



Dane County Zoning Division

City-County Building
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DANE COUNTY CONDITIONAL USE PERMIT #2473

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

GRANT Conditional Use Permit # 2473 for Outdoor Entertainment pursuant to Dane County Code of Ordinances Section 10.244 (3)(h), subject to any conditions contained herein:

EFFECTIVE DATE OF PERMIT: August 28, 2019

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

LOCATION: 3487 Bohn Road, Town of Vermont, Dane County, Wisconsin.

Legal Description:

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.

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.

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.

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.

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.

CONDITIONS:

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, 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 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.
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.

THE ZONING AND LAND REGULATION COMMITTEE AFTER PUBLIC HEARING AND IN THEIR CONSIDERATION OF THE CONDITIONAL USE PERMIT MADE THE FOLLOWING FINDINGS 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

In addition to any time limit established as a condition in granting this CUP, 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.