

Dane County Conditional Use Permit Application

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|----------------------------|---------------------|
| Application Date | C.U.P Number |
| revised 9/24/18 | DCPCUP-2018-02441 |
| Public Hearing Date | |
| 10/23/2018 | |

| OWNER INFORMATION | AGENT INFORMATION |
|-------------------|-------------------|
|-------------------|-------------------|

| | | | |
|-------------------------------------|---|---------------------------------------|---|
| OWNER NAME TYROL PROPERTIES, LLC | Phone with Area Code ((608) 270-9848 | AGENT NAME HALEY PALMERSHEIM, S.C. | Phone with Area Code ((608) 836-6400 |
|-------------------------------------|---|---------------------------------------|---|

| | |
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| BILLING ADDRESS (Number, Street) 3487 BOHN RD | ADDRESS (Number, Street) 1324 N. HIGH POINT ROAD, SUITE 202 |
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|--|---|
| (City, State, Zip) MT HOREB, WI 53572 | (City, State, Zip) Middleton, WI 53562 |
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|--------------------------------------|--|
| E-MAIL ADDRESS tech1669@gmail.com | E-MAIL ADDRESS schram@hplawoffice.com |
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| ADDRESS/LOCATION 1 | ADDRESS/LOCATION 2 | ADDRESS/LOCATION 3 |
|--------------------|--------------------|--------------------|
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|-----------------------------------|-----------------------------------|-----------------------------------|
| ADDRESS OR LOCATION OF CUP | ADDRESS OR LOCATION OF CUP | ADDRESS OR LOCATION OF CUP |
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|----------------|--|--|
| 3487 Bohn Road | | |
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|---------------------|---------------|----------|---------|----------|---------|
| TOWNSHIP VERMONT | SECTION 33 | TOWNSHIP | SECTION | TOWNSHIP | SECTION |
|---------------------|---------------|----------|---------|----------|---------|

| PARCEL NUMBERS INVOLVED | PARCEL NUMBERS INVOLVED | PARCEL NUMBERS INVOLVED |
|-------------------------|-------------------------|-------------------------|
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| | | |
|-----------------|-----|-----|
| 0706-284-9011-1 | --- | --- |
|-----------------|-----|-----|

| CUP DESCRIPTION |
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expand recreational areas lighted at night

| DANE COUNTY CODE OF ORDINANCE SECTION | ACRES |
|---------------------------------------|-------|
|---------------------------------------|-------|

| | | | |
|--|--|---------------------------------|--|
| | DEED RESTRICTION REQUIRED? <input type="checkbox"/> Yes <input type="checkbox"/> No Applicant Initials _____ | Inspectors Initials RWL1 | SIGNATURE:(Owner or Agent) PRINT NAME: DATE: |
|--|--|---------------------------------|--|

COMMENTS: Petition was revised 9-24-18 by withdrawing Zoning Petition DCPREZ-2018-11351.

CONDITIONAL USE APPLICATION- Amended

**Tyrol Basin Ski Area
Town of Vermont, Dane County**

September 24, 2018

Applicant/ Owner:

Tyrol Properties, LLC
3487 Bohn Road
Mount Horeb, WI 53572
(651)270-9848
Tech1669@gmail.com

Agent/Attorney:

Nicole Schram, Haley Palmersheim, S.C.
1424 N. High Point Road, Suite 202
Middleton, WI 53562-8005
608-836-6400
schram@hplawoffice.com

Property Address: 3487 Bohn Road, Mount Horeb, WI 53572
Town: Vermont
Sections: 28 and 33
Parcel Numbers Affected: 060/0706-284-9011-1, 284-9840-8, 331-8000-8, 331-8501-2, 331-9010-4, 331-9590-3
Zoning Districts: *Current:* RE-1 and B-1 with multiple CUPs, governed by a Deed of Covenants and Restrictions recorded September 20, 2000.
Requested: RE-1 and B-1, with the existing CUP for B-1 land and a new comprehensive CUP granting lighting at night for all RE-1 zoned land.
Rezoning Application: Applicant Tyrol Properties, LLC has concurrently filed a Rezoning Application, solely requesting to revise the Deed of Covenants and Restrictions applicable to the Property. **This CUP Application and the ReZoning Application are not contingent upon one another and may be considered separately.**

NARRATIVE

Current Use and Current Zoning Status: The Tyrol Basin business currently operates throughout the winter season on an almost-daily basis as a ski and snowboard hill offering lift ticket sales, ski/snowboard equipment rental and maintenance services, a restaurant serving food and alcohol by the glass, a first-aid station, ski and snowboard instruction, and retail sales of

winter sport-related merchandise. Tyrol Basin also hosts weddings and other special events in the B-1 zoned chalet area.

The property at issue in this application, indicated by the six parcel numbers above (the “Property”) was recently purchased by Tyrol Properties, LLC (“Tyrol”). The Property is zoned in two different categories: **B-1 “Local Business District”** and **RE-1 “Recreational District.”**

The six tax parcels on the Property are all contiguous, with an “island” of land in the center, currently owned by Ross and Joanne Reinhold. Several Conditional Use Permits (#682, 1632, 1540, 1505) have been granted for the Property. The current CUPs cover the entirety of the B-1 land and approximately 75% of the RE-1 land.

The following maps of the property are attached:

- Map 1- indicating the current zoning of the Property (unchanged following approval of this application).
- Map 2- indicating the current CUPs applicable to the Property. Following approval of this application, the CUP allowing lighting at night shall cover the entirety of the RE-1 zoned area.
- Map 3- indicating an overall view of the location and description of the current and proposed uses.
- Map 4- indicating details of the current parking accommodations for the Property (unchanged following approval of this application).
- Map 5- indicating details of the proposed tubing hill and proposed lighting requested pursuant to this CUP application.
- Map 6- indicating the flow of traffic on the two-way road between the proposed tubing parking lot(s) and Bohn Road, as well as proposed directional signs.
- A current survey map of the property.

The current CUPs applicable to the Property grant the following conditional uses:

- **CUP 1540: covers the entire B-1 zoned Chalet and base area:**
 - alcohol by the glass (a permitted use with restrictions)
 - conference and convention centers
 - more than two outdoor sales events per year, and
 - recreational facilities affiliated with a permitted B-1 use and lighted to operate at night.

CUP 1540 will remain unchanged following approval of this application.

- **CUP 1632: covers most of the RE-1 zoned slopes, parking lots and forest area** (CUP 1632 was intended to replace CUPs 682 and 1505):
 - Recreational facilities lighted to operate during the hours of darkness.CUP 1632 will be replaced with the CUP granted pursuant to this application.

The conditional uses in both the B-1 and RE-1 zoned areas are currently subject to the restrictions contained in the Deed of Covenants and Restrictions recorded September 20, 2000.

Proposed Use and Proposed Zoning:

Tyrol would like to expand the recreational offerings on the Property to include regular seasonal activities such as snow tubing and mountain biking. Tyrol proposes that a new tubing hill will be located on the north half of the Property. The tubing hill will be lighted for night operation and will remain open through typical operating hours. Tyrol intends to construct a warming house adjacent to the new tubing hill, where employees will sell lift tickets for tubing, rent lockers to guests, and serve snacks and a limited selection of hot and cold alcoholic and non-alcoholic beverages. The warming house will not contain a restaurant or tavern. Restroom facilities for the warming house will initially be provided by serviceable restroom trailers.

Although it is apparent from the application and committee notes for CUP 1632 that the CUP was intended to apply to the entire RE-1 zoned Tyrol Basin property, Dane County records demonstrate that CUP 1632 does not apply to the northeast corner of the Property- the proposed location of the tubing hill. (See Map 2).

Through this CUP application, Tyrol wishes to extend the existing conditional use, lighting at night, to the entirety of Tyrol's RE-1 zoned Property to accommodate the proposed snow tubing hill, tubing building, and special events.

MISCELLANEOUS DETAILS:

Legal Description: Attached as Exhibit A.

| | | |
|--|-----------------|-----------|
| Hours of Operation for the Upcoming Season: | Monday-Thursday | 12pm-9pm |
| | Friday | 12pm-11pm |
| | Saturday | 9am-11pm |
| | Sunday | 9am-7pm |

Number of Employees: 160

Anticipated Customers: 85,000 customer visits between November-April
25,000 customer visits between May-October

Outside Storage: One pole barn, one shipping container, one semi trailer.
Some snow-making equipment and grooming machines are parked in upper parking lots.

Outdoor Activities: Snow skiing, snowboarding, snow tubing, snowshoeing, cross country skiing, snow sport race events, mountain biking, hiking/trail running, summer race events, weddings, retail sales events.

- Outdoor lighting:** *Currently lighted- B-1:* All structures (chalet, restaurant, ski patrol and first aid, rentals) and parking lots.
Currently lighted- RE-1: All downhill ski slopes and parking lots. See Map 3 and Survey for current lighting detail.
Proposed additional lighting- RE-1: Additional lighting at tubing hill, tubing warming house and tubing parking. See Maps 3 and 5 for proposed lighting detail.
- Outdoor loudspeakers:** *Currently:* Permanent sound in Chalet area and restaurant outdoor decks. Temporary sound with Town permission elsewhere. Subject to deed restrictions.
- Proposed Signs:** Existing signs at Bohn Road will be replaced by larger, more reflective directional signs in the near future.
- Trash:** Pelliteri contract: one trash dumpster, one recycling dumpster, numerous cans indoors and outdoors. Trash is unaffected by this application.

SIX STANDARDS OF OBTAINING A CONDITIONAL USE PERMIT:

RE-1 Conditional uses requested: (a) recreational facilities lighted to operate during hours of darkness.

1. **Expansion of the conditional uses will not be detrimental to or endanger the public health, safety, comfort or general welfare.** The ski hills have been lighted for night use for at least 25 years with minimal problem or complaint. Tyrol intends to add pole-mounted directional LEDs to the tubing hills, tubing warming house and tubing parking area as depicted on Map 5. The specific directional LED lights chosen by Tyrol and the lighting contractor provide very directly controlled lighting which emits minimal light pollution and is energy efficient. The lights will be mounted on 25-foot poles. Should the new lights become an issue for any neighbor, Tyrol will work with that neighbor to re-aim the light in a manner that is less detrimental.
2. **Expansion of the conditional uses will not substantially impair or diminish neighboring property.** According to the Mt. Horeb historical Society, the Property was established as a ski hill in the late 1950s. The proposed uses do not substantially alter the manner in which the business has operated in this location for decades, so the new uses will not foreseeably reduce neighboring property values. The Deed of Covenants and Restrictions applicable to the lighting contains very specific restrictions on the use of lights, which Tyrol will follow to minimize light intrusion to neighboring properties. The business will be operated during reasonable hours. Allowing the CUP will allow Tyrol to

generate greater tax income for the Town of Vermont, which could foreseeably increase services to Town neighbors.

3. **Expansion of the conditional uses will not impede the orderly development of the neighborhood.** The Property is located in an established residential and agricultural neighborhood that, according to the goals of the Town of Vermont Comprehensive Plan, will not experience significant future development.
4. **There are adequate utilities and roads, and all site improvements will have adequate drainage to expand the conditional uses.** Although the lighted tubing hill may bring increased visitors during the night hours, the number of night-time users is not expected to be greater than the typical number of users during the daytime on weekends. The utilities and roads are currently adequate to provide for any increase in visitors caused by adding lights to the tubing hill. No additional infrastructure is necessary.
5. **Adequate measures have been taken and will be taken in the future to provide ingress and egress and minimize congestion on public streets.** There is a single existing two-way driveway entrance to the Property which connects several existing parking lots via two-way roads (See Map 5). These improvements currently provide for adequate parking and reasonable traffic flow on most days without any parking attendants. Tyrol has overflow gravel parking lots and will hire parking attendants for days anticipated to have extraordinary traffic or parking needs, including the opening of the tubing hill. Parking attendants will be posted in the parking lots to direct traffic, minimize wasted parking space and to maintain safety. Parking attendants will also be posted at Bohn Road to facilitate the orderly entry into and exit from the Property when necessary. “No Parking” signs exist on Bohn road near the entrance to the Property. Tyrol will request that the Town of Vermont place yellow road striping on Bohn Road to increase traffic safety. Tyrol also plans to replace the current directional signs on surrounding roads with larger, more reflective signs. Tyrol has future plans to acquire rights in adjoining land which will eventually allow for a second point of exit, resulting in a one-way flow of parking traffic through the Property.
6. **The conditional use will conform to applicable regulations of the Town of Vermont.** The Town of Vermont has reviewed this proposal, along with the Amended Deed of Covenants and Restrictions (which may be considered separately from this Application) and has provided *preliminary* approval.

Exhibit A- Legal Description of Property

Parcel A

The North 1/2 of the Northeast 1/4 of Section 33, Township 7 North, Range 6 East, in the Town of Vermont, Dane County, Wisconsin, EXCEPT the following: that part of the Northwest 1/4 of the Northeast 1/4 of Section 33, Township 7 North, Range 6 East, in the Town of Vermont, Dane County, Wisconsin more fully described as follows:

Commencing at the North 1/4 corner of said Section 33; thence East along the section line 997.85 feet to the point of beginning; thence South 120.0 feet; thence East 181.50 feet; thence North 120.0 feet; thence West 181.50 feet to the point of beginning of this exception. FURTHER EXCEPTING that part of the Northwest 1/4 of the Northeast 1/4 of Section 33, Township 7 North, Range 6 East, in the Town of Vermont Dane County, Wisconsin, more fully described as follows:

Beginning at the Southwest corner of said Northwest 1/4 of the Northeast 1/4; thence North along the West line of said

Northwest 1/4 of the Northeast 1/4, 283 feet; thence East parallel with the South line of said Northwest 1/4 of the Northeast 1/4, 437.7 feet; thence South 18° East, 297.5 feet to the South line of said Northwest 1/4 of the Northeast 1/4; thence West 529.6 feet to the point of beginning of this exception.

Parcel Nos.:

060-0706-331-8000-8

060-0706-331-8501-2

Parcel B:

A part of the Southeast 1/4 of the Northeast 1/4 of Section 33, Township 7 North, Range 6 East, in the Town of Vermont, Dane County, Wisconsin, more fully described as follows: Commencing at the Northwest corner of the South 1/2 of the Northeast 1/4; thence East 1,421.0 feet along the North line of said South 1/2 of the Northeast 1/4 to the point of beginning; thence continue East 300.0 feet along said North line; thence South 23° West, 60.00 feet; thence South 54° West, 155 feet; thence West 150 feet; thence North 150 feet to the point of beginning.

Parcel No.: 060-0706-331-9590-3

Parcel C:

Part of the South 1/2 of the Southeast 1/4 of Section 28, Township 7 North, Range 6 East, in the Town of Vermont, Dane County, Wisconsin, more fully described as follows:

Beginning at the South 1/4 corner of the said Section 28; thence due East along the section line 100.00 feet; thence North 0° 34' 24" West, 330.00 feet to the Northerly line of the South 10 acres of the Southwest 1/4 of the Southeast 1/4; thence due East along said Northerly line 1,320.18 feet; thence South 0° 10' 04" East along a line which is 100 feet East of the Easterly line of the said Southwest 1/4 of the Southeast 1/4, 330.00 feet to the South line of Section 28; thence East 626.43 feet; thence North 3° 55' West, 583.07 feet; thence North 62° 03' 52" West, 328.65 feet; thence North 02° 50' 00" West, 290.40 feet to the Northwest corner of Certified Survey Map 9063, recorded as #3029472; thence North 89° 46' 23" West, 384.91 feet to the Southwest corner of Certified Survey Map

8787, recorded as #2922104; thence North 0° 10' 04" West, 300.00 feet to the Northeast corner of the said Southwest 1/4 of the Southeast 1/4, which is also the Northwest corner of said Certified Survey Map 8787; thence North 89° 46' 23" West, 1,327.30 feet to the Northwest corner thereof; thence South 0° 34' 24" East, 1,332.57 feet to the point of beginning. EXCEPT any part lying within Lot 1 of Certified Survey Map 8787.
Parcel No.: 060-0706-284-9011-1

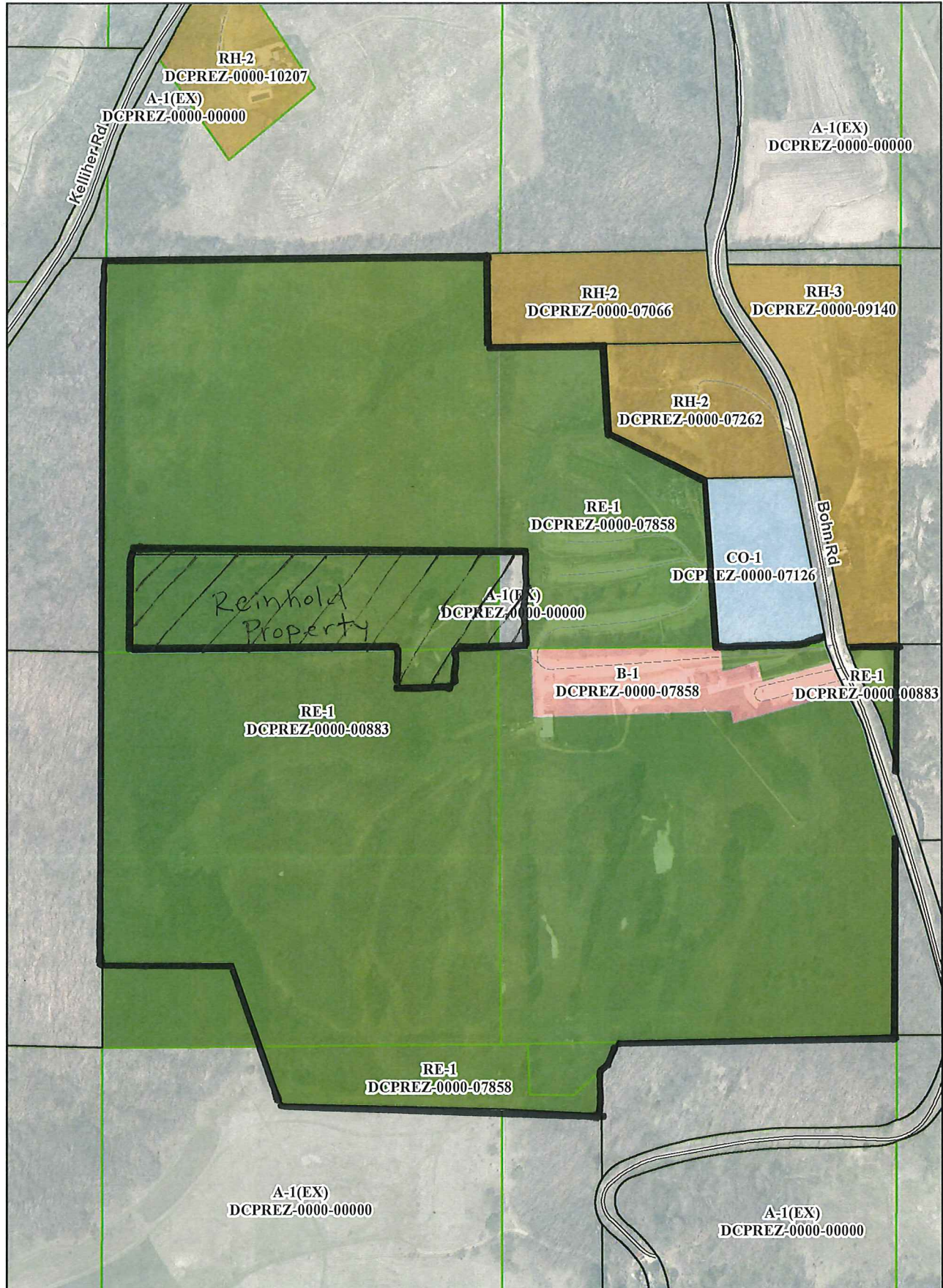
Parcel D:

A part of the Southeast 1/4 of the Southeast 1/4 of Section 28, Township 7 North, Range 6 East, in the Town of Vermont, Dane County, Wisconsin, more fully described as follows: 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 North 10° 14' West along the centerline of Bohn Road 49.87 feet; thence South 79° 46' West, 33.00 feet; thence South 26° 20' West, 26.35 feet; thence South 81° 28' West, 129.10 feet to the section line; thence due East 180.92 feet along the section line to the point of beginning.
Parcel No.: 060-0706-284-9840-8

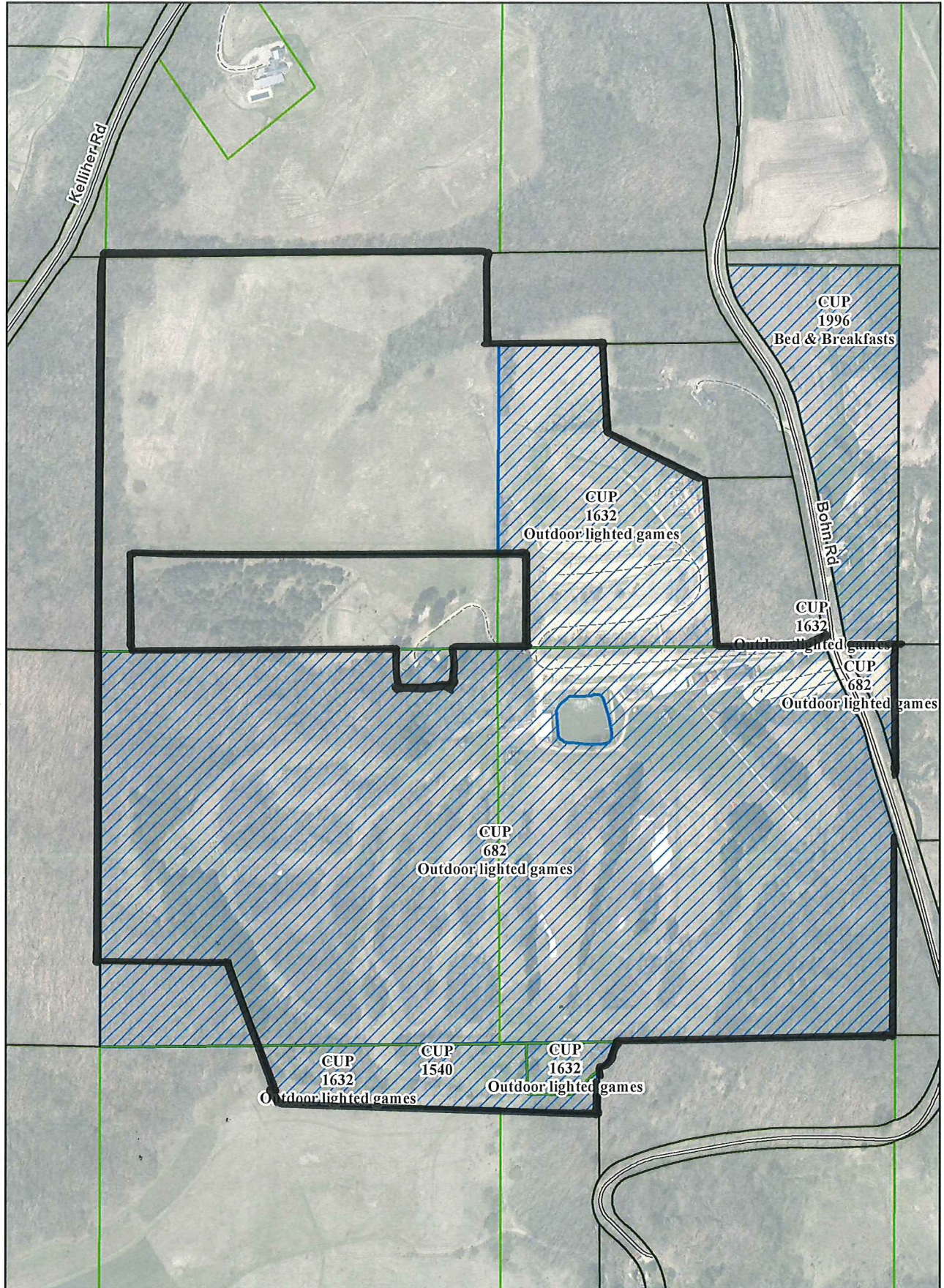
Parcel E:

Part of the South 1/2 of the Northeast 1/4 of Section 33, Township 7 North, Range 6 East, in the Town of Vermont, Dane County, Wisconsin, more fully described as follows: Commencing at the Northwest corner of the said South 1/2 of the Northeast 1/4; thence East 529.6 feet along the North line of said South 1/2 of the Northeast 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 North 54° East, 100 feet, more or less, to the Westerly line of the East 3/4 of the Southeast 1/4 of the Northeast 1/4 of said Section 3.3; thence South 104 feet, more or less to a point which is 195 feet South of the North line of the said South 1/2 of the Northeast 1/4; thence West 1,058 feet, more or less, along a line which is 195 feet South of the said North line to a point in a line which bears South 18° East from the point of beginning; thence North 18° West, 205 feet, more or less, to the point of beginning.
Parcel No.: 060-0706-331-9010-4

MAP 1

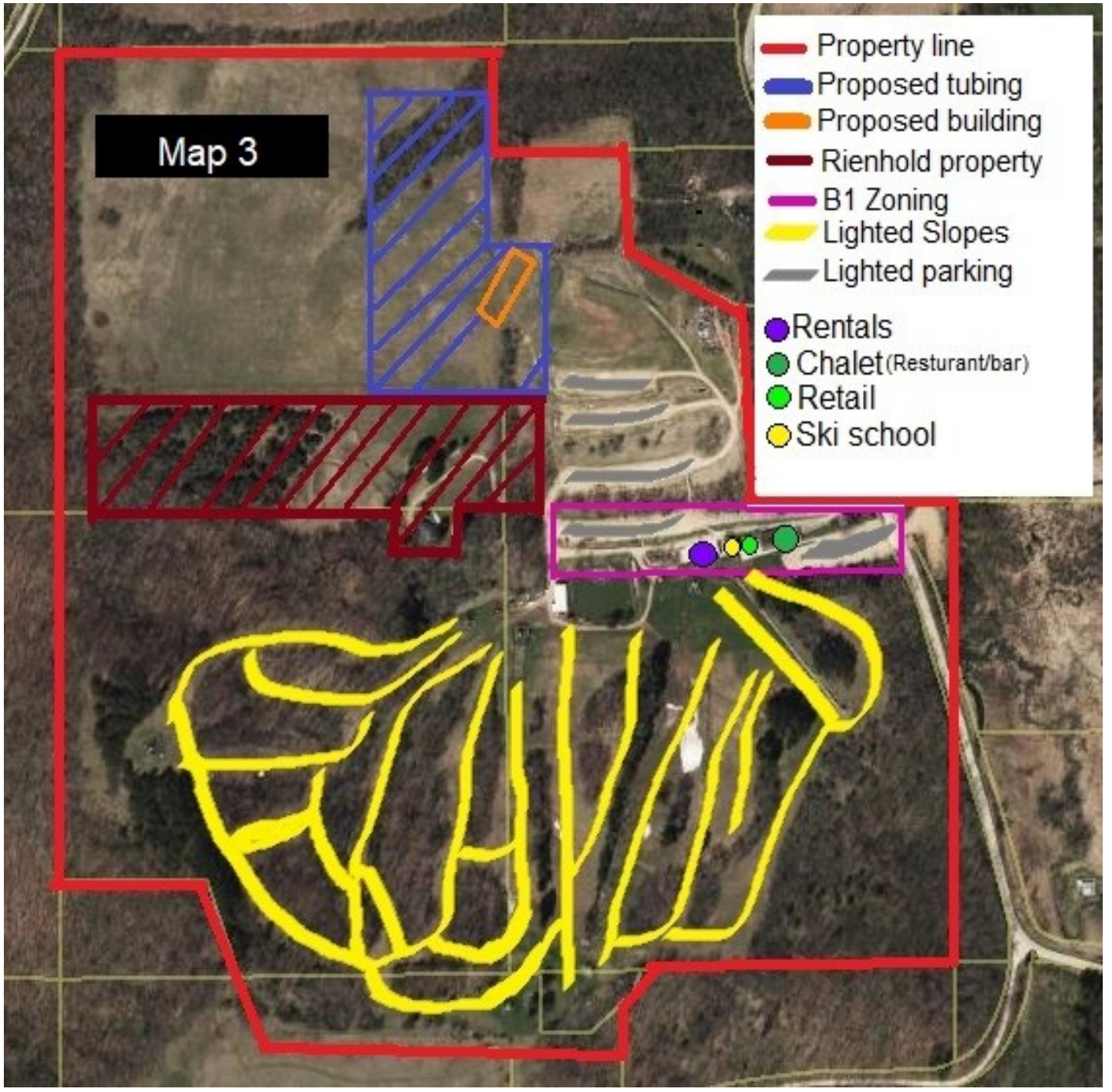


MAP 2

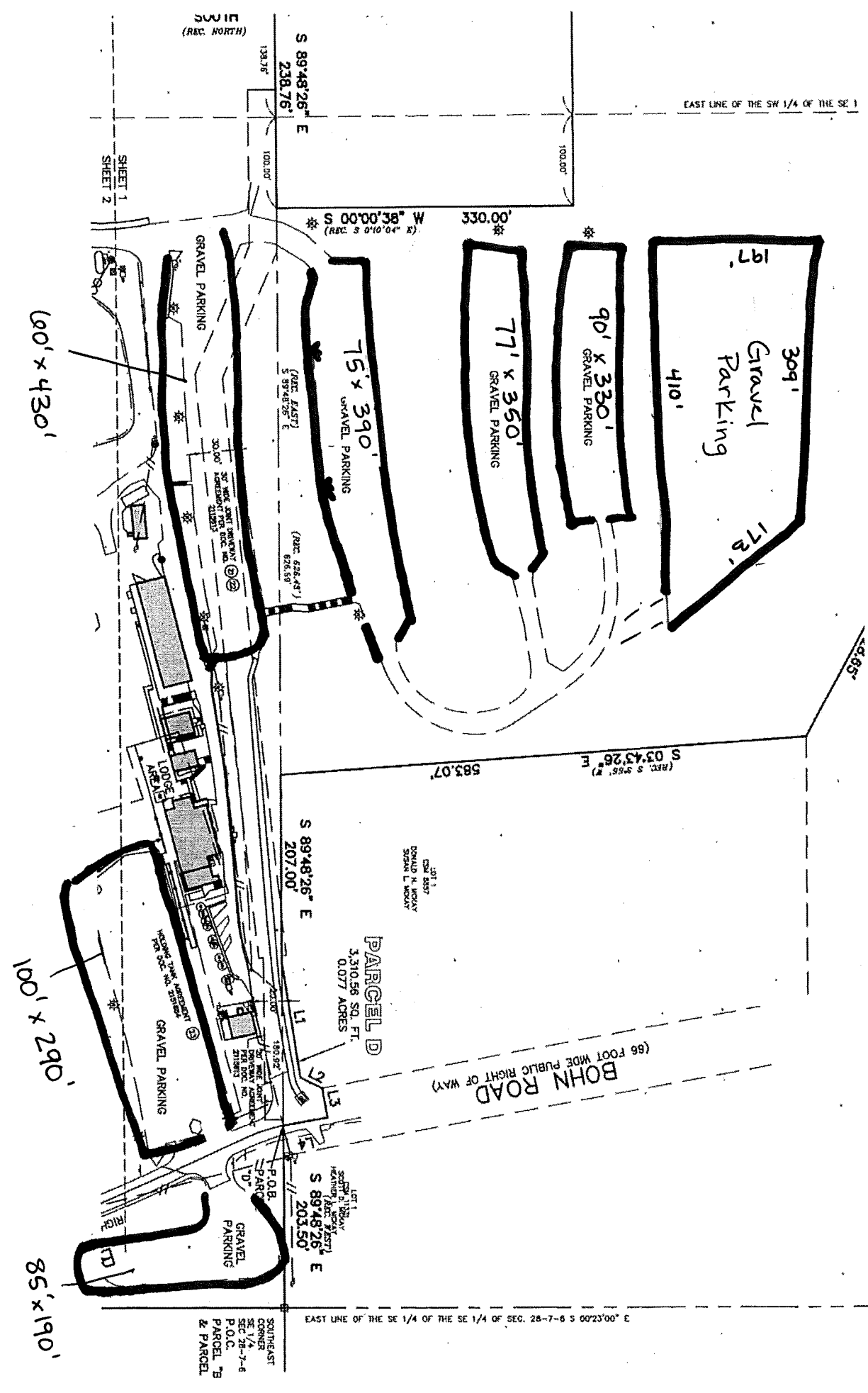


Map 3

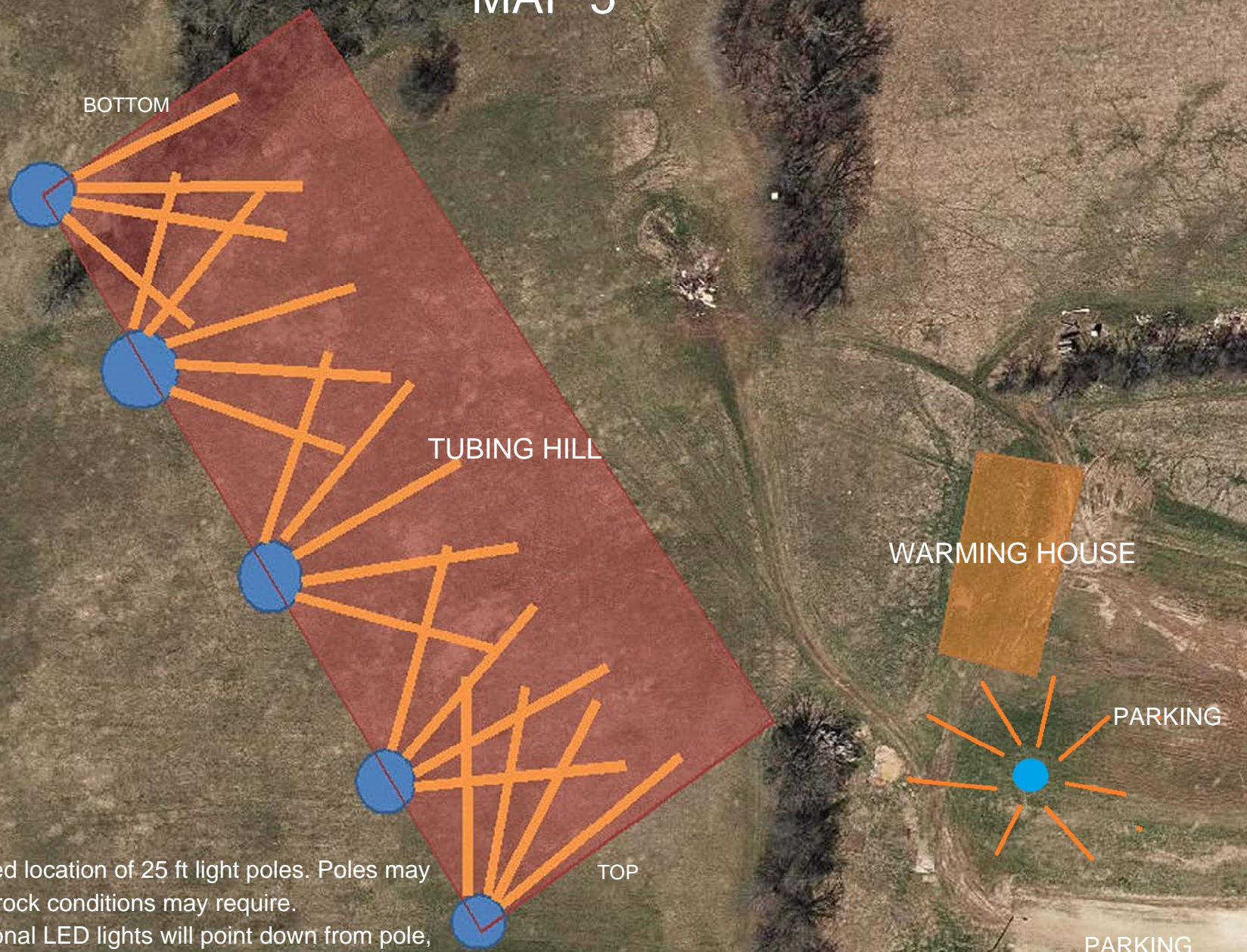
- Property line
- Proposed tubing
- Proposed building
- Rienhold property
- B1 Zoning
- Lighted Slopes
- Lighted parking
- Rentals
- Chalet (Restaurant/bar)
- Retail
- Ski school



MAP 4



MAP 5



* Blue Circles- Proposed location of 25 ft light poles. Poles may be moved as ground rock conditions may require.

* Orange lines- Directional LED lights will point down from pole, and light will travel in the general directions indicated. Lights will be shielded and adjusted as necessary to flood intended area while minimizing light pollution.

SITE LIGHTER (SL1)

Linmore LED Labs Site Lighter (SL1) is a superior combination of performance, value, and form factor. The body of the Site Lighter is unique in that it is extruded aluminum and exceptional at moving thermal energy while the rest of the market uses castings or weldments. Beyond the thermal efficiency of the housing, the aesthetics are modern and attractive. Efficacy averages 165 lumens/watt across our models putting the Site Lighter in rare space and bringing ultra-low wattages to site lighting. A variety of optic packages direct the light where it is needed. Built to last, the Site Lighter incorporates Linmore's drivers for years of sustainable ownership. When the objective is to maximize value in your exterior lighting with power, energy savings, and aesthetics, the Linmore Site Lighter is the clear choice.



HIGHLIGHTS

Optics:

Type 2, Type 3 & Type 5
Clear, Polycarbonate Lens

Efficacy:

Ultra-High Efficacy-Up to 175 Lumens per Watt
Industry Leading

Construction:

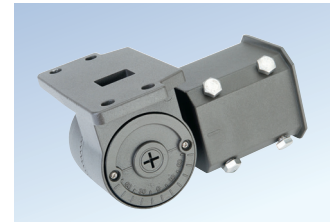
Extruded Aluminum Body
Heavy Duty Powder Coating
Modern Form Factor

Controls/Sensors:

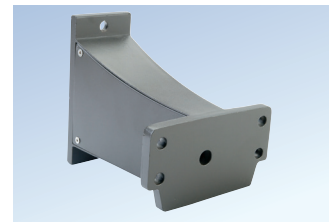
Linmore LED Driver 0-10V Dimming
Motion/Dimming Sensor
Photo Cell

Mounting Options:

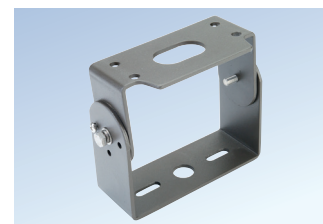
Slip Fitter
(Knuckle Adapter)



Straight Arm



Trunnion (Yoke)
Mount



SITE LIGHTER (SL1)

Specifications

| | |
|-----------------------|------------------------------------|
| Suitability | Wet Locations-IP65 Rated |
| Warranty | 10 Years |
| Expected Life | L70- 150,000 Hours |
| System Wattages | 75W, 100W, 125W, 150W, 200W & 300W |
| Color Rendering Index | >70 |
| Color Temperature | 3500K, 4000K & 5000K |

| | |
|--------------------------|--|
| Operating Temperature | -40F to +130F |
| Efficacy | (5000K) Up to 170 Lumens/Watt |
| Voltage | 120-277V, 347-480V |
| Certifications | UL 1598, Light Facts, FCC CFR 47 Part 15, ROHS, CUL Canada |
| Design Lights Consortium | Yes |

Ordering Information

| Model | Housing Size | Wattage | Kelvin | Optic | Volts | Housing Color | Mounting | Options |
|---------|--------------|---------|-------------|-------------|----------------|---------------|-------------------|-----------------|
| LL-SL1- | Small (SM) | 75 | 3500K (35K) | Type 2 (T2) | 120-277V (UNV) | Bronze (BRN) | Slip Fitter (SF) | FSP-201 (SN) |
| | Medium (MD) | 100 | 4000K (40K) | Type 3 (T3) | 200-480V (HV) | White (WHT) | Standard Arm (SA) | Photo Cell (PC) |
| | Large (LG) | 125 | 5000K (50K) | Type 5 (T5) | | Custom (CUS) | Trunnion (TM) | |
| | | 150 | | | | | | |
| | 200 | | | | | | | |
| | 300 | | | | | | | |

Example

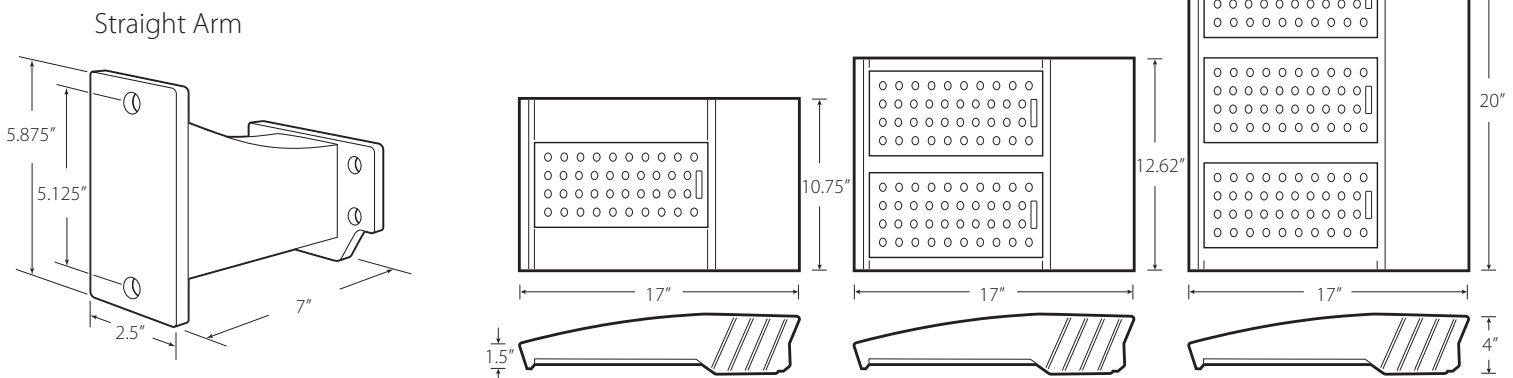
LL-SL1-SM-75W-50K-T2-UNV-BRN-SF-SN

Lumen Packages

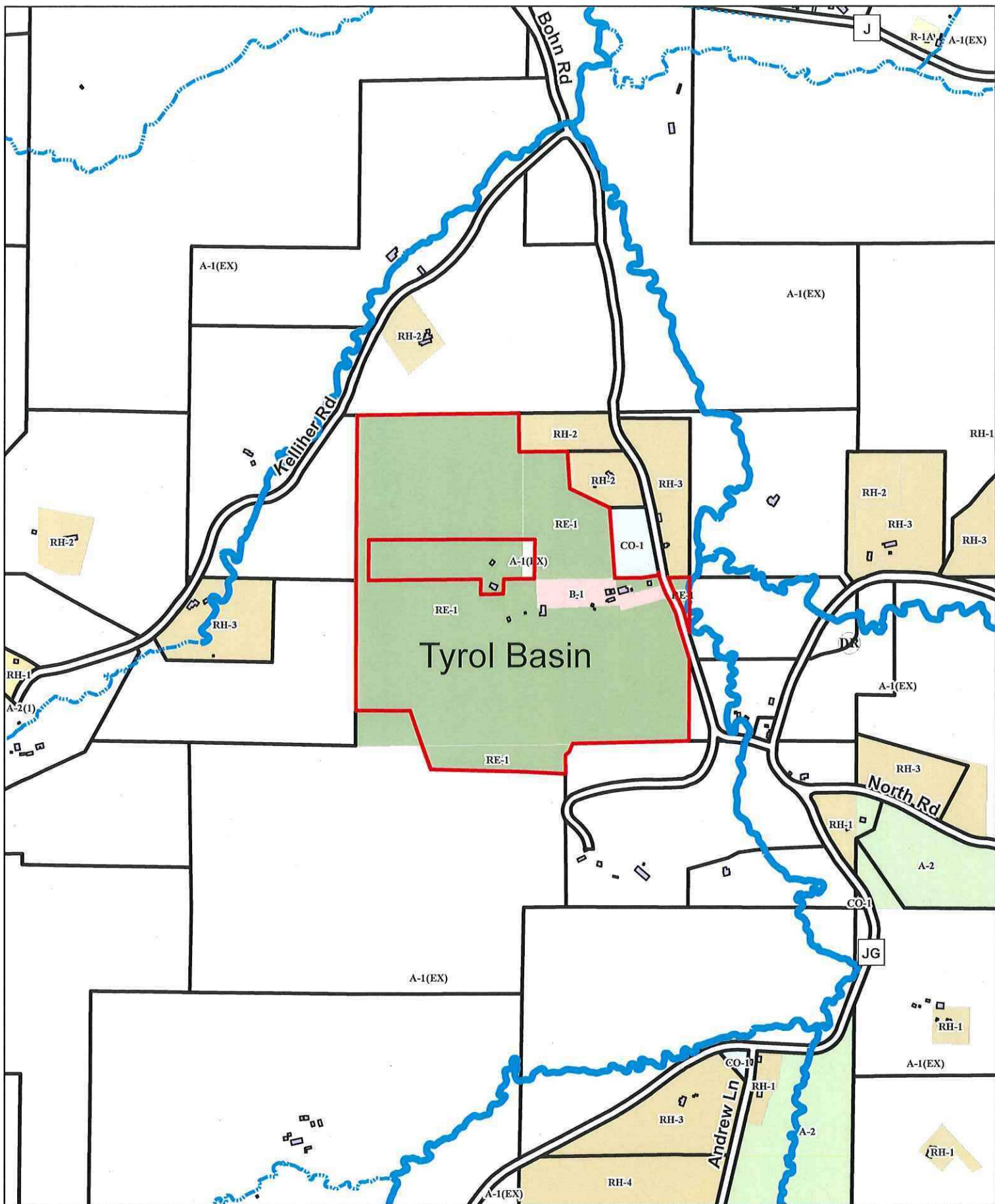
| | T2 | T3 | T5 | Housing Type | Size (WxLxH) | Weight |
|------|----------|----------|----------|--------------|-------------------------------|--------|
| 75W | 13104 | 13026 | 12558 | Small | 10.75 x 17 x 4 (taper to 1.5) | 14 |
| 100W | 16224 | 16062 | 16175 | Small | 10.75 x 17 x 4 (taper to 1.5) | 14 |
| 125W | 21710 | 21493 | 21645 | Medium | 12.62 x 17 x 4 (taper to 1.5) | 16 |
| 150W | 25272 | 25019 | 25196 | Medium | 12.62 x 17 x 4 (taper to 1.5) | 16 |
| 200W | 30,923 | 30,745 | 29,648 | Medium | 12.62 x 17 x 4 (taper to 1.5) | 16 |
| 300W | 47424 | 46950 | 47282 | Large | 20 x 17 x 4 (taper to 1.5) | 24 |
| BUG | B3-UO-G3 | B3-UO-G3 | B3-UO-G3 | | | |

*Lumens are based on 5000K

For EPA information go to: www.linmoreled.com/support



Specifications are Subject to Change.



0 500 1,000 2,000 Feet

Neighborhood Map