

CITY PLAN COMMISSION
CITY OF WISCONSIN DELLS
MUNICIPAL BUILDING-300 LACROSSE STREET
SEPTEMBER 14, 2020

Mayor Wojnicz called the meeting to order at 5:00 PM. Notice of the meeting was provided to the Dells Events, WNNO/WDLS Radio, and posted in accordance with State Statutes.

1. Present: Mayor Ed Wojnicz, Ald. Mike Freel, Fire Chief Pat Gavinski, Lisa Delmore, Chris Lechnir, Phil Helley and Ted Theiler
Others: City Planner/Zoning Administrator Chris Tollaksen, City Atty. Joseph Hasler, DPW Office Clerk Monica Dorow-Leis, Public Works Director David W. Holzem, City Clerk Nancy R. Holzem, City Treasurer Karen Terry, Clerk/Treasurer Sarah Brown, Ald. Holzem, Ald. Marshall, Ald. DeFosse, Ald. Anderson, Ald. Anchor, Joseph O'Neill, Rich Makowski and Adam Makowski
2. Motion by Heller and seconded by Gavinski approve the July 13, 2020 meeting minutes. Motion carried.
3. Mayor Wojnicz declared the public hearing open for anyone to speak for or against the Conditional Use Permit (CUP) and Site Plan Applications from Cuppa Mudd Espresso to allow Commercial Activity that does not occur within or on a premise having a permanent building equipped with a washroom having hot and cold running water, wash basins, towels, or equivalent, and a toilet; drive-up service window; outdoor vendor; walk-up service window and outdoor commercial food and beverage service on a portion of Sauk Co., City of Wisconsin Dells tax parcel 291-0148-00000. The property is zoned C-4 Commercial-large scale. With no one speaking for or against the matter, Mayor Wojnicz declared the public hearing closed. Motion carried.
4. City Planner/Zoning Administrator Chris Tollaksen said the original agenda went out proposing to try one of the smaller buildings. One possibility would be to give them temporary approval, then in a year or two they would come back to evaluate it. At that time, they may consider going to the bigger building. Since then, the owner may want to bring in and start with the bigger building right away. There was a redlined copy to Chris's proposed conditions that says that if they do want to entertain the idea of bringing in a bigger building, they would still be on a temporary basis. The thought would be that it would need to be reviewed within a certain amount of time and if it does not work out with any issues that may come up, then the building would have to be removed. Discussion included the following:
 - Mayor Wojnicz spoke of concerns with traffic and saying the applicant may not be sure what they want to do yet.
 - Chris Tollaksen said the request to bring in a bigger building came somewhat last minute. The ticket booth in the parking lot is generally not something the city likes, but due to the fact that it is already there, it makes it less of a risk, but now with the request to bring in a bigger building, the city does not want to be stuck with this bigger building in the parking lot, so the city would require it to be removed if the City says so.
 - Ald. Freel spoke about businesses in the same area that have major investments into brick & mortar. He has reservations against allowing temporary businesses to come in taking away from brick & mortar businesses trying it out for one or two years before making an investment to add water and sewer, hot and cold water.
 - Adam Makowski, owner of this parcel, compared this application to the approval last year for the existing ticket booth to be used for an amusement ride, but the applicant ended up not using the approval.
 - Lisa Delmore did not think it was imperative that the City would require a large initial investment for a 1-yr permit. If they are successful and come back in a year, then at that point the City may require the investment of permanent plumbing.
 - City Planner/Zoning Administrator Chris Tollaksen pointed out differences between this application and areas such as Chula Vista Resort and Timbavati Wildlife Park where kiosks

or food trucks are included within the resort or park and in inclusive areas. Chris said it makes it temporary without hot and cold running water connections to the city. Chris said they would first have to see if the City would allow them to have this building without hot or cold running water. They need approval for the drive-up service window, but the question would be whether or not to allow them to use the structure without permanent plumbing connections.

Motion by Helley and seconded by Theiler recommend to council approve the CUP for the existing building with the conditions included in the agenda packet for one year (thru December 31, 2021). Theiler did not want to limit the applicant to the one building. Motion by Helley and seconded by Theiler amend the motion and recommend to council approve the CUP from Cuppa Mudd Espresso to allow Commercial Activity that does not occur within or on a premise having a permanent building equipped with a washroom having hot and cold running water, wash basins, towels, or equivalent, and a toilet; drive-up service window; outdoor vendor; walk-up service window and outdoor commercial food and beverage service on a portion of Sauk County, City of Wisconsin Dells tax parcel 291-0148-00000 for the use of any of the three building options and with the understanding that the City has the right to deny the use after the expiration date of December 31, 2021. If a larger temporary building is installed and in one year if it is determined that it is not working and they do not get the approval to continue it, they would have to come back to get another approval and if that is denied, then the building is to be removed. Added contingencies include:

- 1) Approval for this use will be for one (1) year, and may expire on December 31, 2021. Review of this use will be part of a new Site Plan Application review. CUP approval may be terminated during the new building Site Plan review. If the renewed Site Plan is denied, any building installed under this temporary approval must be removed within 90 days of denial.
- 2) Building and Signage approved by the Design Review Committee.
- 3) Any required Dept. of Health Services (DHS) or other associated license are obtained and in good standing.
- 4) The applicant obtains Premier Resort Tax and other required tax registrations and provides documentation to the City.
- 5) The applicant remains current on their Premier Resort Tax (PRT) payments and provides clear tax documentation to the City. Failure to pay any required taxes and/or submit tax reporting documentation that is deemed adequate by the City in its sole discretion, is grounds to revoke this permit.
- 6) The tank water supply system process is reviewed and approved by the City to ensure proper metering and billing of City water and sewer.
- 7) The site does not generate any nuisances to surrounding properties. Any nuisance that is identified shall be resolved to the satisfaction of the City, in its sole discretion, or this permit is subject to revocation.
- 8) Adequate traffic and parking controls are implemented to prevent this site from causing traffic flow problems on the access roads, specifically Wisconsin Dells Parkway. Any traffic issues identified by the City shall be resolved to the satisfaction of the City at their sole discretion, or this permit is subject to revocation.

None of these conditions shall be construed to remove the right of the City to terminate approval of this permit for violation of another condition of approval. Motion carried with Lechnir and Ald. Freel voting against the Conditional Use Permit.

5. Motion by Delmore and seconded by Gavinski recommend to council approve the Site Plan from Cuppa Mudd Espresso to allow Commercial Activity that does not occur within or on a premise having a permanent building equipped with a washroom having hot and cold running water, wash basins, towels, or equivalent, and a toilet; drive-up service window; outdoor vendor; walk-up service window and outdoor commercial food and beverage service on a portion of Sauk County, City of Wisconsin Dells tax parcel 291-0148-00000 for the use of any of the three Site Plan building options and with the understanding that a new Site Plan Application shall be submitted after the expiration date of December 31, 2021. If a larger building is built, then the existing kiosk would need to be removed. Added contingencies include:

- 1) Site Plan approval will expire on December 31, 2021, unless otherwise addressed by the City. Any building installed as part of this approval, but not re-approved per the above condition, is to be removed from the site within 90 days of denial.
- 2) Future Site Plan approval will address requirement of connection to City water and sewer.
- 3) Denial of a new Site Plan can be grounds for denial of CUP.

Motion carried with Lechnir and Ald. Freel voting against the Site Plan.

6. There were no referrals to a future meeting.
7. The next meeting is scheduled for Monday, October 12, 2020.
8. Motion by Theiler and seconded by Freel to adjourn. Motion carried and the meeting adjourned at 5:31 pm.

Monica Dorow-Leis
Public Works Office Clerk