

Zoning Petition withdrawn on September 24, 2018

Dane County Rezone & Conditional Use Permit

Application Date	Petition Number
08/20/2018	DCPREZ-2018-11351
Public Hearing Date	C.U.P. Number
10/23/2018	DCPCUP-2018-02441

OWNER INFORMATION	AGENT INFORMATION
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OWNER NAME TYROL BASIN CORP	PHONE (with Area Code) ((608) 270-9848	AGENT NAME HALEY PALMERSHEIM, S.C.	PHONE (with Area Code) ((608) 836-6400
BILLING ADDRESS (Number & Street) 3487 BOHN RD		ADDRESS (Number & Street) 1324 N. HIGH POINT ROAD, SUITE 202	
(City, State, Zip) MT HOREB, WI 53572		(City, State, Zip) Middleton, WI 53562	
E-MAIL ADDRESS tech1669@gmail.com		E-MAIL ADDRESS schram@hplawoffice.com	

ADDRESS/LOCATION 1	ADDRESS/LOCATION 2	ADDRESS/LOCATION 3
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ADDRESS OR LOCATION OF REZONE/CUP		ADDRESS OR LOCATION OF REZONE/CUP		ADDRESS OR LOCATION OF REZONE/CUP	
3487 BOHN ROAD					
TOWNSHIP VERMONT	SECTION 33	TOWNSHIP	SECTION	TOWNSHIP	SECTION
PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED	
0706-331-8000-8					

REASON FOR REZONE	CUP DESCRIPTION
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AMEND DEED RESTRICTIONS FOR THE RE-1 AND B-1 ZONING DISTRICT AND EXPAND RECREATIONAL AREA LIGHTED AT NIGHT	EXPAND RECREATIONAL AREAS LIGHTED AT NIGHT
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FROM DISTRICT:	TO DISTRICT:	ACRES	DANE COUNTY CODE OF ORDINANCE SECTION	ACRES
RE-1 Recreational District	RE-1 Recreational District	125		

C.S.M REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	PLAT REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	DEED RESTRICTION REQUIRED? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	INSPECTOR'S INITIALS RWL1	SIGNATURE:(Owner or Agent)
Applicant Initials _____	Applicant Initials _____	Applicant Initials _____		PRINT NAME:

COMMENTS: ADDITIONAL PARCELS:
0706-284-9011-1, 284-9840-8, 331-8501-2, 331-9010-4, AND 331-9590-3

DATE:



Zoning Change Application

Items that must be submitted with your application:

- o **Written Legal Description of the proposed Zoning Boundaries**
Legal description of the land that is proposed to be changed. The description may be a lot in a plat, Certified Survey Map, or an exact metes and bounds description. A separate legal description is required for each zoning district proposed. The description shall include the area in acres or square feet.
- o **Scaled Drawing of the location of the proposed Zoning Boundaries**
The drawing shall include the existing and proposed zoning boundaries of the property. All existing buildings shall be shown on the drawing. The drawing shall include the area in acres or square feet.

Owner's Name	<u>Tyrol Properties, LLC (future owner)</u>	Agent's Name	<u>Nicole S. Schram, Haley Palmersheim, S.C.</u>
Address	<u>3487 Bohn Road</u> <u>Mount Horeb, WI 53572</u>	Address	<u>1424 N. High Point Road, Suite 202</u> <u>Middleton, WI 53562-8005</u>
Phone	<u>(651) 270-9848</u>	Phone	<u>(608) 836-6400</u>
Email	<u>tech1669@gmail.com</u>	Email	<u>schram@hplawoffice.com</u>

Town: Vermont Parcel numbers affected: 060/0706-284-9011-1, 284-9840-8, 331-8000-8, 331-8501-2, 331-9010-4, 331-9590-3

Section: 28 and 33 Property address or location: 3487 Bohn Road, Mount Horeb, WI 53572

Zoning District change: (To / From / # of acres) RE-1 and B-1 with deed restrictions to RE-1 and B-1 with revised deed restrictions.

Soil classifications of area (percentages) Class I soils: % Class II soils: % Other: %

Narrative: (reason for change, intended land use, size of farm, time schedule)

- Separation of buildings from farmland
- Creation of a residential lot
- Compliance for existing structures and/or land uses
- Other:

(1) Petition for all contiguous RE-1 zoned property currently owned by Tyrol Basin Corp. in Sections 28 and 33, Town of Vermont, to be subject to a single uniform conditional use permit, per the attached application for C.U.P.

(2) Petition for the termination of the Deed of Covenants and Restrictions filed September 20, 2000 with the Dane County Register of Deeds as Document No. 3252304, and approval of the Amended and Restated Deed of Covenants and Restrictions attached hereto.

I authorize that I am the owner or have permission to act on behalf of the owner of the property.
Submitted By: _____

Date: _____

CONDITIONAL USE APPLICATION

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

August 17, 2018

Applicant/Future 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 District Change: *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, a new comprehensive CUP for all RE-1 zoned land, governed by an amended Deed of Covenants and Restrictions.

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") is currently owned by Tyrol Basin Corporation. However, the applicant intends to

purchase the Property on or before August 31, 2018. 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 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 lighting requested pursuant to this CUP application.
- 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 Properties, LLC (“Tyrol”) is the future owner of the real property known as the Tyrol Basin Ski Area (the “Property”). 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 combined Rezoning Petition and CUP application, Tyrol wishes to:

- 1) 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; and
- 2) "Terminate" the September 20, 2000 Deed of Covenants and Restrictions and replace it with the attached Amended and Restated Deed of Covenants and Restrictions, which restrictions will remain applicable to both the B-1 and RE-1 zoned areas.

MISCELLANEOUS DETAILS:

Legal Description:	Attached as Exhibit A.
Hours of Operation for the Upcoming Season:	Mon-Thurs 12pm-9pm Fri 12pm-11pm Sat 9am-11PM Sun 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, parking lots. Subject to deed restrictions. See Map 3.

Proposed new lighting- RE-1: Additional lighting at tubing hill and tubing warming house. Subject to deed restrictions. See Maps 3 and 5.

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 likely be replaced by larger directional signs.

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 and alcohol has been served by the glass on the property for at least 25 years with minimal problem or complaint. Tyrol intends to add directional LEDs to the tubing hills as depicted on Map 5. Directional LEDs provide very directly controlled lighting which emits minimal light pollution and is energy efficient. 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. To the contrary, the proposed uses will allow Tyrol to generate greater tax income for the Town of Vermont, which could foreseeably increase services to Town neighbors. The business will be operated during reasonable hours and will be subject to the Amended Deed of Covenants and Restrictions agreed upon by Tyrol and the Town of Vermont.

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 tubing hill may bring increased visitors, the utilities and roads are adequate to provide for such increase. Tyrol will request that the Town of Vermont place yellow road striping on Bohn Road to increase traffic safety. 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 an existing driveway entrance and there are several existing parking areas that are adequate for parking on most days. Tyrol has overflow gravel parking lots and will hire a parking attendant for days with extraordinary parking needs.
6. **The conditional use will conform to applicable regulations of the Town of Vermont.** The Town of Vermont has reviewed the proposal, along with the Amended Deed of Covenants and Restrictions 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...¹

Parcel No.: 060-0706-284-9011-1

¹ The legal description on the survey is incomplete. We have requested the surveyor to complete this description and will provide it upon receipt. We have also requested that the surveyor issue a single legal description which encompasses the entire Property, RE-1 zoned area, and B-1 Zoned area, and will provide those once issued.

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

Town of Vermont
Website: townofvermont.com

Office Use Only

Application No.:

Application Date:

Planning Questions
Phone: 608-767-2457
Email: clerk@townofvermont.com

Land Use Intent - Application Form

- ⚠ This form is used to submit a land use proposal to the Town of Vermont. The Town of Vermont has chosen to use a single form for all land use requests.
- ⚠ Form must be received at least 2 weeks prior to the Plan Commission meeting
- ⚠ Any material submitted with this application, including plans and personal information will be publically available upon request.

Applicant, Property & Action

Applicant Name:	Street Address:	Phone #:
Tyrol Properties, LLC	3487 Bohn Road	651-270-9848

Tax Parcel #
060/0706-284-9011-1, 284-9840-8,
331-8000-8, 331-8501-2,
331-9010-4, 331-9590-3

City:	Zipcode:	E-Mail Address:
Mount Horeb	53572	tech1669@gmail.com

Property Address
3487 Bohn Road, Mt. Horeb, Wi 53572

Requested Actions(s):

Zoning Change	Home Site Approval	Driveway Approval
Conditional Use	Mobile/Wind Tower Siting	Other

- ⚠ Complete relevant section(s) below as well as Certification section

Zoning Change

Property is part of a contiguous parcel containing a total of _____ acres, which is currently zoned _____.

Total # of acres to rezone:
Proposed zoning district:

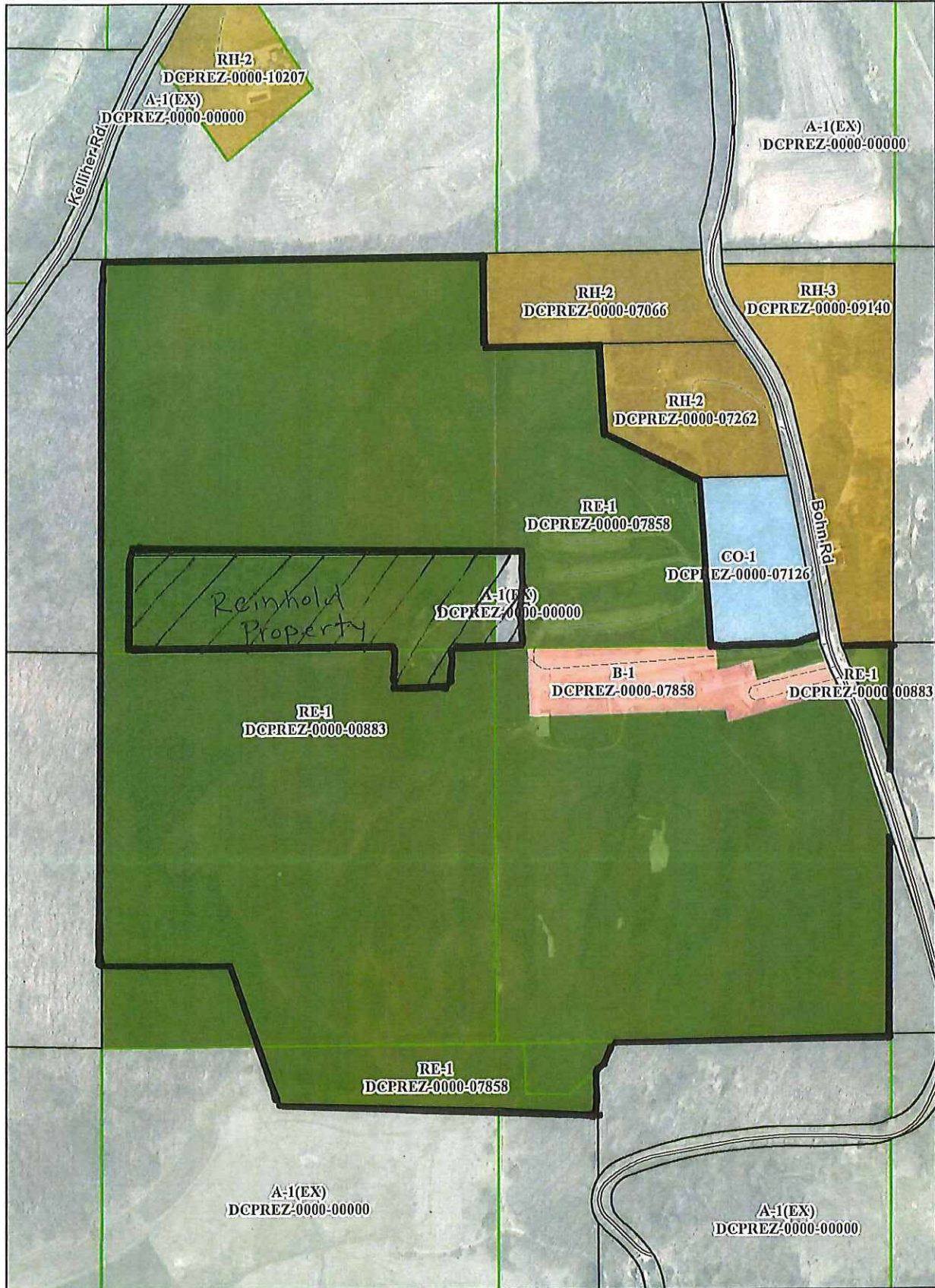
Total number of Potential Development Rights (PDRs) associated with contiguous property:

Parcel to be rezoned will:
Remain under current ownership
Be sold to _____

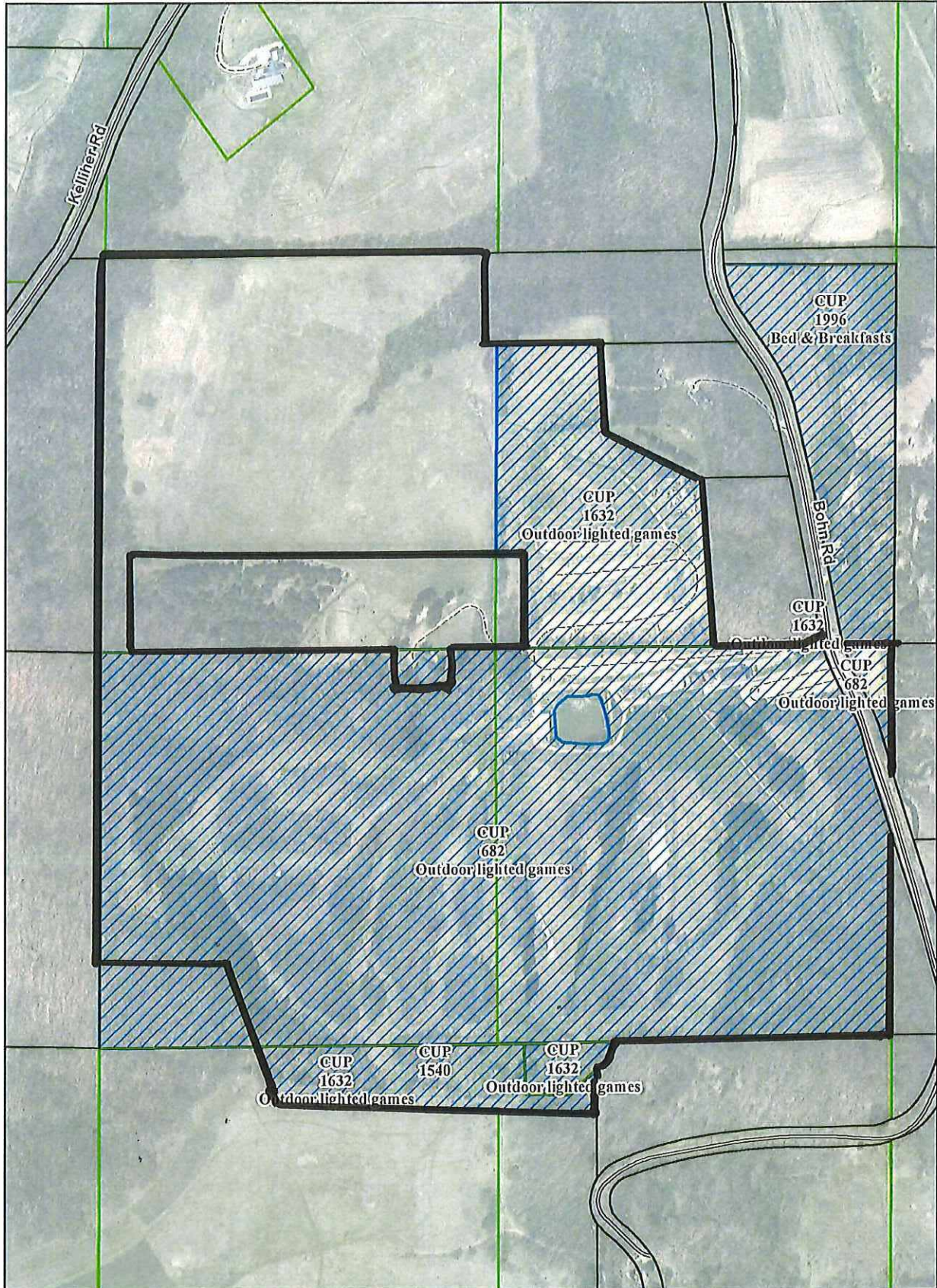
Number of PDRs to remain with original property:
Number of PDRs to be allocated to rezoned parcel:

Reason for Zoning Change

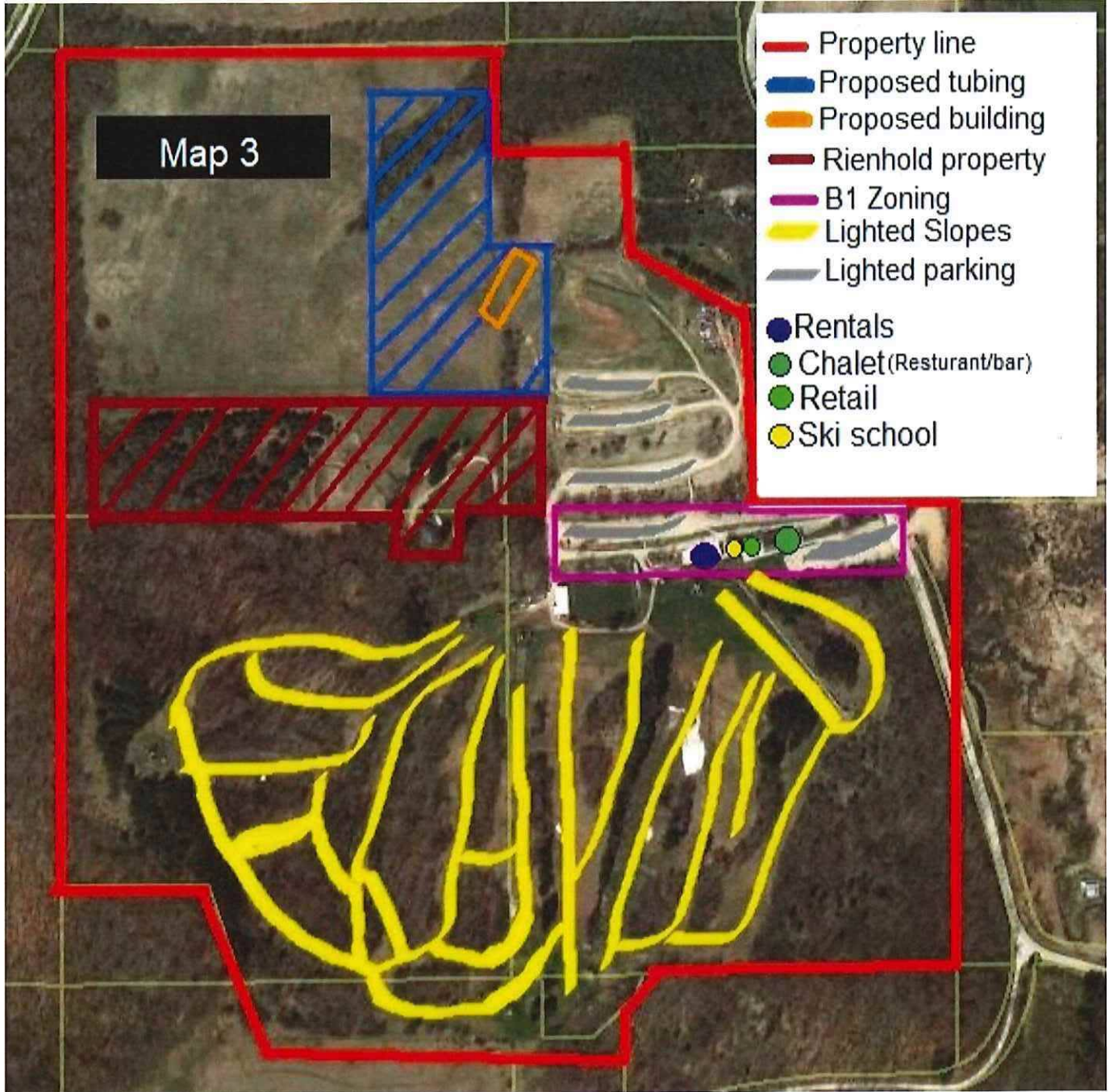
MAP 1



MAP 2



MAP 3



MAP 5

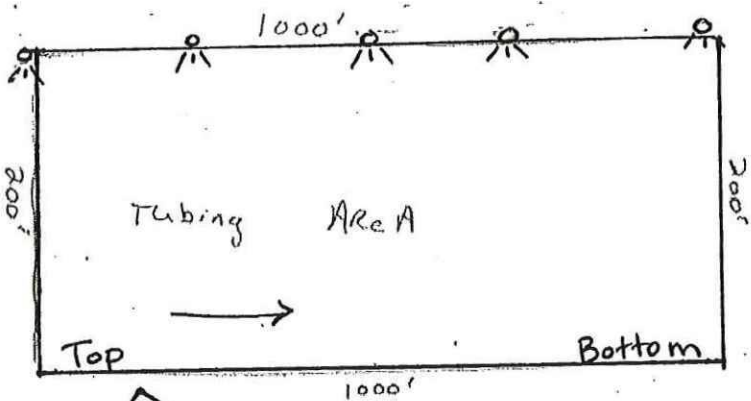
(ACR. N. 89°16'28" E)
S 89°35'28" E

UNLITTED LAND
200' X 100'

(ACR. 128°14'11")
1326.74'

UNLITTED LAND
200' X 100'

PARCEL C
1,933,090 SQ. FT.
44,377.8 ACRES



(ACR. 89°48'28" E)
S 89°48'28" E

1326.35'

(ACR. 130°12'24")
1320.24'

1/4 OF SEC. 28-7-8 N 03°02'11" E

S 00°11'30" W 300.27'
(ACR. N 00°10'54" E) (ACR. 300.00')

(ACR. N 89°16'28" E)
S 89°34'49" E 384.91'

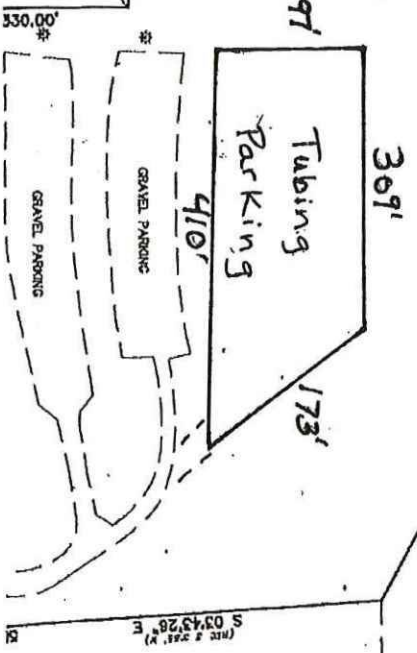
200'
200' X 100'
UNLITTED LAND

(ACR. N 02°38'28" E)
S 02°38'28" E 280.40'

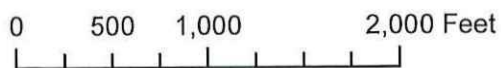
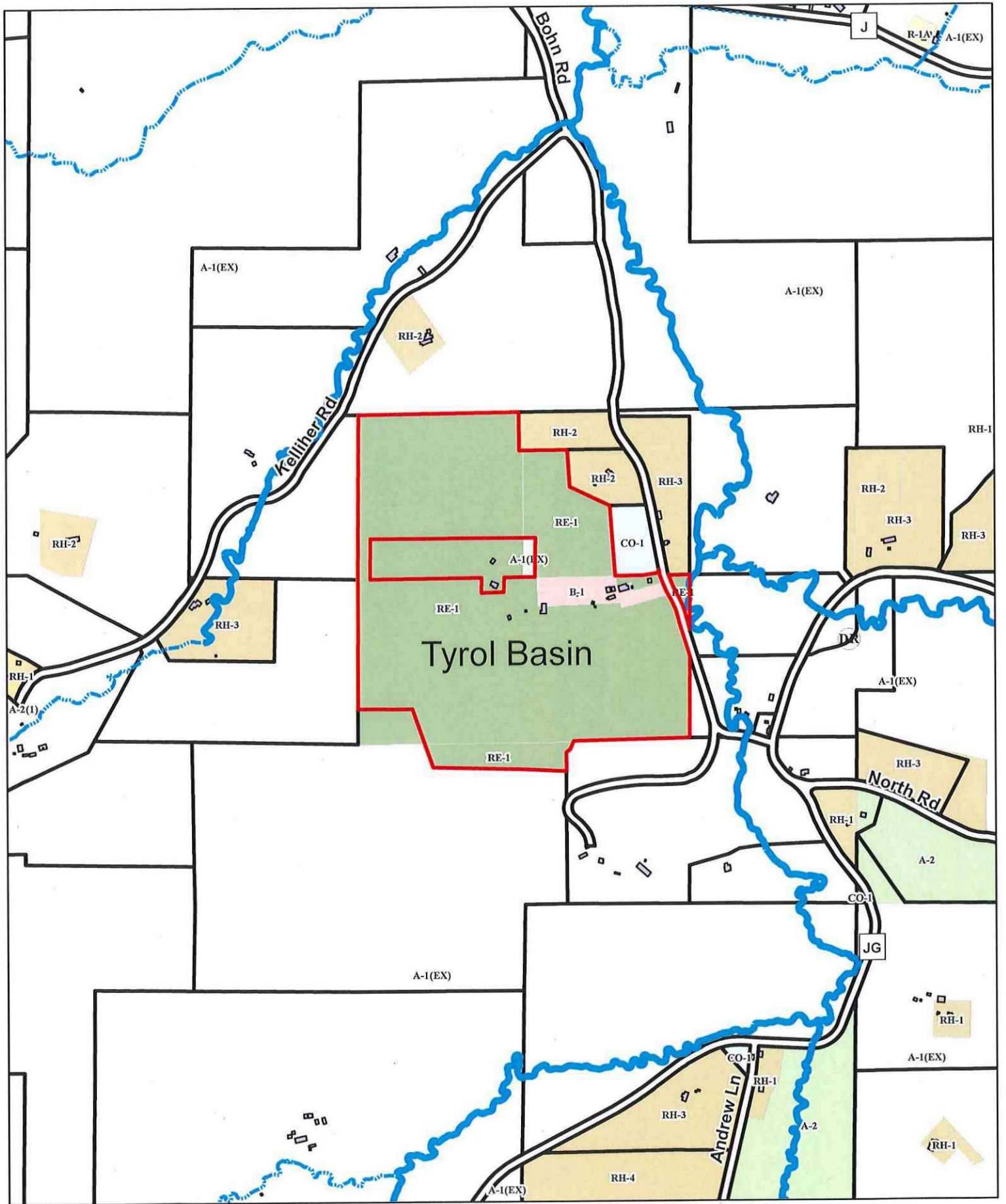
(ACR. N 61°52'18" E)
S 61°52'18" E 328.65'

200'
200' X 100'
UNLITTED LAND

(ACR. N 03°43'28" E)
S 03°43'28" E



○ = Directional
Light Pole



Neighborhood Map

AMENDED AND RESTATED DEED OF COVENANTS AND RESTRICTIONS

Tyrol Properties, LLC, a Wisconsin limited liability company, (herein known as "Tyrol") grants, conveys, and imposes the following deed of covenants and restrictions against that real estate lying in the Town of Vermont, Dane County, Wisconsin which is described in Exhibit A, attached hereto. The foregoing real estate shall be known herein as the "Property." This Amended and Restated Deed of Covenants and Restrictions was filed with the permission of the Town of Vermont and terminates and replaces that document filed on September 20, 2000 as Dane County Register of Deeds Document 3252304.

1. B-1 Permitted and Conditional Uses: Consistent with those restrictions set forth herein, Tyrol may use those portions of the Property which are zoned B-1 pursuant to the Dane County Zoning Ordinance, Ch. 10, Dane County Code ("D.C.C."), for the following permitted and conditional uses:
 - a. Recreational facilities lighted at night as described in sec. 10.11 (3)(h), D.C.C.;
 - b. Retail sales and service businesses as described in sec. 10.11 (2)(a), D.C.C.;
 - c. Private clubs;
 - d. Conference and Convention Centers;
 - e. Outdoor sales events as described in sec. 10.11 (2)(b), D.C.C.;
 - f. Sale of alcoholic beverages by the glass; and
 - g. Storage of items incidental to an established retail use.

Notwithstanding any language to the contrary in Dane County Zoning Ordinance, Ch. 10, these permitted uses shall not include motorized sports or recreation or retail sales of goods or services (other than outdoor sales events) which are not related to the activities occurring on the Property, without the prior written consent of the Town of Vermont.

2. RE-1 Permitted and Conditional Uses. Consistent with those restrictions set forth herein, Tyrol may use those portions of the Property which are zoned RE-1 for the following Permitted and Conditional uses:
 - a. Recreational facilities located outside of a building and lighted to operate during the hours of darkness;
 - b. Ski slopes and jumps and toboggan or tube slides as set forth in section 10.10 (1)(d), D.C.C.;
 - c. Uses incidental to such permitted uses as set forth in 10.10 (1)(f), D.C.C., specifically including lighted special events such as haunted houses, weddings, non-motorized recreational races, etc.; and

Notwithstanding any language to the contrary in Dane County Zoning Ordinance, Ch. 10, the following uses are not permitted on those portions of the Property which are zoned RE-1 without the prior written consent of Town of Vermont: baseball diamonds, snowmobile rentals and motorized recreational uses such as but not limited to, snowmobiling, motocross biking, or all-terrain vehicles.

3. Special Events. Tyrol may host daytime and lighted night-time parties and special events under the following circumstances:
 - a. *Small-scale events*: As a regular part of its operations, Tyrol may host small scale parties such as weddings in its B-1 zoned area and recreation events such as ski or bicycle races in its RE-1 zoned area, so long as the attendance at such events does not exceed approximately 2,000 individuals at any given time, the events are operated following those restrictions set forth in Sections 4-7 herein, and the parking for such events is contained fully within Tyrol's parking lots.
 - b. *Larger-scale or unusual events*: With prior written approval from the Town of Vermont, Tyrol may host events that are anticipated to have attendance and/or parking needs higher than those outlined in Section 3(a) above, or events that will require sound, lights, or hours of operation outside of the limits imposed by Sections 4 and 6 below.
4. Hours of Operation and Lighting. Tyrol shall operate and light the Property in a manner consistent with the following restrictions:
 - a. Outdoor lighting for organized activities in the RE-1 area, exclusive of parking and building lighting, shall be limited to the improved slopes and tubing hill. All lights shall be installed and/or maintained in a manner (including directional LED lights, hoods or shields) so as to minimize direct illumination of adjoining premises and the night sky. No amount of relocation, aiming, or shielding will eliminate direct viewing or reflection of some of the lighting. If a specific fixture can be identified as posing a concern to a neighbor, Tyrol will review and make

modifications if possible or reasonable from both an operational and economic (cost) perspective.

- b. Hours of lighting operation shall be limited to when the facility is open for recreational purposes or special events. However, partial lighting may be continued after closing provided every reasonable effort shall be made to limit lighting to only those areas where maintenance, snow making or grooming are taking place.
 - c. The hours of operation of the facility for recreational purposes and special events shall be limited to 11:30 p.m. However, an additional one-half hour shall be allotted for the orderly clearance of the slopes and departure of patrons. Notwithstanding this provision, the facility may be used and lighted later than 11:30 p.m. with Town Board approval.
5. Alcohol. The sale of alcoholic beverages shall be limited to those times when organized activities are taking place, e.g.: skiing, tubing, wedding receptions, private parties, conferences, or when food is served in conjunction with the restaurant being open. Carry-out or package sale of alcoholic beverages shall not be permitted. Tavern or bar facilities may only be advertised in conjunction with the whole Property and not as a stand-alone tavern or bar.
6. Sound Amplification.
- a. There shall be no permanent installation of speakers for the amplification of sound and/or music beyond a distance of 75 feet from the chalet and patio (hereafter Permanent Sound area). The intent is to permit the regular use of

amplified sound and/or music for weddings, private parties, and regular Tyrol operations, provided the volume is kept to Reasonable Levels, within the Permanent Sound areas. "Reasonable Levels" shall initially be defined as noise which does not exceed the following decibel levels measured using "A" weighting over a 30-second average, at a point 10 feet from the source of the noise:

- i. In the area zoned B-1, 80 dB.
 - ii. For activities between October -April, 9 AM to 7 PM, 95 dB.
 - iii. For activities between May-September, 9 AM-7 PM, 90 dB.
 - iv. For activities all year, 7 PM-11:30 PM, 85 dB.
- b. Temporary use of amplified sound and music beyond the Permanent Sound area is permitted at Reasonable Levels with the following restrictions:
- i. Outdoor amplification for special events will be permitted from 9:00 a.m. to 11:30 p.m. up to 30 days per calendar year.
 - ii. Outdoor amplification of sound and music after 11:30 p.m., exceeding Reasonable Levels, or for more than thirty (30) days per calendar year, may be allowed upon prior written approval of the Town Board.
- c. In the event that the Town and Tyrol agree to impose different sound amplification regulations by separate agreement, the regulations in such separate agreement shall control.

7. Parking. Adequate on-premises parking will be available in upper and lower parking lots. When necessary, Tyrol will provide personnel to direct parking, maintain orderly traffic control, and maintain open access to emergency vehicles.
8. Applicable Law. These covenants shall be construed in accordance with the law of Wisconsin. In the event that the Dane County zoning ordinance is amended, repealed or no longer in effect, then these covenants shall be reopened for negotiation with the Town of Vermont so as to incorporate references to the successor zoning regulations, if any. It is understood that the property owner retains all property rights which have not been expressly restricted in these covenants.
9. Enforceability. These covenants shall run with the land and be binding upon subsequent owners of the Property. These covenants are made in favor of, and shall be enforceable by, the Town of Vermont, and may be modified or released only by a written document recorded with the permission of the Town of Vermont, notwithstanding any provision of the Dane County Code to the contrary. These covenants shall be in effect for a term of twenty-five (25) years, after which time they shall be renewed for a like period of time unless Tyrol or its successors or assigns and the Town of Vermont negotiate and agree upon a successor covenant and record a document amending or releasing the covenants stated herein.

In witness whereof, I affix my signature, this ____ day of _____, 2018.

Nathaniel McGree, Member
Tyrol Properties, LLC

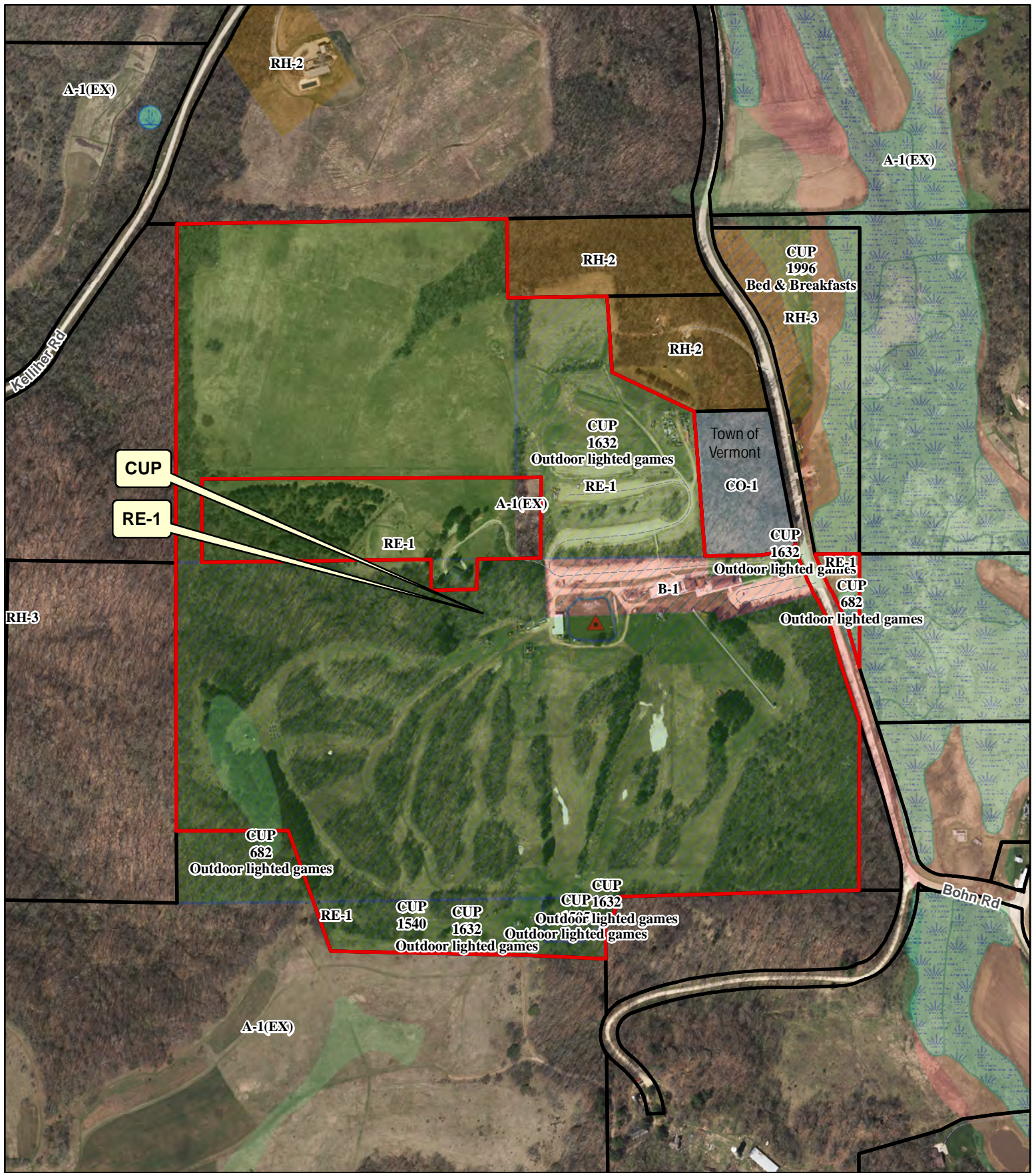
A C K N O W L E D G E M E N T

STATE OF WISCONSIN)
) SS.
DANE COUNTY)

Personally came before me this ____ day of _____, 2018, the above-named Nathaniel McGree, to me known to be a Member of Tyrol Properties, LLC and to me known to be the person who executed the foregoing instrument and acknowledge the same.





Notary Public, State of Wisconsin
My Commission: _____

This document was drafted by Attorney Nicole S. Schram, Madison, WI



Petition 11351 /CUP 2441 TYROL BASIN CORP

Legend

-  Wetland
-  Floodplain
- Significant Soils**
-  Class 1
-  Class 2

