
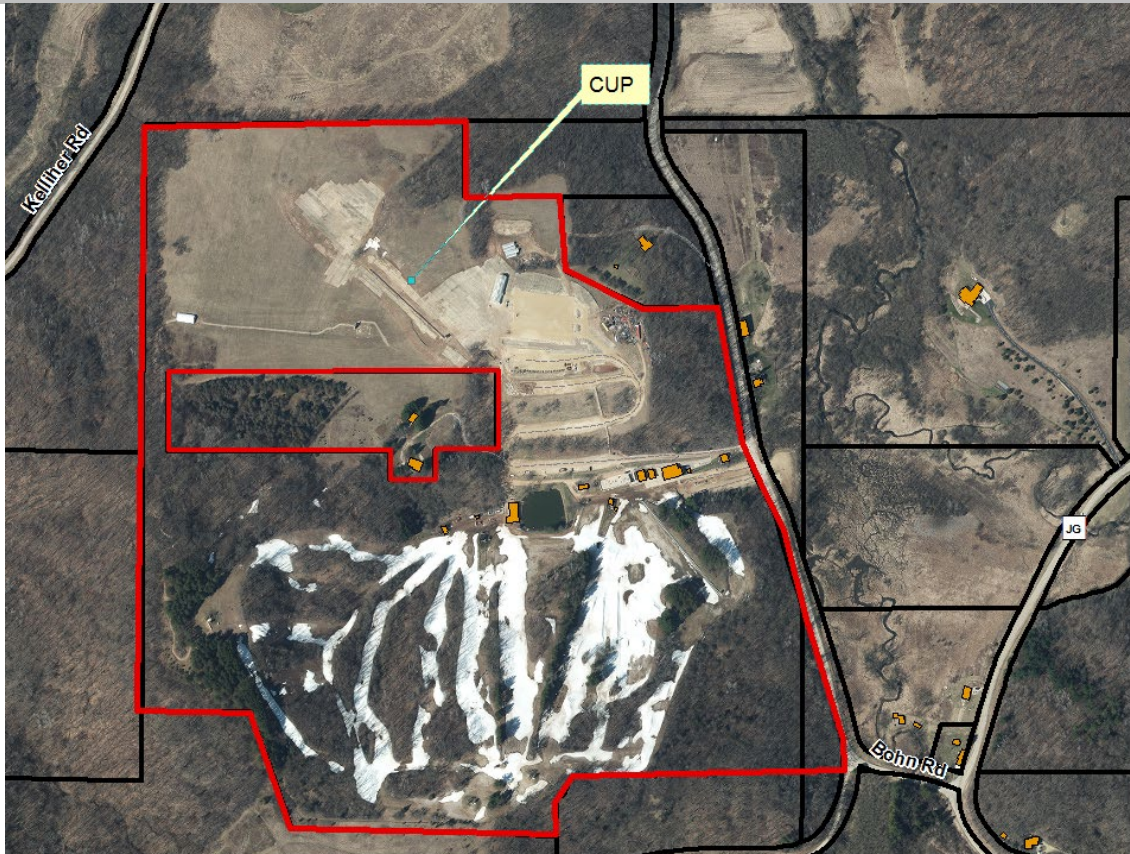


Staff Report  Zoning and Land Regulation Committee	Public Hearing: July 27, 2021	CUP 02524
	<u>Zoning Amendment Requested:</u> TO CUP: Outdoor Assembly Events - continuation of Halloween and Christmas events	<u>Town/Section:</u> VERMONT, Section 33
	<u>Size:</u> 122 Acres	<u>Survey Required:</u> NO
	<u>Reason for the request:</u> Outdoor Assembly Events - continuation of Halloween and Christmas events	
		<u>Applicant</u> TYROL PROPERTIES LLC <u>Address:</u> 3487 BOHN ROAD



DESCRIPTION: The applicant wishes to continue to operate two seasonal outdoor assembly events at the Tyrol Basin ski resort: one around Halloween, and the other near Christmas.

OBSERVATIONS/ FACTUAL INFORMATION: CUP 2473 (effective 8/28/2019) allowed for identical uses at this location. CUP 2473 included a condition that the permit expire two years after the effective date, which is 8/28/2021. The applicant is now seeking to operate these events permanently, with no expiration date.

TOWN PLAN: The *Town of Vermont / Dane County Comprehensive Plan* includes policies supporting commercial recreation uses that have minimal impact on the natural environment.

RESOURCE PROTECTION: A ½-acre pond, presumably navigable, and associated shoreland area sits just east of the center of the property. The proposed use should have little or no impact on this particular water resource.

STAFF: See page 2 for recommended conditions of approval.

TOWN: The Town Board has approved the conditional use permit with one condition. The condition has been incorporated into the Staff's suggested conditions.

Questions? Contact Brian Standing at standing@countyofdane.com

Recommended Conditions of Approval

1. The conditional use permit shall expire upon the sale of the property.
2. Outdoor assembly events in the RE zoning district are limited to:
 - a. A “haunted tour” occurring Fridays and Saturdays in October, October 31, and the first Friday and first Saturday of November, and;
 - b. A “Christmas village” occurring the third and fourth Friday and Saturday in November and the first and second Friday and Saturday in December.
3. Hours of operation for the haunted tour use are limited to 6:30 p.m. to midnight.
4. Hours of operation for the Christmas Village are limited to noon to 5:00 p.m.
5. No more than 1,200 guests shall be onsite at any one time for any outdoor assembly event.
6. Guests for the haunted tour shall travel in groups no larger than 6 people, monitored by employees to keep groups spread out, and to keep them moving through the site. Employees will have communication equipment to notify supervisors of emergencies or concerns.
7. Outdoor event-specific amplified speakers or sound equipment are limited to the areas indicated on the preapproved event operations plan. For the haunted tour, outdoor amplified sound is limited to (1) the ticket and waiting area as shown on the approved site plan, and (2) to low-volume “special effect” sounds (e.g. to simulate thunder) within five (5) feet of the tour path. Under no circumstances should noise levels of the amplified sound exceed 77 db(a), as measured at any of the property’s boundaries.
8. Outdoor lighting associated with events shall be as indicated on the preapproved event operations plan. Outdoor event-specific lighting for the haunted tour will be limited to building and lift lighting as required for safety, and low-level pathway lighting, shielded to direct light downward, not to exceed 1 lux intensity and amber or yellow (not blue or white) in color. Lighting will be turned off after guests depart.
9. The physical development and operation of the haunted tour, including portable restrooms, designated parking and temporary or permanent signage, must substantially conform to the approved site plan, operational plan and phasing plan. To allow the tour to remain fresh for repeat visitors, the tour route and temporary structures may differ from the site plan as long as they are not located significantly closer to neighboring properties.
10. Event plans:
 - a. At least thirty days prior to the start of any outdoor assembly events in each calendar year, the landowner shall file an event plan, approved by the zoning administrator, addressing, at a minimum the following issues:
 - the number of events proposed each year
 - the maximum expected attendance at each event
 - off-street parking, to meet standards in s. 10.102(8)
 - days and hours of operation
 - ingress and egress
 - sanitation
 - trash / recycling collection and disposal
 - proposed signage
 - other public safety issues
 - b. Event plans must be filed with the following:
 - the zoning administrator,
 - town clerk,
 - servicing fire department,
 - emergency medical service provider,
 - Dane County Sheriff’s Department and
 - any local law enforcement agency.
11. New and existing permanent buildings proposed to house the conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Commercial Building Code or Uniform Dwelling Code.

12. The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.
13. Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements, including town liquor licenses. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.
14. Existing onsite wastewater sewage disposal systems, if any, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. Deficient systems must be brought, at the owner's expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter 46, Dane County Code.
15. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
16. Off-street parking must be provided, consistent with s. 10.102(8).
17. The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.
18. The owner must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the Dane County Zoning Division.
19. The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours.
20. Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation.