review of the development and identification of what existing City standards are being modified in this plan. If the PDD is approved, the developer must return with a detailed Site Plan application to be approved by the City prior to any construction. While significant effect is put forth to identify any deviations from City standards, it does not seem unreasonable for additional items to be identified during the development of the detailed plan and construction documents. Amendments may be made to this PDD if future aspects of this development are identified that require other City standards be reviewed. It is also noted that upon approval of the new PDD Zoning for this property, a background zoning district is assigned, in this case the current R-5 Residential multi-family Zoning has been assigned, as this development remains primarily a multi-family residential in nature. Any future land uses or developments that are not included in this plan, and are not incorporated into the plan as an amendment, will be evaluated and regulated using the standards of the background Zoning district (R-5 Residential multi-family).

The proposed property includes the approximately 85 parcels created by the Riverwood Eagle Watch Condominium Plat in May of 2002, as well as the 2 parcels to the north (11291-2200.1902 and 11291-2200.1903) that were designated as condominium expansion lands. These parcels are all designated with a 2200 prefix, e.g. 11291-2200.xxxx.

For some background, in 1996 the original developer came to the City with a request to develop the property on the west side of Bowman Rd., south of the Railroad tracks. The original plan was to develop Managed Condominiums that could be rented nightly. As a Commercial use, the Managed Condominiums required City approval. There were significant concerns from residents on Bowman Rd. about the traffic the nightly rentals would generate on the residential streets utilized to access the development. The developer pointed out that the Ordinances at the time allowed them to develop standard residential condominiums without City approval. The city denied the request for Managed Condominiums at the July 1, 1996 Common Council meeting. The developer then moved forward developing residential condominiums without the need for City approval. In March of 1997 the City entered into an agreement with the developer that the developer would engineer and construct the utilities to serve the residential condominiums to City specifications. Upon acceptance by the City Engineer the City would take ownership of those utilities and easement would be provided to the City to maintain the utilities. At this time no easements for these utilities have been located. The roads in the original development remained private and the agreement stated the developer would be responsible for improvements to Bowman Rd south of the tracks if traffic to the condominiums required it. Phase I of the development was platted as the "Riverwood Condo Plat" in October of 1997, and the plat does not appear to have required City approval. Phase I was completely constructed and a significant number of units were sold. This original Phase I condominium exists on its own today and is south of and not part of the current proposal. Phase II of the development was platted as the "Riverwood Eagle Watch Condominium Plat" in May of 2002, and the plat does not appear to have required City approval. This plat has only been partially developed, with 18 dwelling units constructed, 15 sold and 3 owned by the current applicant.

The current applicant intends to amend and develop the remainder of the Phase II condominium, as well as the unplatted expansion property that extend north to the RR tracks. The new proposed development

is a 50+ senior residential facility, with medical, wellness, and commercial activities incorporated, as well as ability to allow visitors to rent rooms on a short term basis. No one existing standard Zoning district would allow these mix of uses, so a special Planned Development District designation is required. The applicant had requested a special road maintenance agreement, which would have require deviations from the standard road Right of Way set-backs. The Planned Development request also includes a request to allow future development into the 200 ft River Shoreland Overlay District. The applicant has also requested boat docks and a beach shelter. The River and Shoreland requests can be discussed at this time, but cannot be approved without specific plans. These uses must come back to the City and be considered as a future amendment to this PDD.

The applicant has laid out a development plan that appears to be a progressive and innovative approach to senior housing that is aimed at providing the care and amenities to promote an active lifestyle for its senior residents. There plan includes combining 14 undeveloped lots in the existing condominium plat and developing them with 13 duplexes for 26 dwelling units. The unplatted property to the north would be developed with a mixture of additional apartments that include a 3-story 38 unit building, 4-plex, 8-plex and possibly other living arrangements. The development would have a continuum of care that extends from independent living, to assisted living, memory care, and community based residential facility certified healthcare services. The development will also include a commons area that will provide an array of commercial services to residents and guests, including health care services, dining and drinking services, convenience sales, and activities such as an artisan shop to allowing opportunities for residents to create art and woodwork. Another possibility is to provide beer brewing equipment for residents to utilize. The development will also have community uses, such as worship facilities and areas for art, education, recreation, social activities for residents, guests and community use.

A trail system is proposed throughout the development that is planned to be connected to future trails on adjoining City property and the DNR property to the south. The developer has stated they intend to develop the trails within their development and make them open to the public. The developer has stated they would like to work with the City and DNR to create adjoining trails on the adjacent City and DNR property that would ultimately extend north-west to connect to the downtown near the pool.

The applicant has laid out a 3-Phase development plan: Phase I will include 13 independent living duplexes (26 dwelling units), 38 moderate income housing apartments in a 3-story building, 30 single story Assisted Living apartment, and 12 single story Memory Care apartments; for a total of 106 dwelling units as well as Commons area. When adding the existing 18 units already constructed, there will be 124 dwelling units when Phase I is complete. Phase II will include additional living and care facilities, bringing the total dwellings to approximately 229 units, plus any additional in-fill construction that may occur in the existing condo plat. Phase III is to include a larger retreat center with a spa and some single family homes.

It appears that the applicant has put together a land use plan. The somewhat isolated nature of this property also seems to be conducive to a mixed use campus development. This would seem to be a positive for the community and a good candidate for PDD designation to allow the freedom and flexibility for this development.

It appears to this office that the main concern for the land uses of this development are the effects on the existing neighborhoods north of the railroad tracks. Of primary concern would be the potential for increased traffic if the commercial elements of the development begin to draw a significant amount of use from people outside of the development residents. The applicant has stated that all of the amenities on the site will be geared primarily for their residents, and made available to the community mainly from a desire to share the benefits of the facility with the community. It is assumed that this use will not result in significant traffic problems for the residents along the roads leading to this development. Approval of this PDD designation should be contingent that the commercial activities remain an accessory amenity to the site residents and community. If any of the commercial facilities begins to generate traffic or any other nuisance to the existing area residents, the owner of the facility will cooperate with the City to address those issues to the satisfaction of the City. An example of this would be if brewing facilities on the site begin to become successful as an in dependant commercial activity, generating a significant amount of traffic through the residential neighborhoods leading to this development. The expectation is that the development owners would restrict access to these

commercial facilities to decrease the traffic, and potentially reduce a revenue source, because this commercial activity is not intended to be the primary use of this development. In general, the developer will be expected to cooperate with the City to address any traffic or other concerns that may arise. This would be a contingency of the commercial allowance of the PDD.

A major concern for this development is the limited access across the train tracks to the site. Given the significant number of senior occupants and the multi-story building proposed in Phase I of this development, emergency response officers require an improved or secondary access to this site.

Another concern has been the developers desire to have the roads in this development maintained by the City. The City had preliminarily agreed to consider taking over the roads if they could be improved to meet City specifications. One of those specifications is a 66ft ROW, which the developer had stated did not fit within their development. The developer has revised their application to keep the roads private. It should be clear that storm sewer utilities are part of the road way, and therefore will remain private in this development as well.

Preliminary review of the site appeared to indicate that most storm water would flow directly from this site westerly to the Wisconsin River. Based on this lack of stormwater threat to neighboring properties, it seems adequate to allow the storm sewer system to be developed to DNR standards. There is some concern that the private roads could have frequent flooding and wash out issues due to the apparent increase in larger rain fall events recently. During the final site plan review, the City may require storm water capacities around the roads in excess of State minimum requirements. It has also been stated that the developer will attempt to send a significant amount of its storm water east to cross Bowman Rd. and enter the wet-lands on the east side of Bowman Rd that take a longer route to the Wisconsin River. There have already been storm water washout issues on Bowman Rd, so the City will require that the Bowman Rd crossing will be designed to handle a high storm event. Historically, there have been storm water issues from the developed portion of this Phase of the Riverwood development having an adverse effect on the original Phase I Riverwood development. These issues appear to have been privately corrected, but this development shall ensure that its storm water does not have an adverse effect on the property to the south, or any other property.

Generally, City owned main line water and sewer utilities are located within the road ROW. While the roads of this development will remain private, the developers intend to engineer and install the water and sewer utilities to City specifications and then turn those utilities over to the City with easements to allow City access to maintain the utilities. The details of these easements must be ironed out and may be applied to the existing utilities, some of which may not be located in the roadway. As such, the utility easements shall allow City vehicles access onto and through the property to access these easement. The City should not be liable for any surface damage that may occur when accessing the water, sewer, or other utilities for maintenance purposes. It shall also be required that a second water supply and possibly electric supply be installed to loop the utilities in this development.

As a standard issue with all new development, the City wants to ensure that proper buffers exist between the new development and existing properties. It appears the neighboring properties to the north and south would be the main concern. This development proposes duplexes neighboring the property to the south, which do not seem likely to create a nuisance. The apartments to the north would be more of a concern, but the RR row provides an additional approximately 150' set-back between the apartments and the neighboring residents. Still, efforts should be made to maintain as many of the existing mature trees as possible to retain a buffer, and additional buffering may be requested if deemed prudent by the City.

In conclusion, the request for a PDD Zoning was required to allow for commercial land uses to be mixed into a multi-family residential development and to allow some of the duplexes to have rear yard set-back that do not meet the standard 10' requirement, where the developer owns the property on the other side of the lot-line. This request seems reasonable for this project, with the note that if one of the properties were sold to a party, the lot-lines would have to be corrected to create a standard 10' rear-yard set-back. It appears there is enough physical space to accommodate this, but it does not seem necessary to change the boundaries of the existing condominium plat when there is the same owner on either side. The background zoning for this development will be R-5 Residential multi-family.

Approval of this PDD should come with the following contingencies:

1. The roads within the development remain privately owned and maintained.
2. Any public utilities within the development meet City standards, are approved by the City, and utility easements approved by the City are recorded.
3. The access the facility is approved by Emergency response personnel.
4. A detailed Site plan is approved by the City, that includes but is not exclusive to the following:
  - a. The private development road intersections with Bowman Rd. are approved by the City.
  - b. Utility plans that include looping utility supplies to the development.
  - c. A Storm water management plan that will not create adverse effects on City streets, neighboring properties, or anything else
5. Commercial uses on this development do not created traffic nuisances on Bowman Rd. or other residential streets. Commercial uses will be restricted if the City deems them to be creating a nuisance to the existing residential zones.
6. Adequate buffers are established between the development and neighboring properties
7. The developer cooperates with the City to resolve any nuisances that may result from this development.

Specific variances from standard City Zoning and sub-division requirements include: mix of Residential and Commercial uses in a single zone, reduced rear-yard set-backs to property lines where the owner is the same on both sides.

Chris Tollaksen  
City of Wis. Dells  
Planning & Zoning  
11/11/16



DRAFT  
May 26, 2017  
(Revised May 26, 2017 per MP and KT)

**City of Wisconsin Dells  
Tax Increment District No. 3  
Development Agreement  
(Riverwood Eagle's Nest)**

This Development Agreement is dated May/June \_\_\_\_, 2017 by and between the City of Wisconsin Dells, a Wisconsin Municipal Corporation (City) and Riverwood Eagle's Nest, LLC, a Wisconsin Limited Liability Company (Developer).

**RECITALS**

City and Developer acknowledge the following:

- A. Developer owns the following described real property located in the City: See Exhibit A attached.
- B. The City has created Tax Increment No. 3 pursuant to Wis. Stat. sec. 66.1105 and approved and amended a plan for the development of the district (District Plan and Amended Plan).
- C. The specific property subject to this agreement, the site of Phase 1A, Tax Parcel #291-2200-1903, is located within the boundaries of the district. (The Property)
- D. Subject to obtaining the financial assistance set forth in this agreement, Developer intends to develop a senior living community that will provide assisted care, memory care and independent living.
- E. Development of the senior living community will enhance the tax base of and provide other benefits to the City and is consistent with the District Plan and Amended Plan.

- F. The City desires to encourage economic development, to expand its tax base and to create new jobs within the City, the district and the property.
- G. The City finds that the development of Developer's property and the fulfillment of the terms and conditions of this Agreement are in the best interests of the City and its residents and serve a public purpose in accordance with state and local law.
- H. The development of the senior living community would not occur without the financial assistance to be provided to the Developer as set forth in this Agreement.
- I. The City, pursuant to Common Council action, has approved this Agreement and authorized its execution by the Mayor and Clerk/Coordinator on the City's behalf.
- J. The Developer has approved this Agreement and authorized its execution by authorized agents on the Developer's behalf.

**AGREEMENTS**

NOW THEREFORE, in consideration of the recitals, promises and undertakings set forth herein, the parties mutually agree and covenant as follows:

**SECTION 1. Project Description.**

- 1. Developer will design and construct, in phases, a senior living community in accordance with all applicable State and City zoning, building codes, ordinance regulations and stormwater requirements.

2. Owner represents to the City that the development of the senior living community without the benefits provided by the City to the Developer pursuant to this agreement would not be financially viable and that but for such assistance Developer would not proceed with the development as currently contemplated.
3. The Senior Living Community shall be developed in phases as follows:  
See attached Exhibit B.
4. This Agreement covers Phase 1A only and does not obligate the Developer or City with regard to future phases.
5. This Agreement covers development on Tax Parcel #11291-2200-1903.
6. Developer shall commence construction of the Phase 1A improvements on or before \_\_\_\_\_, 2017 and shall complete construction to a condition ready for occupancy on or before \_\_\_\_\_, 2018.
7. The Phase 1A project and improvements shall be as forth in the site plan attached as Exhibit C and subject to the City conditions and approvals set forth in Exhibit D.
8. The General Site Plan for the Senior Living Community is as depicted in Exhibit E.

SECTION 2. Developer Obligations.

1. Developer shall initiate, or cause to be initiated by third parties, Phase 1A of the project and complete with same in accordance with the Zoning Code and all other

applicable City building codes, fire codes, ordinances, regulations and City approvals.

2. All project costs expended by Developer, including costs incurred before the date of this Agreement and which are eligible for funding pursuant to Wis. Stat. sec. 66.1105, are referred to as “Developer Costs”. Developer costs shall include, without limitation, costs for the acquisition of land, construction of improvements, including hard and soft construction costs, professional fees, architectural fees, construction period interest, civil engineering fees, general contractor fees, infrastructure improvements, environmental remediation costs, demolition, public parking facilities, and the clearing, grading, and construction of the Project, and other costs permitted pursuant to Wis. Stat. sec. 66.1105.
3. The projected tax increment value of Phase 1A, when completed, shall be \$9.5 million.
4. Developer consents and agrees to the following:
  - a. Roads. The roads within the Development shall remain privately owned and maintained.
  - b. Utility Mains. Any water and sanitary sewer mains within the Development will meet City standards, be dedicated to the City, be located within easements approved by the City and be recorded in the Columbia County Register of Deed’s office. The water main will be looped.

- c. Storm Water Management. The storm water management plan in the Site Plan review must not create adverse effects on the City streets, neighboring properties, or other facilities.
  - d. No Destination Commercial Uses. Commercial uses (such as restaurants) shall not be a principal use, or they may be restricted by the City if the City deems them to be creating a nuisance to the existing residential zones, including traffic or parking nuisance, or noise nuisance.
  - e. Buffer. The plans for the Site Plan review must show adequate berming or landscaping buffers between the Development and neighboring properties.
  - f. Nuisances. The Developer shall cooperate with the City to resolve any nuisances that may result from the Development.
5. Not later than June \_\_\_\_\_, 2017 the Developer shall present to the City an irrevocable, final and unconditional financing commitment from a lender satisfactory to the City which commitment shall be sufficient to cover all of Developer's Phase 1A costs and expenses.

SECTION 3. Emergency Management.

- 1. Developer shall provide to the City and implement an emergency management and evacuation plan for Phase 1A. The plan shall be reviewed and

approved by appropriate state agencies, including Department of Health Services, and City agencies, including Kilbourn Fire Department and Dells-Delton EMS.

The plan shall include and/or address the emergency evacuation measures set forth in Exhibit F attached.

2. Developer understands and agrees that a similar emergency management and evacuation plan will be required in connection with the Phase 1B approval process.
3. Developer understands and agrees that in connection with City consideration and approval of Phases 2 and 3, the City may require secondary emergency access to the property and that developer may be required to finance or fund all or a portion of the cost and expense of such secondary emergency access.
4. Developer acknowledges and agrees that it has no vested rights to receive City approval for or proceed with Phases 1B, 2 and 3 without satisfaction of the provisions of this section regarding emergency management, evacuation and access.

SECTION 4. City Obligations.

1. The City shall cooperate with the Developer throughout the preconstruction and construction periods and shall promptly review and/or process all submissions and applications.

2. Subject to all of the terms, covenants and conditions of this Agreement and as an inducement by the City to the Developer to construct Phase 1A of the Senior Living Community, the City will provide the financial assistance set forth in Section 5.
3. The financial assistance is subject to the Developer obtaining City approvals, drawing plan specifications, variances or conditional uses and fulfilling the terms and conditions of the City's approvals.

SECTION 5. Financial Assistance.

1. In this section the following terms have the following meanings. Any undefined words or terms shall have the definitions used in state law.
  - a. Contribution means the Tax Increment Revenue payment made to the Developer.
  - b. Property Base Value means the equalized value of the Property upon the creation of TID #3 as of January 1, 2006 as certified by the State, which was \$243,700.00.
  - c. Tax Increment Value means the equalized value above the Property Base Value established for the Property as determined by the City assessor.
  - d. Tax Increment Revenue means the personal and real property tax revenue [(as defined in Wis. Stat. sec. 66.105(2)(1))] generated by the Tax Increment Value of the Project.

2. The City will provide contributions to the Developer as reimbursement for a portion of the Developer Costs as provided in this Agreement.
3. The City will provide contributions to the Developer solely from future Tax Increment Revenue from the Property as a reimbursement for Developer's costs.
4. The City's total payment of Tax Increment Revenue as a contribution towards development costs shall be fifteen percent (15%) of the Tax Increment Value of Phase 1A which is estimated to be \$1.425 million.
5. For 10 years beginning in the tax year following completion and occupancy of Phase 1A, Tax Increment Revenue contributions will be provided to the Developer as follows: the City will pay the Developer ninety percent (90%) of the Tax Increment Revenue received by the City with respect to the Project in that year.
6. No contributions will be made until the property taxes have been paid on the property.
7. Contributions pursuant to this Agreement shall be made by September 1 each year. The contribution shall be a special and limited obligation of the City and not a general obligation.
8. Developer hereby acknowledges that, as a result of the special and limited nature of the City's obligation to pay the Contribution, Developer's recovery of the full amount of the Contribution depends on factors including, but not limited

to, future mill rates, changes in the assessed value of the Project, the failure of the Project to generate the Tax Increment Revenue in the amount expected by Developer, or reduction in Tax Increment Revenue caused by changes in the Tax Increment Law to the extent that they apply retroactively to this Agreement of the District.

9. All debts owed to the City of Wisconsin Dells or Columbia County by the Developer including real estate and personal property taxes must be paid in full and timely to qualify for the incentive payment.
10. Existing TID #3 debt obligations have priority over contributions to Developer. Current TID #3 priority obligations are itemized in Exhibit G attached. All funds in the special fund of TID #3 will be used first to make the principal and interest payments due and only after the debt payments have been paid in full for any particular year shall funds in said special fund be used to pay any other project costs of TID #3.
11. If on any contribution payment date there are insufficient revenues to pay the amount due, the amount not paid shall accumulate and be payable on the next payment date until the contribution balance is paid in full or the agreement has expired or been terminated.
12. The contribution is a special limited revenue obligation and not a general obligation of the City and it payable by the City only from the collected tax increment generated from the project.

13. The contribution is not a general obligation of the City and neither the full faith and credit nor the taxing powers of the City are pledged to the payment of the contribution and no property or other asset of the City except the collected tax increment revenue is or shall be a source of the City's obligations.
14. It is contemplated that the City's financial assistance to future phases will be modeled on this SECTION 5.

SECTION 6. Tax Status.

As long as the District is in existence, the Developer's land and all buildings and improvements thereon shall be owned and taxable for real estate tax, special assessment purposes and personal property taxes. The City may waive this restriction upon execution of a payment in lieu of taxes (PILOT) agreement, in a form acceptable to the City, made between the City and the owner or lessee of the Property.

SECTION 7. Improvements.

1. The Development will be designed, constructed and installed by Developer at Developer's sole cost and expense. All improvements shall be designed, constructed and installed in accordance with applicable City standards and engineering standards and specifications contained in the applicable City building codes. Where standards and/or specifications have not been expressly established by the City, all work shall be performed in accordance with established engineering practices as designated and approved by the City Engineer.

2. The water and sewer mains within the Development shall be known as the “Public Improvements”. During the course of the construction of the Public Improvements, the City Engineer shall make or cause to be made such inspections as the City deems necessary to ensure compliance of the Public Improvements with the approved plans and specifications. After completion of all Public Improvements and prior to final acceptance of the Public Improvements, Developer shall make or cause to be made three copies of record plans showing the actual location of all Public Improvements as the City Engineer may require. These plans shall be prepared on the original mylars of the construction plans and shall bear a signature and seal of a professional engineer registered in the State of Wisconsin.
3. After the required Public Improvements have been installed and completed, and within 28 days after receiving written notice that Developer desired the City to inspect such Public Improvements, the City Engineer shall inspect the Public Improvements and, if acceptable to the City Engineer, the Common Council shall by resolution certify such Public Improvements as being in compliance with this Agreement and with the standards and plan and specifications of the City. Before obtaining certification of any such Public Improvements, Developer shall present to the City valid lien waivers from all entities providing materials or performing work on the Public Improvements.

4. Developer agrees to guarantee and warrant all of the Public Improvements for a period of one year from the date of final acceptance by the City of each phase of the Public Improvement completed by Developer. If any defect appears during the guarantee period, Developer agrees to replace the defective work or repair the defective work at its own expense to the standard provided in the approved plans and specifications. All guarantees or warranties for materials or workmanship which extend beyond the above guarantee period shall be assigned by Developer to the City as beneficiary. Other than this construction guaranty, all liability for the Public Improvements, and all obligations to maintain and repair such Public Improvements, shall rest with the City, and the recorded easements shall so state.
5. Easements. Developer shall grant and record, prior to the issuance of the first building permit for each Phase of the Development, a recordable easement to the City, over all roadways and paths in the Development, for emergency and municipal services, including garbage collection. Developer shall not construct City improvements in designated easement areas.
6. Fencing. Developer shall have the right to install fencing in appropriate locations in the Development to ensure the safety of residents and the public.
7. Consent to install utilities. To the extent needed, the City hereby consents to the installation of utilities under all road rights of way needed for the installation of utilities as shown on the final approved site plan.

8. Water/Sewer Fee. Developer shall not be required to pay for any water or sewage fees except for the normal usage fees and normal hookup fees which are uniformly charged to other users.
9. Carts. City agrees that the Developer may use, on its private roads, and on Bowman Road and other roads as defined in the future as “golf cart approved” roads, golf carts and other small utility carts, but subject to reasonable restrictions to address safety concerns. Implementation of this section may include, at the City’s direction, appropriate street markings.
10. Inspections. Developer grants the right of entry on the lands within the Development to personnel or agents of the City to conduct inspections and monitor compliance with the provisions of this Development Agreement.

SECTION 8. Miscellaneous Terms.

1. The City will not make any contributions or other payments to Developer related to Phase 1A under this agreement or subsequent agreements after September 2, 2030; and, the City does not contemplate making any contributions or other payments to Developer related to this project after December 31, 2035.
2. Developer will not qualify for commencement of contributions related to Phase 1A unless construction is completed and an occupancy permit issued for the Phase 1A improvements prior to \_\_\_\_\_, 2018.

3. Amendment. This Agreement may be amended only by a written amendment instrument approved and executed by the City and Developer, or the then owner of the Developer's property.
4. Successors Bound. This Agreement shall be binding upon Developer and its heirs, successors and assigns in ownership to the Developer's Property, but if Developer still owns any portion of the Developer's Property, Developer alone shall be the only party able to sign an amendment, and no other purchasers or owner of part of the Development.
5. Severability. Any illegal or unenforceable provision of this Agreement will be severed and will not render invalid any remaining portions of this Agreement.
6. Written Notice. Any writing notification required under this Agreement shall be deemed to be served if it is personally delivered or sent by first class mail to the following:

To City:                      City of Wisconsin Dells  
   300 La Crosse Street  
   Wisconsin Dells, Wisconsin 53965  
   Attn: Karen Terry  
   608-254-2012

To Developer:                Riverwood Eagle's Nest  
   8001 Terrace Ave., Suite 202  
   Middleton, Wisconsin 53562  
   Attn: Steve Cohan  
   608-826-3450, ext. 622

7. Attorney Fees. If either party commences litigation, arbitration or mediation to enforce the terms of this Agreement, the non-prevailing party shall pay all costs,

including reasonable attorney fees and expert witness fees, of the prevailing party.

If the court, arbitrator or mediator awards relief to both parties, each will bear its own costs.

8. **Default.** Upon any default hereunder, either party shall have all remedies available at law or equity as necessary to cure any default, except to the extent provided otherwise in the Developer's Agreement.
9. **Benefits.** The benefits of this Agreement to Developer are personal and shall not be assigned without the express written consent of the City. Such approval may not be unreasonably withheld, but any unapproved assignment is void.  
  
Notwithstanding the foregoing, the burdens of this Agreement are personal obligations of Developer and shall be binding on the successors and assigns of Developer. There is no prohibition on the right of the City to assign its right under this Agreement.
10. **Ownership Warranty.** Developer hereby warrants that it is the owner of all of the Developer's Property.
11. **Effective Date.** This Agreement is entered into as of the day and year first written above.

**DRAFT**  
May 26, 2017  
(Revised May 26, 2017 per MP and KT)

**CITY OF WISCONSIN DELLS**

Dated: \_\_\_\_\_, 2017.

\_\_\_\_\_  
Brian L. Landers, Mayor

Dated: \_\_\_\_\_, 2017.

\_\_\_\_\_  
Nancy R. Holzem, Clerk/Administrative  
Coordinator

**RIVERWOOD EAGLE'S NEST, LLC**

Dated: \_\_\_\_\_, 2017.

By: \_\_\_\_\_  
its: \_\_\_\_\_

Dated: \_\_\_\_\_, 2017.

By: \_\_\_\_\_  
its: \_\_\_\_\_

## EXHIBIT B

### Senior Living Community Development Phases

<u>Phase</u>	<u>Description</u>	<u>Anticipated Development Costs</u>	<u>Anticipated Year of Completion</u>
1A	51 living units of assisted living, memory care, community nook and telemedicine	\$9.5 Million	2018
1B	38 unit independent living, assisted living RCAC-Flex apartment building		2020
2	Additional assisted living, memory care and commons		2021
3	Retreat center and two (2) private home sites		2022

EXHIBIT G

TID #3 Priority Debt Obligations

TID #3 Priority Debt:

2012 Electric Revenue Bonds - \$2,305,000

2013 G.O. Notes - \$1,600,000

2014 G.O. Notes - \$850,000

2017 CDA Lease Revenue Bonds - \$13,575,000

Total TIF #3 = \$18,330,000 as of 01/01/2018

CSM

Mark Carlson for Paul Olson

Sauk Co Parcel 291-0089-10000

The City has received a CSM to split that portion of Sauk Co tax parcel 291-0089-10000 that lies between South Frontage Rd and STH 13. There are no apparent issues with this land division. However, this parcel also contains a strip of land that wraps around the West, south, and east side of the Wei's Chinese restaurant property. Before this land division can occur, the rest of this parcel must be addressed.

The owner of the property, Paul Olson, has stated that the parcel surrounding the restaurant would be combined with the restaurant parcel (29-0089-10000), which would be the ideal situation.

The City can approve this CSM with the condition that the southern portion of the property be addressed. This office will hold this CSM unsigned until there is verification that the southern property concern has been resolved. This office can then release the CSM to be signed by the City and recorded at the County to complete this action.

Approval of this CSM should be contingent on the portion parcel 291-0089-10000 south of South Frontage Road being combined with parcel 291-0089-30000.

Chris Tollaksen

City of Wisconsin Dells

Planning & Zoning

# SAUK COUNTY CERTIFIED SURVEY MAP No. \_\_\_\_\_

Located in Lot 2, CSM No. 1655, NW1/4-NW1/4, Section 9, T13N, R6E, City of Wisconsin Dells, Sauk County, Wisconsin.

Client and Owner: Olson Boat Company, c/o Paul Olson, PO Box 128, Breckenridge, CO 80424

Carlson Surveying, Div. of General Engineering, P O Box 340, Portage, WI, 53901 Phone (608) 742.2169

Bearings are referenced to north line of NW1/4 of Section 9 which bears N89°55'05"E, Grid north, Sauk County Coordinate System, NAD 83(97).

- ⊙ = Found 1 1/4" iron pipe
- = Found 3/4" round iron rod
- ⊕ = Found government corner (as shown)  
All ties were found and verified
- = Set 3/4" x 24" round iron rod weighing 1.5#/lin. ft.
- ( ) = Recorded as
- //// = Approximate edge of Floodplain & Wetland area

