

Rezone/C.U.P. Application Information

NUMBER
7858 / 1632

GENERAL INFORMATION PUBLIC HEARING DATE: May 23 2000 D.E.D. YES as per S4E

1. TOWN, VILLAGE, OR CITY
Town of Vermont COUNTY **DANE**

2. THIS NOTICE IS FOR: REZONING CONDITIONAL USE / SPECIAL EXCEPTION

3. OWNER'S NAME AT TIME OF REZONING
Tyrol Basin Corp. TELEPHONE (608) 437-4135

OWNER ADDRESS
3487 Bohn Road, Mount Horeb, WI 53572

AGENT Jesse S. Ishikawa TELEPHONE (608) 229-2200
Reinhart, Boerner, Van Deuren, Norris & Rieselbach, s.c.

AGENT ADDRESS
22 East Mifflin St., Ste. 600, Madison, WI 53703

4. DESCRIPTION OF PROPERTY WHICH WAS GRANTED THE REZONING OR CONDITIONAL USE / SPECIAL EXCEPTION PERMIT
SE 1/4 SE 1/4 Sec. 28 and 1/4 1/4 Sec. SE 1/4 NE 1/4 | Sec. 33 | Town T7N | Range R6E

PARCEL NUMBER(S) BEFORE REZONING 30-0706-284-9011-1; 30-0706-284-9840-8; * PREVIOUS ZONING DISTRICT RE-1 NEW ZONING DISTRICT RE-1

PARCEL ADDRESS
3487 Bohn Road, Mount Horeb, WI 53572

INTENT / PURPOSE For Pel. 7263
Petition for termination of Deed Restriction recorded with the Dane County Register of Deeds Office on November 25, 1998 as Document No. 3050476, attached. Also, to have all contiguous RE-1 Zoned Tyrol Basin Corp. property subject to uniform Town and County conditional use limitations for outdoor lighting as defined in the attached proposed C.U.P.

*30-0706-331-9590-3; 30-0706-331-9010-4 - 331-8000, 331-8500

LAND AREA AND IMPROVEMENTS

5. TOTAL ACRES IN PARCEL BEFORE REZONING 19.39 rezoning and 121.5 C.U.P. TOTAL ACRES IN PARCEL IN EXCLUSIVE AG. ZONE BEFORE REZONING 0

a. Of the original parcel, how many acres were rezoned OUT OF agricultural use or granted a non-Ag conditional use/special exception? 0

b. How many acres were rezoned INTO exclusive agricultural district? 0

c. Were there improvements on the original parcel? YES NO

d. What percentage of the improvements was rezoned or granted a conditional use/special exception? 100%

REZONE

6. REASON FOR REZONING

a. Develop land for non-Ag. residential use.

How far is the land from a city or village boundary? _____ MILES How far is the land from an existing residential area? _____ MILES

Is the land served by public sewer? YES NO Is the land within a sanitary district? YES NO

Is the land served by public water? YES NO Is the land within a planning transition area? YES NO

If more than one lot was developed - number of lots: _____ Average lot size: _____

b. Develop land for industrial use f. Farm consolidation

c. Develop land for commercial use g. Residence for parent or child of farm operator

d. Develop land for recreational use h. Other (please specify) remove existing deed restrictions

e. Pre-existing use, substandard or nonconforming parcel

7. SOILS INFORMATION

a. Type of soils in parcel rezoned out of agricultural district (approximate) N/A

Percent of land had soils in Classes I-II _____ Percent of the land had soils in Class IV _____

Percent of the land had soils in Class III _____ Percent of the land had soils in Classes V-VIII _____

b. Type of land in parcel rezoned out of agricultural district (approximate) N/A

Percent of land in cropland _____ Percent of the land in woodland _____

Percent of the land in pasture _____ Percent of the land in other (specify) _____

CONDITIONAL USE

8. WHAT IS THE TYPE OF CONDITIONAL USE/SPECIAL EXCEPTION?

- a. Agricultural (please specify use)

- b. Agricultural-related (please specify use)

- c. Institutional
- d. Governmental
- e. Religious
- f. Utility
- g. Other (please specify use) outdoor lighting to conform to Town and County conditional use limitations as proposed in attached C.U.P.

CERTIFICATION HISTORY

9. HAVE ANY ZONING CERTIFICATES BEEN ISSUED FOR THE PROPERTY WHICH WAS GRANTED THE REZONING OR A NON-AGRICULTURAL CONDITIONAL USE / SPECIAL EXCEPTION?

YES NO

If "YES," please attach copies of any zoning certificates that have been issued for the property during the last 10 years, and a copy of a property record that includes a description of the rezoned property, such as a warranty deed, land contract, subdivision plat, or certified survey map.

FINDINGS FOR REZONING

10. WAS THE PETITION FOR REZONING APPROVED ONLY AFTER FINDINGS WERE MADE BASED ON CONSIDERATION OF THE FOLLOWING AS REQUIRED BY s. 91.77(1), Wis. Stats.:

- (a) Adequate public facilities to accommodate development either exist or will be provided within a reasonable time.
- (b) Provision of public facilities to accommodate development will not place an unreasonable burden on the ability of affected local units of government to provide them.
- (c) The land proposed for rezoning is suitable for development and development will not result in undue water or air pollution, cause unreasonable soil erosion, or have an unreasonable adverse effect on rare or irreplaceable natural areas.

YES NO

SIGNATURE OF ZONING AUTHORITY

DATE OF SIGNATURE

DATE OF LOCAL APPROVAL OF REZONING OR CONDITIONAL USE

AGENT: REINHART, BOERNER, VAN DELUREN, NORRIS & RIESELBACH, S.C.

Name By: Jesse S. Ishikawa

Street 22 East Mifflin St., Ste. 600

Post _____

Office Madison, WI

Telephone (608) 229-2200 Zip 53703

OWNER: TYROL BASIN CORP.

Name By: JOVANN B BARRY, Pres.

3487 Barn Road

Mount Horeb, WI

Telephone (608) 437-4135 Zip 53572

785811632

**NOTICE OF REZONING OR CONDITIONAL USE/SPECIAL EXCEPTION
IN THE EXCLUSIVE AGRICULTURAL DISTRICT**
(Under the Farmland Preservation Law, Ch. 91, Wis. Stats.)

Wisconsin Department of Agriculture
Trade and Consumer Protection
Bureau of Land and Water Resources
2811 Agriculture Drive, PO Box 8911
Madison, WI 53708-8911

Please send us this form when rezones from or CUPs/SEPs in the Exclusive Agricultural District are approved.

Local Rezone #: 7858 Application Date: 3/3/00 Public Hearing Date: 5/23/00

Department # 1632

General Information

1. Town/Village/City of: VERMONT County: DANE

2. This Notice is for: Rezoning [] (From: RE-1 To: RE-1) CUP/SEP HT632 Both []

3a. Owner's name at time of Rezoning: _____ phone number: () _____

Address (city, state, zip code) SEE ATTACHED

3b. Person, business or government initiating rezone _____ phone number: () _____

Address (city, state, zip code) _____

3c. If the land is being annexed, Municipality: _____ Contact: _____ phone () _____

4. Location of the Property granted rezone or CUP/SEP

1/4 1/4	Section	Town	Range	
<u>SESE</u>	<u>28</u>	<u>07 N</u>	<u>06</u>	<u>DED NO</u> <u>YES</u> <u>JAR</u> 04-03-00
<u>SENE</u>	<u>33</u>	<u>07 N</u>	<u>06</u>	

Parcel Number(s) before rezoning/CUP (parcels involved) _____

5. Land Area and Improvements

Total Acreage: in farm before rezone: _____ in parcel before rezone: 19.39 in Exclusive Ag. Dist.
How many acres were rezoned out of exclusive agricultural district or granted CUP/SEP? 19.39

Were there improvements on the original parcel? (yes) / no

What percentage of the improvements were rezoned / granted a CUP/SEP? 100%

6. Conditional Use / Special Exceptions in Exclusive Agricultural District

What is the type of CUP/SEP?

a. Agricultural (please specify use) _____	d. governmental (_____)
b. Agricultural-related (please specify use) _____	e. religious _____
c. Institutional (_____)	f. utility (_____)
	g. other (please specify use) _____

Please confirm that findings were made that CUPs/SEPs in the Exclusive Agricultural District are "consistent with agricultural use." They must meet all of the following conditions:

- [] The activity will not convert land that has been devoted primarily to agricultural use.
- [] The activity will not limit the surrounding land's potential for agricultural use.
- [] The activity will not conflict with agricultural operations on land subject to farmland preservation agreements.
- [] The activity will not conflict with agricultural operations on other properties.

If the land was not rezoned, please skip to Question 9

Julia Spigum-Ramunon
REINHART, BOERNER, ET AL.
 PO BOX 2018, MADISON, WI 53701-2018
 INSP DDC

FR/SL/002 ?

7. Reason for Rezoning Out of Exclusive Agricultural Use (please check)

General information required (for all rezones):

Miles from city/village boundary: _____

Miles from existing residential area: _____

Is the land served by public sewer? yes / no

Is the land within a sanitary district? yes / no

Is the land served by public water? yes / no

Is the land within a planning transition area? yes / no

REASON for Rezoning : (If land was rezoned into more than one type of use, please specify the acres for each use.)

a. Develop land for non-Agricultural residential use (_____ acres)

If more than 1 lot was developed: Number of lots _____ Average lot size (acres) _____

b. Residence for parent / child / retirement (circle) of farm owner-operator

c. farm consolidation

Whose farm is the land being added to? _____ Total acres in consolidated farm _____

d. Pre-existing use Substandard or nonconforming parcel

e. develop for industrial use (_____ acres) g. develop for recreational use (_____ acres)

f. develop for commercial use (_____ acres) h. other (please specify) AMEND DEED RESTRICTIONS

8. Soils Information

a. **Type of soils in parcel rezoned out of exclusive agricultural district (approximate, from soil survey)**

% of land in soil classes I-II _____

% of land in soil class IV _____

% of land in soil class III _____

% of land in soil classes V - VIII _____

b. **Type of land in parcel rezoned out of exclusive agricultural district (approximate)**

% of land in cropland _____

% of land in woodland _____

% of land in pasture _____

% of land in other (specify) _____

9. Certification History

Have any zoning certificates been issued for the property rezoned or granted the or non-ag. CUP/SEP? Yes / No

If YES, you must attach:

copies of any zoning certificates issued for the property during the last 10 years AND

a written legal description of the property removed, such as a warranty deed, land contract, certified survey map or subdivision plat.

10. Findings for Rezoning

Please confirm that the rezoning was approved only after findings were made based on consideration of the following as required by s. 91.77(1) Wis. Stats.:

Adequate public facilities to accommodate the development either exist or will be provided within a reasonable time.

Provision of public facilities to accommodate development will not place an unreasonable burden on the ability of affected local units of government to provide them.

The land is suitable for development and development will not result in undue water or air pollution, cause unreasonable soil erosion, or have an unreasonably adverse effect on rare or irreplaceable natural areas.

Is the rezone consistent with the County Agricultural Preservation plan? _____

Signature of Zoning Authority _____

Title _____

Date of Signature _____

Date of Local Approval _____

Effective Date _____

COMPOSITE REPORT

Dane County Zoning & Natural Resources Committee

Dane County Application for Change in Zoning or CUP

HEARING DATE: 01/26/99 **ITEM#:** 24.

ZONING PETITION #: 7464 **CUP #:** 1540

TOWN / SECTION: Vermont 33

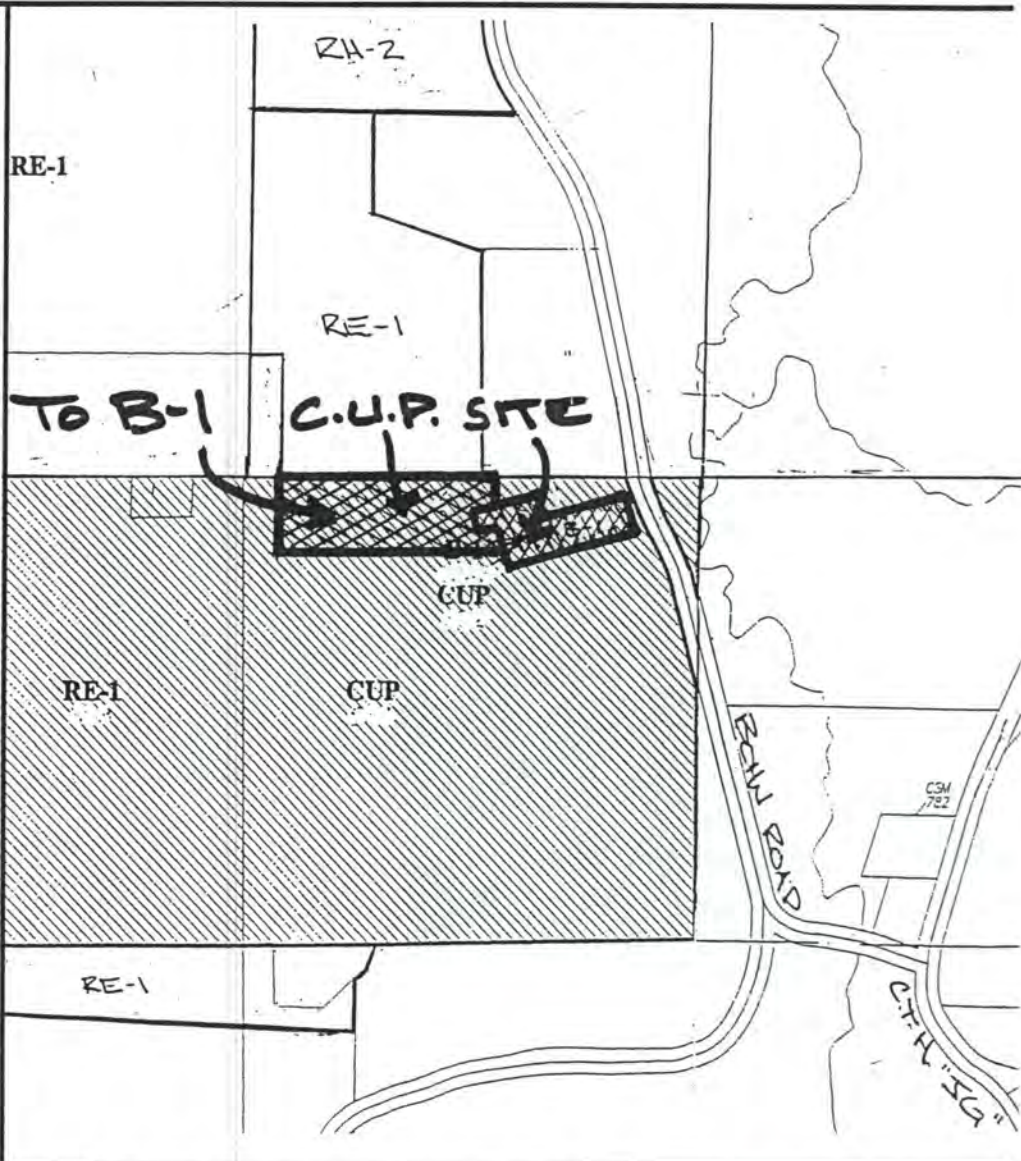
APPLICANT: Tyrol Basin Corporation

LOCATION: at 3487 Bohn Road

AREA: 2.80 acres **DELAYED EFFECTIVE DATE:** None

CHANGE: From the RE-1 Recreational to the B-1 Local Business

PROPOSED USE: conditional use permit for conference and convention center, outdoor sales events & Recreational uses lighted at night



TOWN ACTION RECOMMENDATION:

Approved MARCH 7 2000
 DENY

SUBJECT TO:

Conditions Amended

IF CUP:

Conditions None

ZNR COMMITTEE ACTION - REZONING

Postponed MARCH 14 2000
 Approve Cond/Amend Town Cond/Amend. Comm.
 As Condition COVENANTS & RESTRICTIONS JULY 12/99
 Amended Changed Zone Dist.
 Changed Boundary Description
 DENY Vote
 Action Date MAY 9 2000 7-0

ZNR CUP APPROVAL

Approved As Specified by Town
 Con by ZNR DENY
 Date _____

COUNTY BOARD ACTION REZONING

Referred Date MAY 18 2000
 Approved Amended on Floor
 DENY COUNTY BOARD AGENDA ITEM #

COMPOSITE REPORT

Dane County Zoning & Natural Resources Committee

Dane County Application for Change in Zoning or CUP

HEARING DATE: 05/23/00 ITEM#: 16.

ZONING PETITION #: 7858 CUP #: 1632

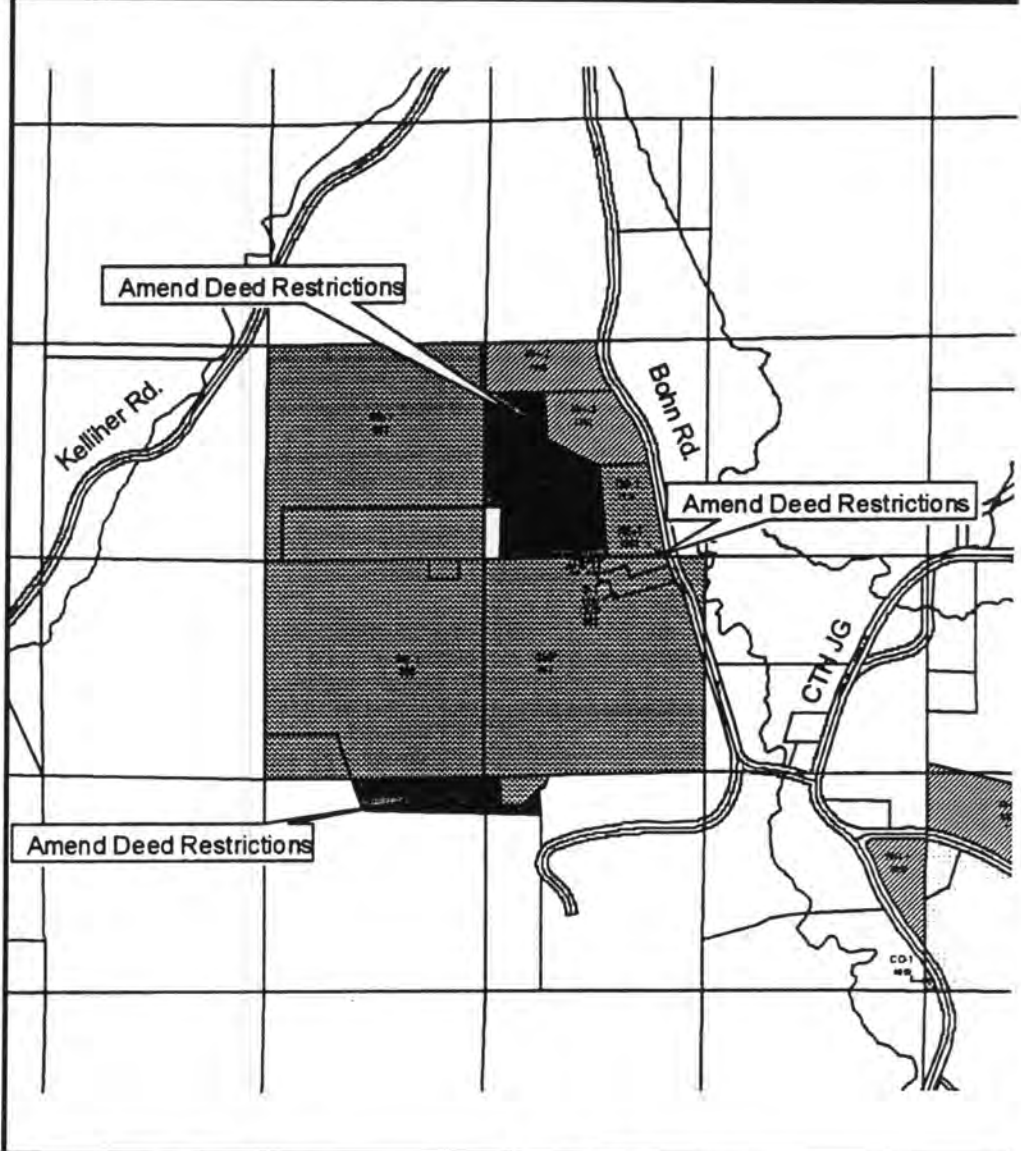
TOWN / SECTION: Town of Vermont 28

APPLICANT: TYROL BASIN INC.

LOCATION: at 3487 Bohn Road

AREA: 19.4 A acres DELAYED EFFECTIVE DATE: Yes

CHANGE: From the RE-1 Recreational to the RE-1 Recreational
 PROPOSED USE: amend lighting restrictions



TOWN ACTION RECOMMENDATION:

Approved MAY 8 2000
 DENY

SUBJECT TO:
 Conditions Amended

IF CUP:
 Conditions None

ZNR COMMITTEE ACTION - REZONING

Postponed
 Approve Cond/Amend Town Cond/Amend. Comm.
 As Condition lighting in RE-1/B-1

Amended Changed Zone Dist.
 Changed Boundary Description
 DENY
 Action Date 5/23/00 Vote _____

ZNR CUP APPROVAL

Approved As Specified by Town
 Con by ZNR DENY
 Date Dec 17 2000

COUNTY BOARD ACTION REZONING

Referred Date 06-01-00
 Approved Amended on Floor
 DENY as modified
 COUNTY BOARD AGENDA ITEM # _____

**NOTICE OF PUBLIC HEARING BY THE DANE COUNTY
ZONING & NATURAL RESOURCES COMMITTEE**

NOTICE IS HEREBY GIVEN that a public hearing will be held in Room 201 of the City-County Building, Madison, Wisconsin on Tuesday, 05/23/00 at 7:30 P.M. to consider the following matter:

16. PETITION # 7858 AND CONDITIONAL USE PERMIT # 1632 BY TYROL BASIN CORP to amend the Deed Restrictions and Conditions in the RE-1 Recreational District on property located at 3487 Bohn Road in part of the SE 1/4 SE 1/4 Section 28 and NE 1/4 NE 1/4 Section 33, Town of Vermont.

EFF RES 9/20/00
CUP 12/12/00

PUBLISHED: Wisconsin State Journal

ZONING & NATURAL RESOURCES
COMMITTEE
Helen Johnson, Chair

DANE COUNTY
CONDITIONAL USE PERMIT #1632

THE ZONING AND NATURAL RESOURCES COMMITTEE OF THE DANE COUNTY BOARD PURSUANT TO SECTION 10.255(2) OF THE DANE COUNTY CODE OF ORDINANCES DOES HEREBY:

GRANT: The Conditional Use Permit.

FOR: Amend deed restrictions pertaining to lighting.

EFFECTIVE DATE OF PERMIT: 12/12/00 EXPIRATION DATE: (See Below)

THE CONDITIONAL USE SHALL BE LOCATED ON THE PROPERTY DESCRIBED AS FOLLOWS:

Part of the SE 1/4 of the SE 1/4 of Section 28, Town of Vermont, described as follows: Commencing at the Southeast corner of the said Section 28; thence West 591.42 feet to the point of beginning; thence N03°55' West 583.07 feet; thence N62°03'52" West 328.65 feet; thence N02°50' West 290.40 feet; thence N89°46'23" West 384.91 feet; thence S00°10'04" East 697.27 feet; thence East 100.00 feet; thence S00°10'04" East 330.0 feet; thence East 626.43 feet to the point of beginning.

Also, commencing at the Southeast corner of the said Section 28; thence due West along the Section line 203.50 feet to the centerline of Bohn Road and the point of beginning; thence N10°14' West along the centerline of Bohn Road 49.87 feet; thence S79°46' West 33.00 feet; thence S26°20' West 26.85 feet; thence S81° 28' West 129.10 feet to the Section line, thence due East 180.92 feet along the Section line to the point of beginning.

Also, a part of the SE 1/4 of the NE 1/4 of Section 33, Town of Vermont described as follows: Commencing at the Northwest corner of the S 1/2 NE 1/4, thence East 1421.0 feet along the North line of the said S 1/2 NE 1/4 to the point of beginning; thence continue East 300.00 feet along said North line; thence S23° West 60 feet, thence S54° West 155 feet, thence West 150 feet; thence North 150 feet to the point of beginning.

Also, a part of the S 1/2 NE 1/4 of Section 33, Town of Vermont, described as follows: Commencing at the Northwest corner of the S 1/2 of the NE 1/4; thence East 529.6 feet along the North line of the said S 1/2 NE 1/4 to the point of beginning; thence continue East 891.4 feet to a parcel, previously deeded, thence South 150 feet, thence East 150 feet; thence N54° East 100 feet,

more or less, to the Westerly line of the East three-fourths of the SE 1/4 of the NE 1/4 of the said Section 33; thence South 104 feet, more or less, to a point which is 195 feet South of the North line of the said S 1/2, NE 1/4; thence West 1058 feet along a line which is 195 feet South of the said North line; thence N18° West 205 feet to the point of beginning.

THE ZONING AND NATURAL RESOURCES COMMITTEE AFTER PUBLIC HEARING AND IN THEIR CONSIDERATION OF THE CONDITIONAL USE PERMIT MADE THE FOLLOWING FINDING OF FACT:

1. That the establishment, maintenance and operation of the proposed conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
2. That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted will not be substantially impaired or diminished by the establishment, maintenance and operation of the proposed conditional use.
3. That the establishment of the proposed conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. That adequate utilities, access roads, drainage and other necessary site improvements will be made.
5. That adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
6. That the proposed conditional use does conform to all applicable regulations of the district in which it is proposed to be located.

EXPIRATION OF PERMIT

Section 10.25(2)(n) of the Dane County Code of Ordinances provides that any use for which a conditional use permit has been issued, upon its cessation or abandonment for a period of one year, will be deemed to have been terminated and any future use shall be in conformity with the ordinance

DANE COUNTY ORDINANCE AMENDMENT NO. 7858

Amending Section 10.03 relating to Zoning Districts in the Town of Vermont.

The Dane County Board of Supervisors does ordain as follows: That the Zoning District Maps of the Town of Vermont be amended to include in the RE-1 Recreational District/s the following described land:

PETITION NUMBER/C.U.P. NUMBER: 7858/1632

TO RE-1:

Part of the SE 1/4 of the SE 1/4 of Section 28, Town of Vermont, described as follows: Commencing at the Southeast corner of the said Section 28; thence West 591.42 feet to the point of beginning; thence N03°55' West 583.07 feet; thence N62°03'52" West 328.65 feet; thence N02°50' West 290.40 feet; thence N89°46'23" West 384.91 feet; thence S00°10'04" East 697.27 feet; thence East 100.00 feet; thence S00°10'04" East 330.0 feet; thence East 626.43 feet to the point of beginning.

Also, commencing at the Southeast corner of the said Section 28; thence due West along the Section line 203.50 feet to the centerline of Bohn Road and the point of beginning; thence N10°14' West along the centerline of Bohn Road 49.87 feet; thence S79°46' West 33.00 feet; thence S26°20' West 26.85 feet; thence S81° 28' West 129.10 feet to the Section line, thence due East 180.92 feet along the Section line to the point of beginning.

Also, a part of the SE 1/4 of the NE 1/4 of Section 33, Town of Vermont described as follows: Commencing at the Northwest corner of the S 1/2 NE 1/4, thence East 1421.0 feet along the North line of the said S 1/2 NE 1/4 to the point of beginning; thence continue East 300.00 feet along said North line; thence S23° West 60 feet, thence S54° West 155 feet, thence West 150 feet; thence North 150 feet to the point of beginning.

Also, a part of the S 1/2 NE 1/4 of Section 33, Town of Vermont, described as follows: Commencing at the Northwest corner of the S 1/2 of the NE 1/4; thence East 529.6 feet along the North line of the said S 1/2 NE 1/4 to the point of beginning; thence continue East 891.4 feet to a parcel, previously deeded, thence South 150 feet, thence East 150 feet; thence N54° East 100 feet, more or less, to the Westerly line of the East three-fourths of the SE 1/4 of the NE 1/4 of the said Section 33; thence South 104 feet, more or less, to a point which is 195 feet South of the North line of the said S 1/2, NE 1/4; thence West 1058 feet along a line which is 195 feet South of the said North line; thence N18° West 205 feet to the point of beginning.

TO B-1:

Part of the NE 1/4 of the NE 1/4 of Section 33, Town of Vermont described as follows: Commencing at the Northeast corner of the said Section 33; thence N87°51'36" West 220.72 feet; thence S83°51'24" West 378.02 feet; thence S14°48' East 41.78 feet to the point of beginning; thence S75°12'60.0 feet; thence S14°48' East 60.0 feet; thence S75°12' East 60.0 feet; thence N14°48' East 60.0 feet; thence S88°14'47" West 655.29 feet; thence N02°08' West 208.06 feet; thence East along the section line 626.43 feet to the Southwest corner of CSM #8857; thence S04°28' East 72.83 feet to the point of beginning.

The Dane County Board of Supervisors does ordain that this amendment, based upon their findings, to be consistent with the provisions of Wisconsin State Statute 91.77 (1)(a),(b),(c).

AND

Part of the NE 1/4 NE 1/4, Section 33, Town of Vermont described as follows:
Commencing at the Northeast corner of the said Section 33; thence N87°51'36" West 220.72 feet; thence S83°51'24" West 378.02 feet; thence S14°48' East 41.78 feet to the point of beginning; thence N75°12' East 128 feet; thence S14°48' East 68 feet; thence N75°12' East 245 feet; thence S14°48' East 107 feet; thence S75°12' West 373 feet; thence N14°48' West 115 feet; thence S75°12' West 60 feet; thence N14°48' West 60 feet; thence N75°12' East 60 feet to the point of beginning.

DEED RESTRICTION REQUIRED

This amendment will be effective, if within 90 days of its adoption by Dane County the owner or owners of the land shall record the following restrictions on said land:

1). Amend the wording of the Deed and Covenants and Restrictions to include "Outdoor lighting for organized activities in the RE-1 and B-1 areas shall be limited to parking lots, building lights, downhill slopes, snow slides, and cross country ski trails."

Said restrictions shall run in favor of Dane County and the pertinent Town Board as well as the owners of land within 300 feet of the site. **Failure to record the restrictions will cause the rezone to be null and void.**

A copy of the recorded document shall be submitted to Dane County Zoning.

***Terminate deed restriction #30504767 "the 14.54 rezone area(RE-1) shall be utilized for a parking lot area only."**

Effective: 9/20/00

The Dane County Board of Supervisors does ordain that this amendment, based upon their findings, to be consistent with the provisions of Wisconsin State Statute 91.77 (1)(a),(b),(c).

ITEM #16

Amend Deed Restrictions and Conditions previously imposed on lands in the RE-1 District Tyrol Basin Corp., owners; Jesse Ishikawa, attorney, agent Vermont 28 and 33

Background

The petition and CUP application would accomplish two objects:

1. "Terminate" the Deed Restrictions recorded as a requirement for completion of previous rezone Pet. 7263. This would rescind the Conditions of that CUP in regard to lighting on a 4.85-acre ski slope area added along the south boundary of Tyrol Basin in 1998 (areas "A" and "B"). It would also permit a 14.54-acre area ("C") to be used for purposes other than a parking lot.

NOTE: The Deed of Covenants and Restrictions agreed upon by the Town of Vermont and Tyrol Basin Corp. and approved as Deed Restrictions to a previous rezone by Tyrol Basin Corp -- Pet. 7464 -- would supercede the terminated deed restrictions if adopted for Pet. 7464 or for Pet. 7858, or both.

2. Bring all RE-1 zoned property owned by Tyrol Basin Corp. under the following uniform Town and County conditional use limitations for outdoor lighting:
 1. The lighting shall be limited to outdoor snow sports areas.
 2. The lights shall be installed and/or maintained in a manner (including hoods or shield) so as to minimize direct illumination of adjoining property and the night sky.
 3. Hours of operation of outdoor lighting shall be limited to 11:30 p.m. when the facility is open for recreational purposes.
 - a. An additional one half hour shall be allotted for the orderly clearance of the slopes and departure of patrons.
 - b. The lighting may be continued beyond this hour up to six times per year with review and approval by the Town Board.
 4. Partial lighting is permitted for maintenance. Grooming, and snowmaking when the slopes are otherwise closed.

NOTE: This CUP is intended to supercede lighting restrictions adopted under previous CUP's 682 and 1505, in addition to applying to the entire RE-1 zoned Tyrol Basin Corp. property. The CUP would not apply to the B-1 Local Business-zoned area within the Tyrol Basin property, which would have its own Conditions under CUP 1540, a pending application by Tyrol Basin Corp. The CUP also would not apply to the RE-1/A-1EX zoned property owned by Ross & Joanne Reinhold, which constitutes a 10+ acre "island" inside the Tyrol Basin Corp. holdings.

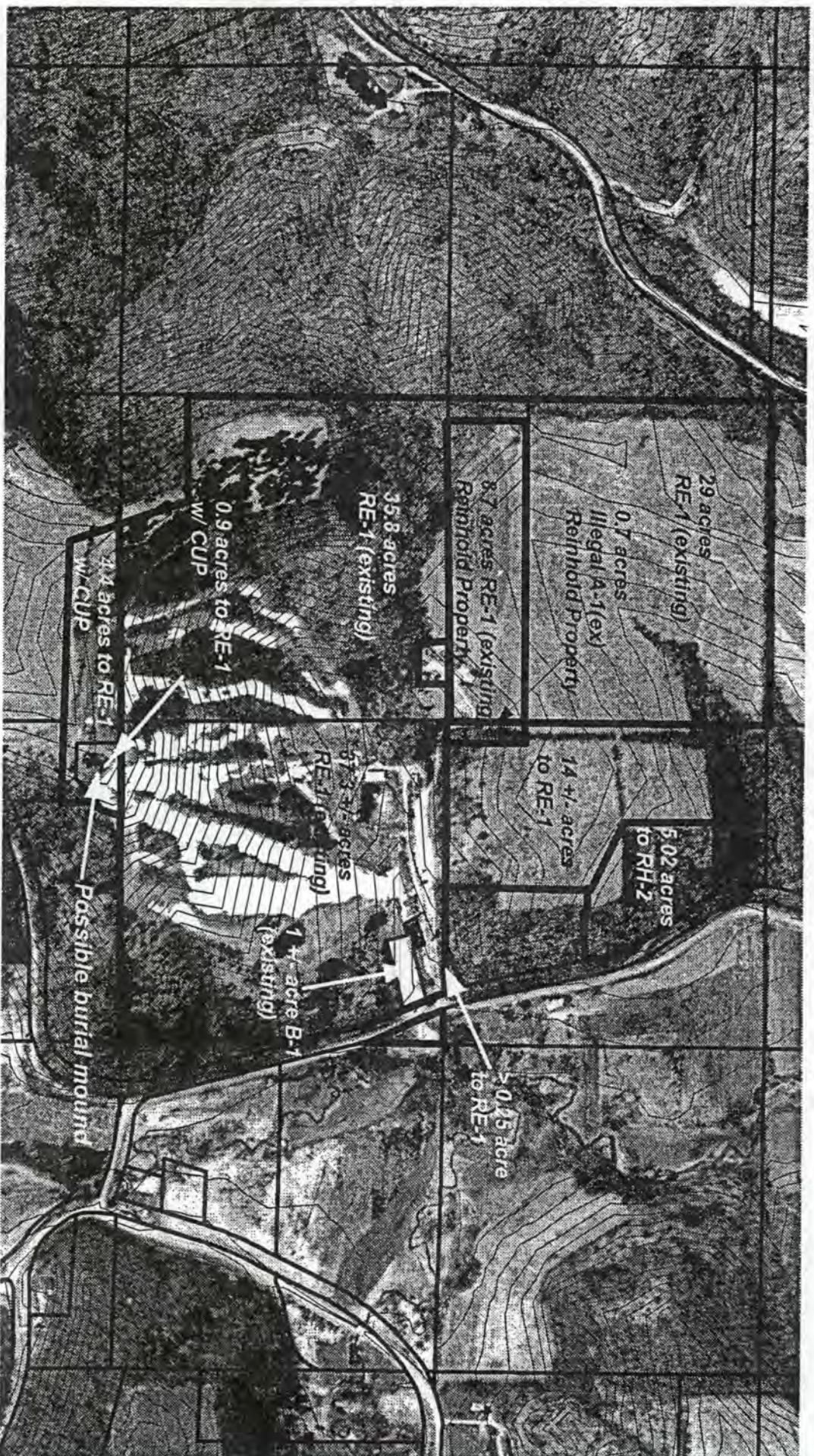
Note: Bohn Creek, with associated Floodplain, is located across Bohn Road within 300 feet of the B-1 zoned areas.

Additional Information

An orthophoto map of the subject property is on the following page.

Petitions 7262 & 7263/ CUP 1505
Tyrol Basin, Inc.

Town of Vermont
Sections 28 & 33



Scale: none



TOWN BOARD ACTION REPORT

Regarding Zoning Petition # 7858/1632

Public Hearing 5/23/2000

Whereas, the Town Board of the Town of VERMONT having considered said zoning petition, be it therefore resolved that said petition is hereby (Approved/Denied).

The Town Planning Commission.

consisting of 7 members voted 7 in favor and 0 opposed.

The Town Board.

consisting of 5 members voted 4 in favor and 0 opposed. 1 abstained

The above petition is subject to the following conditions: (Cross out or write none if there are no conditions)



(attach additional page(s) as required)

Please note: If the proposed rezoning is approved by the Town Board, but this rezoning does not comply with the Town Land Use Plan, please explain the approval. These reasons are critical for the Zoning Committee and the County Board in their consideration of the petition.

(attach additional page(s) as required)

Please note: The following space (and additional pages as required) are reserved for comment by the minority voter(s).

I, JANE M. HANSON, as Town Clerk of the Town of VERMONT, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on APRIL 10, 19 2000

Jane M. Hanson
Town Clerk

Date: May 15, 19 2000

05/17/2000

**HISTORY – LAND HELD BY TYROL BASIN CORP (TBC) AND OTHERS
IN SECTIONS 28 & 33, TOWN OF VERMONT**

Pet. 883, effective 1966: Owner Sandy Stevenson rezoned 120+- acres from A-1EX to RE-1. (Stevenson owned additional, abutting lands zoned A-1EX. (Green outline on map.)

1966-1988:

Stevenson sold 90+- acres zoned RE-1 to Reinhold, who built a house.

1988:

- TBC bought back 80 acres zoned RE-1 from Reinhold (the N ½ NE ¼ Sect. 33.)
- Reinhold kept 9.24 acres in Sec. 28, plus a 120'x181.5' acre piece of land extending into Sect. 33 zoned RE-1. The Sec. 33 piece provided the required rear yard setback for the house. (Pink outline on map.)
- Reinhold also acquired a 100'x300' parcel zoned A-1EX at the east end of the 9.24 acre parcel from Stevenson. *This A-1EX parcel is illegal.* (Solid pink on map.)
NOTE: Pink areas – outlined RE-1 and solid A-1EX – are currently owned by Reinhold – about 10 acres total. The zoning status of the Reinhold lands is in question: Is Reinhold's house on this property 'grandfathered' as built before 1988? Is Reinhold an "owner or caretaker of a permitted use in the RE-1 Recreational District" as per 10.10.10(1)(e)? Is there any recreational use on this 10 acres? ← No
- In exchange, Stevenson kept a 100'x300' parcel at the west end of the 9.24 acres to provide access to his 30 acres zoned RE-1 in Sec. 28.
- TBC acquired an irregular 150'x300' overall piece zoned A-1EX from the landowner to the South, Kreuger. (Yellow "A" on map.) This parcel should have been rezoned to RE-1 at the time; it was later rezoned to RE-1 under Pet. 7263. NOTE: There is a possible burial mound on this parcel – see aerial photo.

Pet. 4293 effective 09/06/1988 / CUP 682 effective 09/27/1988

- Pet. 4293 rezoned a small area in Sec. 33 from RE-1 to B-1.
- CUP 682 permitted sales of alcoholic beverages in the B-1 District and Outdoor lighting of the ski slopes in the RE-1 district, subject to Conditions – see attached.
- *The 150'x300' area (Yellow "A") land added in 1988 was used for lighted ski slopes, but was not included in the CUP area.*

1992

- TBC acquired a 205+'x1058+' area zoned A-1EX from Krueger. (Yellow "B" on map, adjacent to "A" described above.) This parcel should have been rezoned to RE-1 at the time; it was later rezoned to RE-1 under Pet. 7263.
- In exchange, Krueger got a 283'x530+' irregular parcel zoned RE-1 in the SW corner of the ski area. (Blue outline on map.) *This parcel should have been rezoned to A-1EX, since it became part of Kreuger's 120+ acre farm.*

1997

TBC bought 49 acres from Stevenson, including 30+- acres in Sec. 28 zoned RE-1 and 19+- acres zoned A-1EX. The 19 acres was an illegal parcel in A-1EX, and should have been rezoned at the time; it was later rezoned to RE-1 under Pet. 7263 for parking lot use only.

(Pet. 7126, effective 04/02/1998 – Stevenson rezoned a remainder parcel, located immediately east of the 19 acres purchased by TBC, to CO-1 Conservancy, to avoid having an illegal A-1EX parcel.)

(Pet. 7262, effective 10/12/1998 – TBC rezoned 5 acres to RH-2. Currently owned by TBC. Possibly used as ski area manager's house.)

Pet. 7263, effective 11/25/1998 w/ D.R.'s / CUP 1505, effective 12/08/1998 w/ Cond.'s

- Rezoned areas "A" and "B" described above from A-1EX to RE-1. These two parcels, totaling 4.85 acres, were part of the existing, lighted ski slope area at that time. They were rezoned subject to a Deed Restriction to "maintain the current conditions of the Conditional Use Permit and memorandum of understanding." See copy of memorandum of understanding attached.
- Also rezoned areas "C" and "D" on map from A-1EX to RE-1, subject to a Deed Restriction requested by the Town, that "the 14.54 acre rezone area ["C"] shall be utilized for a parking lot area only." Area "D" was acquired from Stevenson to expand TBC's driveway to the B-1 and parking areas.
- CUP 1505 applied to parcels "A" and "B" only (not "C",) with Conditions for lighting (see attached.)

Pet. 7464 / CUP 1540 – 01/26/1999 ZNR Comm. Public Hearing

Amended to include D.R.'s 05/09/2000

RE-1 to B-1 with Conditional Use Permits for 1.) conference and convention centers, 2.) more than two outdoor sales events per year, and 3.) recreational facilities affiliated with a permitted B-1 use and lighted to operate at night.

Tyrol Basin Ski Area asked to expand their existing 1.2 acre B-1 zoned area by 2.8 acres to 4.0 acres total in B-1. The 2.8 acre area being rezoned includes four buildings "used for ski equipment rental, first aid, lift ticket sales, and ski instruction..." and associated parking and service roads. Proposed uses include "sale of alcoholic beverages, food service and retail sales of ski, snowboard, and related gift shop items" which are permitted uses in the B-1 district. In addition, Tyrol Basin asked to add the above CUP uses to both the existing and proposed B-1 areas (the full 4 acres.) They proposed limitations on: Sale of alcoholic beverages; Installation of speakers beyond a distance of 75 feet from the buildings; Use of facilities for conventions, conferences, etc. and sales events of less than 4 days in duration; and outdoor lighting -- all within the expanded B-1 area.

05/09/2000 -- The ZNR Comm. approved Pet. 7464, subject to a Deed of Covenants and Restrictions drafted by the Town of Vermont July 12, 1999 (see attached.)

05/18/2000 – The County Board will receive the ZNR Comm.'s recommendation to approve Pet. 7464.

Pet. 7464 must be approved by the Co. Board, signed by the Co. Exec., and approved as amended by the Township; then the Deed Restrictions must be recorded to make the rezone petition effective.

CUP 1540 for the uses listed above was approved by the Town of Vermont, subject to Conditions, and would be considered by the ZNR Comm. after Pet. 7464 becomes effective.

CURRENT PETITION

16. 7858/ CUP 1632 Tyrol Basin Corp., owners, Jesse Ishikawa for Reinhart, Boerner, Van Deuren, Norris & Reiselbach, S.C., attorneys, agents, Vermont 28 and 33, Amend the Deed Restrictions and Conditions previously imposed on lands in the RE-1 Recreational District

The petition and CUP application would accomplish two objects:

1. "Terminate" the Deed Restrictions recorded as a requirement for completion of previous rezone Pet. 7263. This would rescind the Conditions of that CUP in regard to lighting on a 4.85 acre ski slope area added along the south boundary of Tyrol Basin in 1998 (areas "A" and "B.") It would also permit a 14.54 acre area ("C") to be used for purposes other than a parking lot.

NOTE: The Deed of Covenants and Restrictions agreed upon by the Town of Vermont and Tyrol Basin Corp. and approved as Deed Restrictions to Pet. 7464, above, would supercede the terminated deed restrictions if adopted for Pet. 7464 or for Pet. 7858, or both.

2. Bring all RE-1 zoned property owned by Tyrol Basin Corp. under the following uniform Town and County conditional use limitations for outdoor lighting:
 1. The lighting shall be limited to outdoor snow sports areas.
 2. The lights shall be installed and/or maintained in a manner (including hoods or shield) so as to minimize direct illumination of adjoining property and the night sky.
 3. Hours of operation of outdoor lighting shall be limited to 11:30 p.m. when the facility is open for recreational purposes.
 - a. An additional one half hour shall be allotted for the orderly clearance of the slopes and departure of patrons.
 - b. The lighting may be continued beyond this hour up to six times per year with review and approval by the Town Board.
 4. Partial lighting is permitted for maintenance. Grooming, and snowmaking when the slopes are otherwise closed.

NOTE: This CUP is intended to supercede lighting restrictions adopted under previous CUP's 682 and 1505, in addition to applying to the entire RE-1 zoned Tyrol Basin Corp. property. The CUP would not apply to the B-1 area, which has its own Conditions under CUP 1540, above. It would not apply to the property owned by Ross & Joanne Reinhold.

Note: Bohn Creek, with associated Floodplain, is located across Bohn Road within 300 feet of the B-1 zoned areas.



Dane County Planning & Development

Room 116, City-County Building, Madison, Wisconsin 53709

Land Division Review

608/266-9086

Property Listing

608/266-4120

Surveyor

608/266-4252

Zoning

608/266-4266

G. JEANIE SIELING

Director

TYROL BASIN CORP

3487 BOHN RD

MT HOREB WI 53572

Date

7/26/00

REMINDER NOTICE

Rezoning Petition #

7858

Section

28

Town

Vermont

Please be advised that all required approvals by Town, Zoning Committee, Dane County Board and County Executive have been obtained.

NOTE:

The petition included a delayed effective date subject to the recording of a Certified Survey* and/or a Deed Restriction.

The petition was amended to include a delayed effective date subject to the recording of a Certified Survey* and/or a Deed Restriction.

Please be advised that the zoning change will not become effective until the required documents have been recorded. The document must be recorded in the office of the Dane County Register of

Deeds

10/17/00

If a deed restriction is required you may utilize the document enclosed or have your attorney draft a document for you. Please note that the wording of the restrictions may not be altered.

The survey review may also take 60 days, please take this into consideration when you are submitting a survey for approval. A survey submitted close to or on the deadline date may not be processed in time for the recording of the document.

IMPORTANT:

Failure to record the survey and/or deed restriction will null and void the Zoning Petition. The time period may not be extended.

Please provide Dane County Zoning with a copy of the recorded survey or deed restriction document. These are required for log entry, closing of and notifications of effective date to the County Clerk, Town Clerk and property owner.

RETURN TO:

PIN: -

RESTRICTIONS

I. WHEREAS, _____
_____ is/are the owner/s of the following described land in the
Town of _____ Dane County, Wisconsin,
to-wit:

TO RE-1:

Part of the SE 1/4 of the SE 1/4 of Section 28, Town of Vermont, described as follows: Commencing at the Southeast corner of the said Section 28; thence West 591.42 feet to the point of beginning; thence N03°55' West 583.07 feet; thence N62°03'52" West 328.65 feet; thence N02°50' West 290.40 feet; thence N89°46'23" West 384.91 feet; thence S00°10'04" East 697.27 feet; thence East 100.00 feet; thence S00°10'04" East 330.0 feet; thence East 626.43 feet to the point of beginning.

Also, commencing at the Southeast corner of the said Section 28; thence due West along the Section line 203.50 feet to the centerline of Bohn Road and the point of beginning; thence N10°14' West along the centerline of Bohn Road 49.87 feet; thence S79°46' West 33.00 feet; thence S26°20' West 26.85 feet; thence S81° 28' West 129.10 feet to the Section line, thence due East 180.92 feet along the Section line to the point of beginning.

Also, a part of the SE 1/4 of the NE 1/4 of Section 33, Town of Vermont described as follows: Commencing at the Northwest corner of the S 1/2 NE 1/4, thence East 1421.0 feet along the North line

DEED RESTRICTION

PAGE 2

of the said S 1/2 NE 1/4 to the point of beginning; thence continue East 300.00 feet along said North line; thence S23° West 60 feet, thence S54° West 155 feet, thence West 150 feet; thence North 150 feet to the point of beginning.

Also, a part of the S 1/2 NE 1/4 of Section 33, Town of Vermont, described as follows: Commencing at the Northwest corner of the S 1/2 of the NE 1/4; thence East 529.6 feet along the North line of the said S 1/2 NE 1/4 to the point of beginning; thence continue East 891.4 feet to a parcel, previously deeded, thence South 150 feet, thence East 150 feet; thence N54° East 100 feet, more or less, to the Westerly line of the East three-fourths of the SE 1/4 of the NE 1/4 of the said Section 33; thence South 104 feet, more or less, to a point which is 195 feet South of the North line of the said S 1/2, NE 1/4; thence West 1058 feet along a line which is 195 feet South of the said North line; thence N18° West 205 feet to the point of beginning.

TO B-1:

Part of the NE 1/4 of the NE 1/4 of Section 33, Town of Vermont described as follows: Commencing at the Northeast corner of the said Section 33; thence N87°51'36" West 220.72 feet; thence S83°51'24" West 378.02 feet; thence S14°48' East 41.78 feet to the point of beginning; thence S75°12'60.0 feet; thence S14°48' East 60.0 feet; thence S75°12' East 60.0 feet; thence N14°48' East 60.0 feet; thence S88°14'47" West 655.29 feet; thence N02°08' West 208.06 feet; thence East along the section line 626.43 feet to the Southwest corner of CSM #8857; thence S04°28' East 72.83 feet to the point of beginning.

AND

Part of the NE 1/4 NE 1/4, Section 33, Town of Vermont described as follows: Commencing at the Northeast corner of the said Section 33; thence N87°51'36" West 220.72 feet; thence S83°51'24" West 378.02 feet; thence S14°48' East 41.78 feet to the point of beginning; thence N75°12' East 128 feet; thence S14°48' East 68 feet; thence N75°12' East 245 feet; thence S14°48' East 107 feet; thence S75°12' West 373 feet; thence N14°48' West 115 feet; thence S75°12' West 60 feet; thence N14°48' West 60 feet; thence N75°12' East 60 feet to the point of beginning.

II. WHEREAS said owner desires to place certain restrictions thereon, to bind the owner and those who may acquire title hereafter.

III. NOW, THEREFORE, in consideration of the mutual benefits passing to and from the owner and those who may hereafter purchase said land

DEED RESTRICTION

PAGE 3

and the parties named as beneficiaries of these restrictions, the following restrictions are hereby imposed:

1). Amend the wording of the Deed and Covenants and Restrictions to include "Outdoor lighting for organized activities in the RE-1 and B-1 areas shall be limited to parking lots, building lights, downhill slopes, snow slides, and cross country ski trails."

*Terminate deed restriction #30504767 "the 14.54 rezone area (RE-1) shall be utilized for a parking lot area only."

These restrictions shall constitute covenants running with the land and shall be binding upon all parties now owning any part of said land, their successors, heirs and assigns, and all parties holding under them unless, pursuant to paragraphs V or VI of this instrument, said restrictions are amended or terminated.

IV. The restrictions provided for herein shall be enforceable at law or equity against any party who has or acquires an interest in the land subject to the restriction by the following parties who are named as grantees, promisees and beneficiaries with enforcement rights:

- (a) The County Government of Dane County, Wisconsin provided that the lands are under the jurisdiction of zoning ordinance of said County at the time the enforcement action is commenced; and
- (b) The Town Government of the Town _____ Dane County, Wisconsin provided that the lands are within the governmental jurisdiction of said Town at the time the enforcement action is commenced.
- (c) The owner(s) of record of any land/s which are located within 300 feet of the subject site.

V. The restrictions set forth in paragraph 3 above may be amended in the following manner:

- (a) A written petition calling for the amendment of the restrictions may be made by the persons who are, at the time of the petition, owner/s of the lands subject to the restriction. Such petition

shall be submitted to the Dane County Clerk who shall refer the petition to the Dane County Zoning & Natural Resources Committee (or successor committee) which committee shall schedule and hold a public hearing on the petition in the same manner as public hearings for zoning amendment petitions are noticed and scheduled.

arking

Service Exit Road

7464/1540

PROPOSED B-1 ZONING

Existing Parking 39,220 SF

4293/492

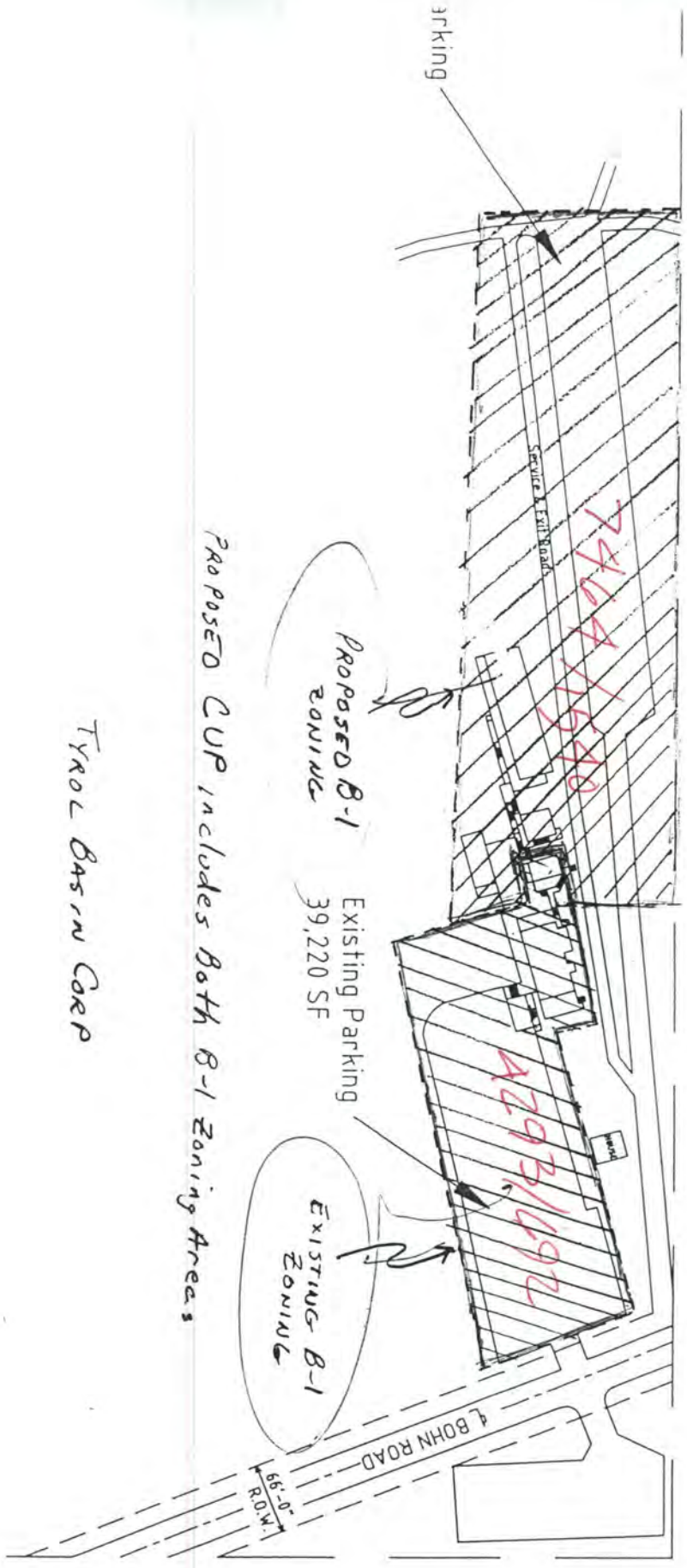
EXISTING B-1 ZONING

BOHN ROAD

96'-0" R.O.M.

PROPOSED CUP includes Both B-1 Zoning Areas

Tyrol Basin Corp





Dane County Planning & Development

Room 116, City-County Building, Madison, Wisconsin 53709

Land Division Review

608/266-9086

Property Listing

608/266-4120

Surveyor

608/266-4252

Zoning

608/266-4266

G. JEANIE SIELING
Director

Date 7/10/00

TYROL BASIN CORPORATION
3487 BOHN RD
MT HOREB WI 53572

REMINDER NOTICE

Rezoning Petition # 7464 Section 33 Town Vermont

Please be advised that all required approvals by Town, Zoning Committee, Dane County Board and County Executive have been obtained.

NOTE:

The petition included a delayed effective date subject to the recording of a Certified Survey* and/or a Deed Restriction.

The petition was amended to include a delayed effective date subject to the recording of a Certified Survey* and/or a Deed Restriction.

Please be advised that the zoning change will not become effective until the required documents have been recorded. The document must be recorded in the office of the Dane County Register of

Deeds 10/2/00.

If a deed restriction is required you may utilize the document enclosed or have your attorney draft a document for you. Please note that the wording of the restrictions may not be altered.

The survey review may also take 60 days, please take this into consideration when you are submitting a survey for approval. A survey submitted close to or on the deadline date may not be processed in time for the recording of the document.

IMPORTANT:

Failure to record the survey and/or deed restriction will null and void the Zoning Petition. The time period may not be extended.

Please provide Dane County Zoning with a copy of the recorded survey or deed restriction document. These are required for log entry, closing of and notifications of effective date to the County Clerk, Town Clerk and property owner.

DANE COUNTY ORDINANCE AMENDMENT NO. 7464

Amending Section 10.03 relating to Zoning Districts in the Town of Vermont.

The Dane County Board of Supervisors does ordain as follows: That the Zoning District Maps of the Town of Vermont be amended to include in the B-1 Local Business District/s the following described land:

PETITION NUMBER/C.U.P. NUMBER: 7464/1540

Part of the NE 1/4 of the NE 1/4 of Section 33, Town of Vermont described as follows: Commencing at the Northeast corner of the said Section 33; thence N87°51'36" West 220.72 feet; thence S83°51'24" West 378.02 feet; thence S14°48' East 41.78 feet to the point of beginning; thence S75°12' West 60.0 feet; thence S14°48' East 60.0 feet; thence S75°12' East 60.0 feet; thence S14°48' East 60.0 feet; thence S88°18'47" West 655.29 feet; thence N02°08' West 208.06 feet; thence East along the section line 626.43 feet to the Southwest corner of CSM #8857; thence S04°28' East 72.83 feet to the point of beginning.

CONDITIONAL ZONING

Conditional zoning is hereby imposed pursuant to Section 10.255(3)(a)2.(b) of the Dane County Code of Ordinances. The rezoned area shall be subject to the following conditions.

DEED RESTRICTION REQUIRED

This amendment will be effective, if within 90 days of its adoption by Dane County the owner or owners of the land shall record the following restrictions on said land:

1. Town of Vermont document drafted July 12, 1999, deed restrictions and covenants.

Said restriction shall run in favor of Dane County and the pertinent Town Board as well as the owners of land within 300 feet of the site. **Failure to record the restrictions will cause the rezone to be null and**

The Dane County Board of Supervisors does ordain that this amendment, based upon their findings, to be consistent with the provisions of Wisconsin State Statute 91.77 (1)(a),(b),(c).

TYPOL SKI BAS N
TAPES 12/49

COMP SHEET

JUL 26 1988

RECEIVED
ZONING DIV

TIE 16-2 = 278.02
433.21
N 83° 51' 24" E (ORIGINAL REZONE REQUEST 650' ±)

NORTH
4293
682

N 87° 51' 36" W
220.72

COF 7.6
SEC 33-7.6

10,000

BOHN RD

RD

TAKER

245' N 75° 12' E

AREA
C.O.P.

REVISED - REDUCED TO C.O.P.

373' N 75° 12' E = MINIMUM REZONE PER DANE COUNTY

128 x 152 # PARKING
= 19,450 PLUS BLDG BARN PLUS PARKING ALL

52, 210
39911 39911
39,910 39911
8,700 39911
3,600 39911
52, 210 39911

PARKING: 167 x 373 =
68 x 128
66 x 60

ORIGINAL REZONE REQUEST 250' ±



16
FNO
1114

REINHART | BOERNER | VAN DEUREN
NORRIS & RIESELBACH, S.C.

ATTORNEYS AT LAW

March 7, 2000

VIA MESSENGER

Mr. James Gregorius
Zoning Administrator
Planning and Development
City-County Building, Room 116
210 Martin Luther King, Jr. Boulevard
Madison, WI 53709



Dear Mr. Gregorius:

Re: Tyrol Basin Corporation Approvals

We represent Tyrol Basin Corporation.

We are asking that you schedule the following matters for consideration by the Zoning and Natural Resources Committee:

(a) A Petition for Termination of Deed Restrictions. A set of restrictions affecting certain properties owned by Tyrol Basin Corporation was recorded as Document No. 3050476. A copy of these restrictions is enclosed. The history of these restrictions is as follows: In 1998, Tyrol Basin Corporation purchased land for the purpose of building additional parking lots. As a temporary condition of allowing the rezoning of 14 acres from AG-1E to RE-1, the Town of Vermont required a deed restriction for the new RE-1 land limiting it to "parking only." This allowed Tyrol Basin to construct parking lots while continuing negotiations on the more comprehensive Deed of Covenants and Restrictions.

We have now reached agreement with the Town of Vermont on the Deed of Covenants and Restrictions, which eliminates the need for the deed restrictions recorded as Document No. 3050476. The new Deed of Covenants and Restrictions is before the Committee as part of C.U.P. #1540 and zoning #7464. In order for the deed restrictions to be

22 East Mifflin Street Suite 600 P.O. Box 2020 Madison, Wisconsin 53701-2020 Telephone (608) 229-2200 Facsimile (608) 229-2100

Denver, CO
(303) 831-0909

Madison, WI
(608) 229-2200

Milwaukee, WI
(414) 298-1000

Mr. James Gregorius
March 7, 2000
Page 2

terminated, the County Board must approve a petition for termination of the restrictions. Under the terms of the deed restriction, the petition must be submitted to the Dane County Clerk, who shall refer the petition to the Dane County Zoning and Natural Resources Committee which shall schedule and hold a public hearing on the petition; furthermore, the approval must then be given by the county board. The termination also requires approval of the town board. We will request that the Town grant its approval to terminating the restriction recorded as Document No. 3050476. We anticipate that the Town will approve of such termination, conditioned upon Tyrol Basin executing the Deed of Covenants and Restrictions.

To comply with the requirement of the deed restriction, we are filing a duplicate original of the Petition for Termination of Deed Restrictions with the Dane County Clerk.

(b) RE-1 conditional use permit for exterior lighting. Tyrol Basin Corporation is proposing a comprehensive use permit for all of its RE-1 zoned property which would cover existing RE-1 property under conditional use permits 682 and 1505, and for property that was acquired in 1998 which is now zoned RE-1, with no applicable conditional use permit.

The Town of Vermont has agreed to this conditional use permit, subject to the filing of the comprehensive Deed of Covenants and Restrictions. Again, we will seek written confirmation of this from the town prior to the public hearing that we are asking you to schedule.

In support of these requests, we are enclosing a C.U.P. Application, which covers both the termination of the deed restrictions and the new conditional use permit for exterior lighting, with supporting attachments. We respectfully request that you schedule this for an April 25 public hearing.

Mr. James Gregorius
March 7, 2000
Page 3

If you need any further information, or would like to meet with me to go through these materials in advance of the public hearing, please call.

Yours very truly,



Jesse S. Ishikawa

MADISON\60825JSI:MW

Encs.

cc Dane County Clerk (w/encs.)
Mr. Donald McKay (w/encs.)
Mr. Mark Hazelbaker (w/encs.)
Ms. Jane Hanson (w/encs.)

4. Written Statement

- a) Existing Uses of the Property: Current use of the property is that of a recreational facility (ski and snow-sports related activities).
- b) Existing Uses of All Neighboring Properties: The neighboring properties are zoned as recreational (RE-1), rural homes (RH-2), local business (B-1), agricultural (AG1-E) and conservancy (CO-1).
- c) Proposed Uses of Affected Area: Recreational facility (ski and snow-sports related area), subject to additional restrictions imposed by Deed of Covenants and Restrictions, which will be placed on the property once the termination of existing deed restrictions is effective.
- d) Time Schedule for Development: Rezone anticipated during the 2000 ski season.

Information Required for Filing an Application for a Conditional Use Permit (C.U.P.)

- 1. Legal Description - see attached C.U.P. application
- 2. Tax Parcel Number(s) - see attached C.U.P. application
- 3. Written Statement
 - a) Existing and Proposed Uses of the Property: Current and proposed use of the property is that of a recreational facility (ski and snow-sports related activities). The proposed C.U.P. will allow for all contiguous RE-1 Zoned Tyrol Basin Corp property subject to uniform Town and County conditional use limitations for outdoor lighting as described in attached proposed C.U.P.
 - b) Existing Uses of All Neighboring Properties: The neighboring properties are zoned as recreational (RE-1), rural homes (RH-2), local business (B-1), agricultural (AG1-E) and conservancy (CO-1).
 - c) Time Schedule for Development: C.U.P. anticipated during the 2000 ski season.
 - d) Reasons Why the Property Is Suitable for the Proposed Use: Existing and proposed uses are the same - that of a recreational facility (ski and snow-sports related activities). The addition of the proposed lighting would enhance the existing facility and allow for additional future use.

e) Number of Employees and Hours of Operation of the Proposed Use, If Applicable: There are currently 150 seasonal and three full-time year round employees of Tyrol Basin Corp. Hours of operation of the proposed outdoor lighting shall be limited to 11:30pm when the facility is open for recreational purposes. An additional one-half hour shall be allotted for the orderly clearance of the slopes and departure of patrons. The lighting may be continued beyond this hour up to six (6) times per year with review and approval by the Town Board.

4. Site Plan - see attached map

TYROL BASIN

CHECKED BY: []
DATE: []

DESIGNED BY: []
DATE: []

PROJECT NO.: []

DATE: []

BY: BELKEN ENGINEERING, INC.

1040 ESSEX DRIVE
SUN PRASIE, W 53590-3517
908-837-0976

PLANIMETRIC MAP
OF
TYROL BASIN

By
BELKEN Engineering, Inc.
Field Work Completed: 11/17/98
November 4, 1998
1. PLANIMETRIC MAP OF TYROL BASIN

Scale 1" = 100'

