
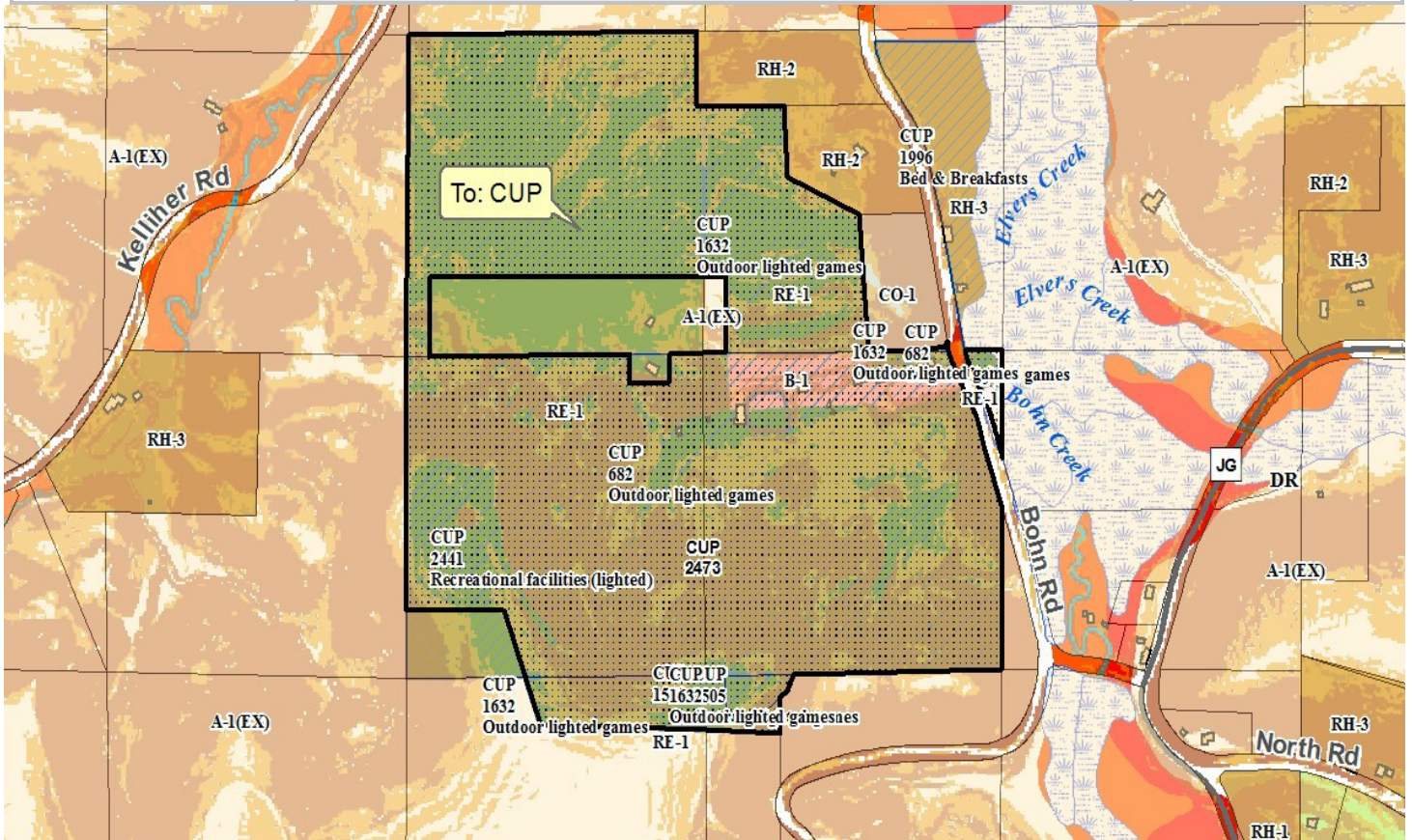


<b>Staff Report</b>    <b>Zoning and Land Regulation Committee</b>	<i>Public Hearing:</i> <b>July 23, 2019</b>	<b>CUP 02473</b>	
	<i>Zoning Amendment Requested:</i> <b>TO CUP: OUTDOOR ASSEMBLY / ENTERTAINMENT</b>		
	<i>Size:</i> <b>126 Acres</b>	<i>Survey Required:</i> <b>No</b>	<i>Applicant:</i> <b>TYROL PROPERTIES LLC</b>
	<i>Reason for the request:</i> <b>OUTDOOR ASSEMBLY / ENTERTAINMENT</b>		<i>Address:</i> <b>3487 BOHN ROAD</b>



**DESCRIPTION:** Following the revision of Dane County’s zoning ordinance making “outdoor assembly events” a conditional use, Applicant seeks a permit allowing specific outdoor assembly events at an existing ski and snowboard resort. The proposed “Terror at Tyrol” and “Christmas Village” events would take place a maximum of twenty-two (22) weekend days/nights per year, and could attract between 400 to 1,200 guests per day/night, which is comparable to the 800 to 1,200 guests who typically visit the site during the day in the skiing season.

**OBSERVATIONS / FACTUAL INFORMATION:** The property is currently in a mix of RE-Recreational and GC-General Commercial zoning. CUP 1632 (effective December, 2000) allows for lighted recreational facilities, subject to the Deed of Covenants and Restrictions. This CUP will remain in effect, whether or not CUP 2473 is approved. There are several existing uses on the property that are not covered by CUP 2473:

- Ongoing sporting events and ski races meet the definition of “outdoor active recreation,” which is a permitted use in the RE district.
- Occasional outdoor weddings or gatherings of less than 200 people do not meet the definition of an “outdoor assembly event,” and so would be considered an accessory, permitted use in either the RE or the GC district.
- Other ongoing activities, such as banquets or other indoor activities currently occur in the portion of the property that is zoned GC, and would meet the definition of either “indoor entertainment,” or “indoor sales,” both permitted uses in the GC district.

**TOWN PLAN:** The property is within a Rural Preservation Area in the *Town of Vermont / Dane County Comprehensive Plan* and a Farmland Preservation Area in the *Dane County Farmland Preservation Plan*. Portions of the property are within Ridgetop Protection Areas, which include siting criteria for new buildings. No new buildings are proposed as part of this CUP application.

**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:** Staff have discussed the proposal with the town chair and with the applicant. See conditions of approval.

**JULY 23<sup>RD</sup> ZLR MEETING:** The Committee postponed the request due to no town action.

**TOWN:** The Town Board has approved the Conditional Use Permit with most of the suggested conditions as listed on the following pages. The Town removed the maximum 75 employee limit in case extra staffing is needed to accommodate the event. Also, the Town is requiring that an “after event” meeting be held to evaluate the impacts of the haunted tour event.

**STAFF UPDATE:** If approved, Staff suggest that the motion includes the conditions as listed below.

### Suggested Conditions

Note: The conditions have been revised to reflect the Town’s changes.

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 75 employees shall be onsite for either new outdoor assembly event.~~
5. No more than 1,200 guests shall be onsite at any one time for either new 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 for either of the events 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 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 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.
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.
  21. This conditional use permit shall expire two years after the effective date. [An operations review with the Town of Vermont shall take place November 2019 to review the Haunted Tour Event.](#) Continued operation of the conditional use after the permit expiration date will require approval of a new conditional use permit by the Town of Vermont and Dane County.
  22. 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.
  23. [The cost of a traffic study shall be shared between the Town of Vermont and Tyrol if requested by the Town of Vermont.](#)