

TOWN BOARD ACTION REPORT - CONDITIONAL USE PERMIT

Regarding Petition # 2473 Dane County ZLR Committee Public Hearing _____

Whereas, the Town Board of the Town of Vermont having considered said conditional use permit application, be it therefore resolved that said conditional use permit is hereby (check one): **APPROVED**

DENIED (IF DENIED, PLEASE COMPLETE FINDINGS SECTION ON PAGE 2)

PLANNING COMMISSION VOTE: 6 In Favor 0 Opposed

TOWN BOARD VOTE: 5 In Favor 0 Opposed

Whereas, in support of its decision, the Town Board has made appropriate findings of fact that the standards listed in section 10.255(2)(h), Dane County Code of Ordinances, and section 10.123(3)(a), if applicable, are found to be (check one):

SATISFIED

NOT SATISFIED (PLEASE COMPLETE FINDINGS SECTION ON PAGE 2)

THE CONDITIONAL USE PERMIT IS SUBJECT TO THE FOLLOWING CONDITION(S):

see attached

PLEASE NOTE: The following space, and additional pages as needed, are reserved for comment by the minority voter(s), **OR**, for the Town to explain its approval if the decision does not comply with the relevant provisions of the Town Plan.

I, Katie Zelle, 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 Aug 12, 2019.

[Signature]
Town Clerk

Aug 13, 2019
Date

RECEIVED

AUG 13 2019



CUP 2473 – Conditions of Approval – Town of Vermont

1. 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.
2. Hours of operation for the haunted tour use are limited to 6:30 p.m. to midnight, with all guests out of the facility by midnight.
3. Hours of operation for the Christmas Village are limited to noon to 5:00 p.m.
4. No more than 1,200 guests shall be onsite at any one time for either new outdoor assembly event.
5. 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.
6. 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 for either of the events exceed 77 db(a), as measured at any of the property's boundaries.
7. 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 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.
8. The physical development and operation of the haunted tour and Christmas village, including tour routes, temporary tent or building locations, portable restrooms, designated parking and temporary or permanent signage, must conform, in all respects, to the approved site plan, operational plan and phasing plan.
9. 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.
10. 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.

11. 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.
12. 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.
13. 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.
14. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
15. Off-street parking must be provided, consistent with s. 10.102(8).
16. 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.
17. 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.
18. 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.
19. 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.
20. This conditional use permit shall expire two years after the effective date. An operations review with the Town of Vermont shall take place in November 2019 to review the Haunted Tour event. Continued operation of the conditional use after that date will require approval of a new conditional use permit by the Town of Vermont and Dane County.
21. The landowner may, at their own initiative, apply for a new conditional use permit to revise or extend the use, at any time. Such application will go through the same process, including public notice and hearing, as any new conditional use permit.
22. The cost of a traffic study shall be shared between the Town of Vermont and Tyrol if requested by the Town of Vermont.