

CITY PLAN COMMISSION
CITY OF WISCONSIN DELLS
MUNICIPAL BUILDING-300 LACROSSE STREET
JULY 12, 2016

Mayor Landers called the meeting to order at 5:15 PM. Notice of the meeting was provided to the Dells Events, WNNO/WDLS Radio, and posted in accordance with State Statutes.

1. Present: Ald. Mike Freel, Fire Chief Scott Walsh, Chris Lechnir, Dan Anchor, Jeff Delmore and Tifani Jones
Excused: Mayor Brian Landers
Others: City Planner/Zoning Administrator Chris Tollaksen, Asst. City Attorney Joseph Hasler, DPW Office Clerk Monica Dorow-Leis, City Clerk Nancy R. Holzem, Public Works Director David W. Holzem, Ed and Anna Karas, Brad Preissel, Pat Gavinski, Gary Picha, Tory Wolfram, Lawrence and Mary Zunker, Mary Sobojinski, Eddie and Tanya Krause, Jerry Wolfram, Eric Helland and Ed Legge from the *Dells Events*
2. Motion by Anchor, seconded by Jones approve the minutes of the June 15, 2016 meeting. Motion carried.
3. Ald. Freel declared the public hearing open for anyone to speak for or against the Conditional Use Permit (CUP) application from Brad Preissel for Overnight Lodging at 815 Washington Ave, Wis. Dells, Columbia Co. Tax Parcel 1052.2. The property is zoned C-1 Commercial-neighborhood. There was an email and a letter submitted to the Plan Commission, one opposing this request and one in favor of it. The letter opposing it acknowledges Preissel's reputation with proper management, but is concerned the use would affect the sale value of his neighboring property. Chris Tollaksen said another property owner verbally expressed concerns, but was in favor of it due to the applicants' reputation. Lechnir commented that he lives near another hotel of Preissel's and has never had any issues with his business. With no one else speaking on the matter, Ald. Freel declared the public hearing closed.
4. Motion by Lechnir, seconded by Anchor recommend to council approve the CUP Application from Brad Preissel for Overnight Lodging at 815 Washington Avenue, Wis. Dells, Columbia Co. Tax Parcel 1052.2 with the contingencies listed in the staff report:
 - 1) The building inspector ensures there are no code or safety issues with the house.
 - 2) The overnight rental of the house will be subject to PRT & Room Tax and clear documentation of these taxes is provided to the city upon request.
 - 3) Additional parking spaces will be constructed and/or other operation measure be taken to address parking issue, to city satisfaction, if deemed necessary by the city in the future.
 - 4) This location is not allowed to be the source of any sort of nuisance and the owner comply with any orders by the city to address any nuisance concerns.
 - 5) The applicant cooperates with the city and neighbors to install any buffers that may be desired and are feasible.
 - 6) Applicant abide by the following restrictions:
 - a) Owner provides current, primary contact information to the police dept.
 - b) Rentals are to families only.
 - c) Renters sign an agreement not to cause excessive noise, not to trespass on neighboring property, and not to cause any other nuisance.
 - d) This permit is non-transferrable. Any new owner or operator of the property will have to obtain a new Overnight Lodging Permit.The property is zoned C-1 Commercial-neighborhood. Motion carried.
5. Ald. Freel declared the public hearing open for anyone to speak for or against the Land Owner-Initiated Zoning Map Amendment Application from Gary Picha to rezone Columbia Co, Wisconsin Dells tax parcel 1008.2, to amend the zoning code to allow a Funeral Home as a Conditional Use in the C-2 Commercial-downtown zoning district so the applicant can then apply for a Conditional Use Permit for a Funeral Home at 1101 Broadway.

Lawrence Zunker, Mitzi's Grill (1101 Broadway) property owner, made the following comments:

- ❖ Referred to the Brooks Study that was done for the downtown business district and said their recommendation was that the downtown business district would stop at Church St. He said instead everything was zoned C-2 Commercial-downtown from Hwy 16 to the river and feels there was an error made when the new zoning code was adopted in 2007.
- ❖ Larry said a restaurant in this location is not sustainable and if he did not have the building paid for, he would be out of business now. He has had the building for sale for 8 years and has been in business for 45 years. He said no one in there right mind will put anything retail at this location.
- ❖ Said a funeral home is vital in the community.
- ❖ He understands the neighbors would like to see a restaurant at this location and helping their businesses, but the fact is there will not be a restaurant at this location, with the income and seasonality of the area. If this is not approved, he said he would be closed next year.

Eric Helland spoke in favor of the zoning amendment.

Ed Karas, Indian Trail Motel owner adjacent to this property, is *opposed* to this request and stated the following:

- ❖ He said a funeral home should be located away from the family tourist destination. People come here with their family and kids and do not want to see a funeral home on the main street.
- ❖ There are six hotels in the area where several customers go to Mitzi's to eat. He has been sending his customers there for 16 years. His feels his business will decrease due to Mitzi's closing.

Eddie Krause, Amber's Hideaway owner adjacent to this property is *opposed* and used the example of a child playing outside at the hotel as a fun stay and then if a funeral was taking place, asking their parents questions about the funeral. This would not be a good way for a vacationer to start out their day.

Tory Wolfram, realtor, spoke on Picha's behalf. Picha purchased property on Hwy. 13 and went to the commission earlier this year to re-zone property on Hwy. 13 with the hopes to construct a funeral home at that location, but determined it would be cost prohibitive. It is based on the market area of around 8,500 people, where it is not going to sustain new construction costs of a funeral home. He said it is not just about money, but is about providing a vital service to the community and dealing with the cramped quarters and the lack of parking he currently has on Washington Avenue is cramped and tight parking. He said the city conditionally allows a funeral home in C-1 Commercial-neighborhood zoning, but nothing has become available. Tory questioned what adverse affect would a funeral home have, that a church, health care or financial office and the type, would not have, which are all allowed through the conditional use process in C-2 zoning. With no one else speaking on the matter, Ald. Freel declared the public hearing closed.

6. Ald. Freel declared the public hearing open for anyone to speak for or against the Conditional Use Permit (CUP) application from Gary Picha to construct a Funeral Home at 1101 Broadway (Parcel 1008.2, Columbia Co). The parcel is zoned part C-2 Commercial-downtown and part C-1 Commercial-neighborhood. This is contingent on Zoning Amendment approval allowing a Funeral Home in C-2 Commercial-downtown through the CUP process. With no one speaking on the matter, Ald. Freel declared the public hearing closed.
7. Chris Tollaksen said from a planning perspective, does the city want to plan for more development on the east end of Broadway to be different from the west end of Broadway. At one point, he believed the city did decide there was a difference between a funeral home and the other professional services, but Chris said today he looks at it based on the Brook's Report that downtown ends at Church Street going east. He said some administrative services are allowed in C-2 zoning and if this is approved, the city may want to look further into the zoning code as to what is allowed conditionally or otherwise in the zoning code. He said if this were approved, they would have to limit the occupant size to around 150 persons (1 stall per 3 persons). The restaurant only has around 50 stalls. C-2 zoning does not have a parking requirement, so if approved, there would have to be a contingency for any parking issues that would arise. Lechnir said normally when they look at a zoning change, they look at how it impacts businesses around them and from what they have heard, there is going to be a big impact.

Ed Karas said that if the asking price for the property were a normal price and not going up and down for 8 years, then he would have purchased it.

Chris said that if approved and if CUP approvals are based on whether on the east or west side of Church Street, then the long-term goal would be to somehow separate the east and west zones, with a new or maybe with an overlay zone. Eddie Krause said he sort of agrees with Chris's comments, but disagrees at the same time, because if the city is going to rezone the area to change it, then it should all be matched. He said he pays taxes like everyone else, why should it be allowed on one side and not the other. Eddie took over property that was an abandoned and an eyesore for a long time and has made improvements. Eddie said he was willing to purchase the property next door as well, but at a reasonable price. Chris said he agreed with Eddie and made the following comments:

- ❖ The proper plan would be to expect the Downtown Revitalization to continue to the east and this area should be more of a tourism area.
- ❖ The city should not be changing the zoning that is set in place. He said it was set in place for a reason.

Delmore said there is nothing 'downtown' on the east end of the city and does not see how the downtown can develop there.

Motion by Delmore, seconded by Anchor recommend to council approve the Land Owner-Initiated Zoning Map Amendment Application from Gary Picha rezone Columbia Co., City of Wisconsin Dells Tax Parcel 1008.2, to amend the zoning code to allow a Funeral Home as a Conditional Use in the C-2 Commercial-downtown zoning district so the applicant can then apply for a Conditional Use Permit for a Funeral Home at 1101 Broadway contingent on the approval of the CUP and the applicant taking control of the property. Motion carried 4-1 with Lechnir opposing.

8. Motion by Delmore, seconded by Anchor recommend to council approve the Conditional Use Permit (CUP) application from Gary Picha to construct a Funeral Home at 1101 Broadway (Parcel 1008.2, Columbia Co). The parcel is zoned part C-2 Commercial-downtown and part C-1 Commercial-neighborhood. This is contingent on Zoning Amendment approval allowing a Funeral Home in C-2 Commercial-downtown through the CUP process contingent on the applicant taking control of the property and any parking issues that may arise are addressed to the satisfaction of the city. The zoning amendment would need to be approved to allow a Funeral Home in C-2 zoning through the CUP process. Motion carried 4-1 with Lechnir opposing.
9. Chris said there have been four requests for what the state would call a "Tourism Rooming House" which is the overnight use of a residential home as opposed to a hotel. Chris used an example that if Preissel's request was approved and if he chooses to sell the property, then the new owner would have to apply for a new permit. Lake Delton has an ordinance in place where they have a licensing and permitting process. The city has decided in the past not to address it specifically. Chris said Ald. Mor spoke of revisiting this. So far, the Commission has received applications from well-established businesses owners with good reputations in the community. Jerry Wolfram, who does fire inspections for Wisconsin Dells and Lake Delton, said he would like to see this included in the City Municipal Code Chapter 16. He said most that he has seen are run through a resort and thinks the resorts are doing a nice job. Motion by Walsh and seconded by Jones recommend to refer this to the Legislative Committee and make this part of the licensing process. Motion carried. Chris' recommendation was the same.
10. Referred to the next meeting is to review what is referred to the Plan Commission and review what is being decided at BID and Design Review Committees.
11. The next Plan Commission meeting is scheduled to be on **MONDAY**, August 8, 2016 at **6:00** pm.
12. Motion by Anchor and seconded by Walsh to adjourn. Motion carried and the meeting adjourned at 6:04pm.