

Dane County Conditional Use Permit Application

Application Date	C.U.P Number
10/25/2021	DCPCUP-2021-02547
Public Hearing Date	
12/28/2021	

OWNER INFORMATION	AGENT INFORMATION
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OWNER NAME DEER CREEK SPORTSMANS CLUB	Phone with Area Code (608) 516-6948	AGENT NAME LARRY KONOPACKI	Phone with Area Code (608) 358-4500
BILLING ADDRESS (Number, Street) % KIM BIGLER 2821 CAVE OF THE MOUNDS RD		ADDRESS (Number, Street) 2964 COUNTY HWY MM	
(City, State, Zip) BLUE MOUNDS, WI 53517		(City, State, Zip) Fitchburg, WI 53711	
E-MAIL ADDRESS hickoryridgelog@tds.net		E-MAIL ADDRESS lkonopacki@staffordlaw.com	

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	
8475 Miller Road				-	
TOWNSHIP PRIMROSE	SECTION 10	TOWNSHIP	SECTION	TOWNSHIP	SECTION
PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED	
0507-101-8050-8		---		0507-101-8200-6	

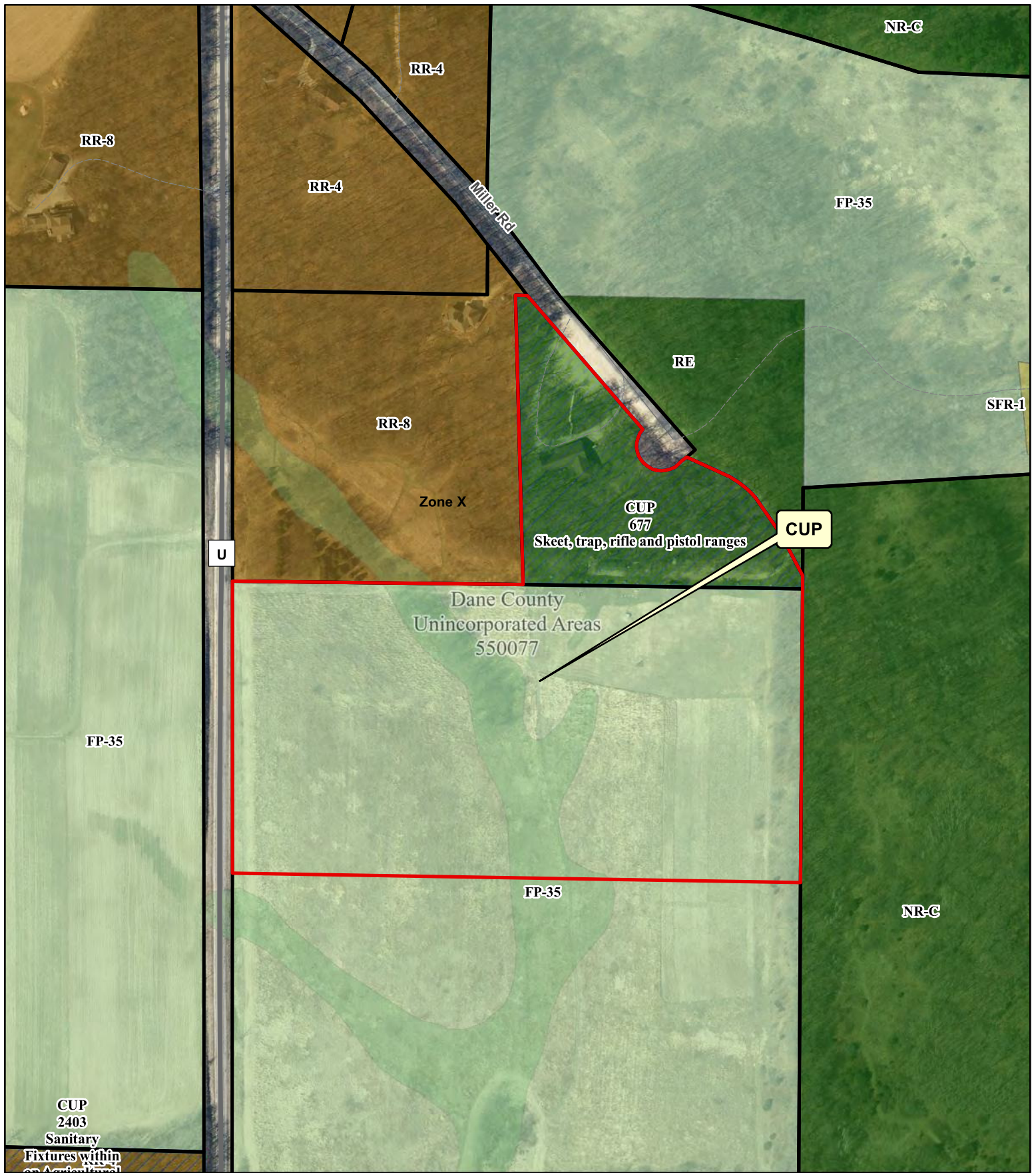
CUP DESCRIPTION

Outdoor Entertainment and Indoor Active Recreation (shooting range and club house rental for events)





DANE COUNTY CODE OF ORDINANCE SECTION	ACRES
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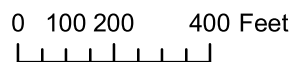
10.212(3)	25.3
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DEED RESTRICTION REQUIRED? <input type="checkbox"/> Yes <input type="checkbox"/> No Applicant Initials _____	Inspectors Initials RWL1	SIGNATURE:(Owner or Agent) <hr/> PRINT NAME: <hr/> DATE: <hr/>
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Legend

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



**CUP 02547
DEER CREEK
SPORTSMANS CLUB**



Dane County
Department of Planning and Development
 Zoning Division
 Room 116, City-County Building
 210 Martin Luther King Jr. Blvd.
 Madison, Wisconsin 53703
 (608) 266-4266

Application Fees	
General:	\$495
Mineral Extraction:	\$1145
Communication Tower:	\$1145 (+\$3000 RF eng review fee)
PERMIT FEES DOUBLE FOR VIOLATIONS OR WHEN WORK HAS STARTED PRIOR TO ISSUANCE OF PERMIT	

CONDITIONAL USE PERMIT APPLICATION

APPLICANT INFORMATION

Property Owner Name:	Deer Creek Sport + Conservation Club	Agent Name:	Larry Konopacki
Address (Number & Street):	8475 Miller Rd	Address (Number & Street):	2964 County Rd mm
Address (City, State, Zip):	Verona, WI 53593	Address (City, State, Zip):	Fitchburg, WI 53711
Email Address:	hickoryridgelog@tds.net	Email Address:	lkonopacki@staffordlaw.com
Phone#:	608-516-6948	Phone#:	608-358-4500

SITE INFORMATION

Township:	Prairie (TSNR7E)	Parcel Number(s):	048-0507-101-8200-6; 048-0507-101-8050-8
Section:	10	Property Address or Location:	8475 Miller Rd, Verona, WI 53593
Existing Zoning:		Proposed Zoning:	RE (Recreational)
	See attached	CUP Code Section(s):	10.212 (3)

DESCRIPTION OF PROPOSED CONDITIONAL USE

Type of conditional use permit (for example: limited family business, animal boarding, mineral extraction, or any other listed conditional use): Outdoor Entertainment; indoor active recreation	Is this application being submitted to correct a violation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Provide a short but detailed description of the proposed conditional use: See attached	

GENERAL APPLICATION REQUIREMENTS

Applications will not be accepted until the applicant has met with department staff to review the application and determined that all necessary information has been provided. **Only complete applications will be accepted.** All information from the checklist below must be included. Note that additional application submittal requirements apply for particular uses or as may be required by the Zoning Administrator. Applicants for significant and/or potentially controversial conditional uses are strongly encouraged to meet with staff prior to submittal.

<input checked="" type="checkbox"/> Complete attached information sheet for standards	<input checked="" type="checkbox"/> Site Plan drawn to scale	<input checked="" type="checkbox"/> Detailed operational plan	<input checked="" type="checkbox"/> Written legal description of boundaries	<input checked="" type="checkbox"/> Detailed written statement of intent	<input checked="" type="checkbox"/> Application fee (non-refundable), payable to Dane County Treasurer
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I certify by my signature that all information presented herein is true and correct to the best of my knowledge. I hereby give permission for staff of the Dane County Department of Planning and Development to enter my property for the purpose of collecting information to be used as part of the review of this application. I acknowledge that submittal of false or incorrect information may be grounds for denial of this application.

Owner/Agent Signature: by [Signature]

Date: 10/20/21

STANDARDS FOR CONDITIONAL USE PERMITS

Applicants must provide adequate evidence demonstrating to the Town and Dane County Zoning & Land Regulation Committee that the proposed conditional use satisfies the following 8 standards for approval, along with any additional standards specific to the applicable zoning district or particular use found in sections 10.220(1) and 10.103 of the code.

Please explain how the proposed land use will meet the following standards (attach additional pages, if necessary):

<p>1. The establishment maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.</p> <p><i>See a Hatched</i></p>
<p>2. The uses, values, and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.</p>
<p>3. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.</p>
<p>4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made to accommodate the conditional use.</p>
<p>5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.</p>
<p>6. That the conditional use shall conform to all applicable regulations of the district in which it is located.</p>
<p>7. The conditional use is consistent with the adopted town and county comprehensive plans.</p>
<p>8. If the conditional use is located in a Farmland Preservation (FP) Zoning district, the conditional use is subject to the following additional standards found in section 10.220(1). Attach additional pages, if necessary.</p> <ul style="list-style-type: none">• Explain how the use and its location in the Farmland Preservation Zoning District are consistent with the purposes of the district:• Explain how the use and its location in the Farmland Preservation Zoning district are reasonable and appropriate, considering alternative locations:• Explain how the use is reasonably designed to minimize the conversion of land from agricultural use or open space use:• Explain how the use does not substantially impair or limit the current or future agricultural use of surrounding parcels zoned for agricultural use:• Explain how construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible: <p><i>↙</i></p>

WRITTEN STATEMENT OF INTENT AND OPERATIONS PLAN

Applicants must provide a detailed written statement of intent describing the proposed conditional use along with an operational plan that explains how the conditional use will be operated. Please use the form below and provide responses, as applicable, to your proposed conditional use. Attach additional pages, if necessary.

Describe in detail the proposed conditional use. Provide the specific location of the use(s), type of equipment used, planned property improvements, including description / size of existing or proposed new buildings to be used, and any other relevant information. For existing or proposed commercial operations, provide the name of the business and describe the nature and type of business activity.

See attached

List the proposed days and hours of operation.

List the number of employees, including both full-time equivalents and maximum number of personnel to be on the premises at any time.

none

List any anticipated noise, odors, dust, soot, runoff or pollution associated with the conditional use, along with any proposed measures that will be taken to mitigate impacts to neighboring properties.

shooting range activities: this is the current use of the property and this proposal will be a reduction in amount/hours of activity

Describe any materials proposed to be stored outside and any activities, processing or other operations taking place outside an enclosed building.

none not explained in attachments

For proposals involving construction of new facilities and/or infrastructure, describe, as applicable, any measures being taken to ensure compliance with county stormwater and erosion control standards under Chapter 11 of Chapter 14, Dane County Code.

no new construction

List and describe existing or proposed sanitary facilities, including adequate private onsite wastewater treatment systems, associated with the proposed conditional use. For uses involving domestic pets or livestock, list and describe measures taken to address manure storage or management.

onsite, existing, compliant POWTS

List and describe any existing or proposed facilities for managing and removal of trash, solid waste and recyclable materials.

Contract with waste hauler

Describe anticipated daily traffic, types and weights of vehicles, and any provisions, intersection or road improvements or other measures proposed to accommodate increased traffic.

only passenger vehicles; traffic is not expected to increase as compared to current use

Provide a listing of any hazardous, toxic or explosive materials to be stored on site, and any spill containment, safety or pollution prevention measures.

none

Describe any existing or proposed outdoor lighting along with any measures that will be taken to mitigate light-pollution impacts to neighboring properties. The Zoning Administrator may require submittal of a photometric plan for outdoor lighting if deemed necessary to determine potential impacts to neighbors

no new outdoor lighting

Describe any existing or proposed signage, including size, location, and materials, consistent with the county's sign ordinance found in s. 10.800.

existing signs at intersections of Hwy 92 and County Rd. U & County Rd. U and Miller Road. These signs are compliant with county requirements.

Briefly describe the current use(s) of the property on which the conditional use is proposed.

Sports + Conservation Club and Shooting range - same as proposed use

Briefly describe the current uses of surrounding properties in the neighborhood.

Rural Residential; public hunting/fishing land; agriculture.

APPLICATION CHECKLIST FOR A CONDITIONAL USE PERMIT

A scaled site plan and detailed operations plan must be submitted with your Conditional Use Permit application. Please use the checklist below to ensure you are submitting all required information applicable to your request. Please attach to your application form the required maps and plans listed below, along with any additional pages.

SCALED SITE PLAN. Show sufficient detail on 11" x 17" paper. Include the following information, as applicable:

- Scale and north arrow.
- Date the site plan was created.
- Existing subject property lot lines and dimensions.
- Existing and proposed wastewater treatment systems and wells.
- All buildings and all outdoor use and/or storage areas, existing and proposed, including provisions for water and sewer.
- All dimension and required setbacks, side yards and rear yards.
- Location and width of all existing and proposed driveway entrances onto public and private roadways, and of all interior roads or driveways.
- Location and dimensions of any existing utilities, easements or rights-of-way.
- Parking lot layout in compliance with s. [10.102\(8\)](#).
- Proposed loading/unloading areas.
- Zoning district boundaries in the immediate area. All districts on the property and on all neighboring properties must be clearly labeled.
- All relevant natural features, including navigable and non-navigable waters, floodplain boundaries, delineated wetland areas, natural drainage patterns, archeological features, and slopes over 12% grade.
- Location and type of proposed screening, landscaping, berms or buffer areas if adjacent to a residential area.
- Any lighting, signs, refuse dumpsters, and possible future expansion areas.

NEIGHBORHOOD CHARACTERISTICS. Describe existing land uses on the subject and surrounding properties:

- Provide a brief written statement describing the current use(s) of the property on which the conditional use is proposed.
- Provide a brief written statement documenting the current uses of surrounding properties in the neighborhood.

OPERATIONS PLAN AND NARRATIVE. Describe in detail the following characteristics of the operation, as applicable:

- Hours of operation.
- Number of employees, including both full-time equivalents and maximum number of personnel to be on the premises at any time.
- Anticipated noise, odors, dust, soot, runoff or pollution and measures taken to mitigate impacts to neighboring properties.
- Descriptions of any materials stored outside and any activities, processing or other operations taking place outside an enclosed building.
- Compliance with county stormwater and erosion control standards under [Chapter 11](#) of [Chapter 14](#), Dane County Code.
- Sanitary facilities, including adequate private onsite wastewater treatment systems and any manure storage or management plans approved by the Madison and Dane County Public Health Agency and/or the Dane County Land and Water Resources Department.
- Facilities for managing and removal of trash, solid waste and recyclable materials.
- Anticipated daily traffic, types and weights of vehicles, and any provisions, intersection or road improvements or other measures proposed to accommodate increased traffic.
- A listing of hazardous, toxic or explosive materials stored on site, and any spill containment, safety or pollution prevention measures taken.
- Outdoor lighting and measures taken to mitigate light-pollution impacts to neighboring properties.
- Signage, consistent with section [10.800](#).

ADDITIONAL MATERIALS. Additional information is required for certain conditional uses listed in s. [10.103](#):

- Agricultural entertainment, special events, or outdoor assembly activities anticipating over 200 attendees must file an [event plan](#).
- [Domestic pet](#) or [large animal boarding](#) must provide additional information in site and operations plans.
- Communication towers must submit additional information as required in s. [10.103\(9\)](#).
- Farm residences proposed in the FP-35 district must submit additional information as required in s. [10.103\(11\)](#).
- Mineral extraction proposals must submit additional information as required in s. [10.103\(15\)](#).

Zoning Change/CUP Application Narrative

Parcels:

048/0507-101-8050-8; the Clubhouse Parcel
048/0507-101-8200-6; the Prairie Parcel

Current Parcel Status

Parcel #048/0507-101-8050-8 (the "Clubhouse Parcel") is currently in the RE – Recreational zoning district. The Deer Creek Sport and Conservation Club maintains its clubhouse on this parcel, along with three parking areas, a small storage shed, and a pavilion for its shooting range, along with other accessory structures. The Club has operated on this parcel for more than 30 years. The Club's activities are authorized by a conditional use permit issued by Dane County in 1990 (CUP #677). The allowed uses listed under this CUP authorize a "sportsmen's club, shooting range, and sale of alcohol." CUP #677 limits the Club's shooting hours to from 9:00am to noon on Saturdays and Sundays. **The Club is requesting a conditional use permit to replace CUP #677 as described below.** The Club is not seeking to have this parcel re-zoned.

Parcel #048/0507-101-8200-6 (the "Prairie Parcel") is currently in the FP-35 – General Farmland Preservation zoning district. This parcel is adjacent to and immediately south of the Clubhouse Parcel. It is currently used by the Club as the shotfall area for the Club's shooting range. It is primarily covered with restored native prairie that the Club has established, along with a few small planted wildlife food plots. The Club's shooting range is located on the Clubhouse parcel along the immediate northern boundary of the Prairie Parcel. There currently exist three structural components of the Club's shooting range on the far northern edge of the Prairie Parcel (a part of an elevated shooting stand, a small enclosure for a clay target thrower, and a steel pole designed to hold an elevated clay target thrower). These components are currently not in use pending the outcome of this request. **The Club is requesting a conditional use permit to authorize limited specified activities on this parcel, and is seeking to have this parcel re-zoned to provide for such uses.**

Background

Since the issuance of CUP #677, the Club has engaged in a wide range of conservation and educational activities, along with providing public opportunity for archery skills practice and shotgun skills practice. The Club also owns additional property adjacent to the parcels described above which it also maintains in natural restored prairie cover and over which public access trails are located for snowmobiling, horse riding, and other activities.

At the time that CUP #677 was issued, Club representatives were told by the County staff that if the Club ever wanted to change or expand its allowable shooting hours, it would need to obtain approval from the Town of Primrose. The Town did so in 1996, and the

Town approved expanded shooting hours on weekend days and Tuesday and Thursday evenings. However, the Club did not realize that this approval was also required to be approved by the County and therefore did not seek or receive this additional approval. In good faith and unaware of its mistake, the Club proceeded to operate its shooting range within these expanded hours for more than 20 years. The Club also occasionally rented its clubhouse for private events.

In July of 2018, the Club was notified by the County Department of Planning and Development (the "Department") that it was operating its shooting range outside of approved times and that rental of its clubhouse to private parties was not allowed under CUP #677 or the general zoning restrictions applicable to its property. The Club immediately opened a dialog with the Department, which determined that in addition to the activities described above, the Club was not allowed to use those small portions of its shooting range that extended across the property line between the Clubhouse Parcel into the Prairie Parcel because CUP #677 only applies to the Clubhouse Parcel and shooting range activities are not allowed under the zoning applicable to the Prairie Parcel. The Department determined that using the Prairie Parcel as a shotfall area for the shooting range is permissible.

The Club immediately terminated its operations that were inconsistent with the CUP. Since that time, the Club has engaged in continued consultation with the Department, Town officials, and Club Neighbors to develop a plan for the Club's future operations. Those efforts have led to the creation of a plan that has the support of the Club's neighbors, as described in the section of this narrative below describing the CUP request.

Rezone Request for Parcel #048/0507-101-8200-6 (the "Prairie Parcel")

The Club requests that the Prairie Parcel be re-zoned from its current designation as FP-35-General Farmland Preservation to RE-Recreational so that it may apply for a new CUP to continue to use those portions of its shooting range located on this parcel, as described in the Current Parcel Status section above, and subject to the limitations in the section of this narrative below describing the CUP request.

Conditional Use Permit Request for both Parcel #048/0507-101-8050-8 (the "Clubhouse Parcel") and Parcel #048/0507-101-8200-6 (the "Prairie Parcel")

The Club Requests that a new CUP be issued for both the Clubhouse Parcel and the Prairie Parcel authorizing the following outdoor entertainment and indoor active recreation uses subject to the following restrictions (proposed language):

1. **Operation of a sports and conservation club.**
2. **Operation of a shooting range.** Shooting range activities are limited to the use of shotguns loaded with shotshells only, except for the use of .22 or smaller caliber rimfire rifles only if as part of a hunter safety education program.

The Club is allowed to operate the shooting range on Thursday evenings from 5pm to 8pm from the Thursday closest to April 15 to the Thursday closest to September 15. The Club is also allowed to operate the shooting range one day per weekend year round except that the shooting range must be closed one weekend per month. Weekend day shooting hours generally must be between 9am and 3pm except that the Club is allowed to operate the shooting range from 9am to 5pm a total of 8 weekend days per calendar year. The shooting range must be closed on the weekends before and after Thanksgiving and the two weekends closest to Christmas and on Easter Sunday and Mother's Day.

3. **Clubhouse rentals to third parties.** The Club may rent its clubhouse to third parties for events subject to all of the following restrictions.

The Club may rent the clubhouse to third parties for events where alcohol will be allowed to be served for no more than 20 events in a calendar year. Only 1 such event may be held in any weekend, and no more than 2 such events may be held in any month.

The Club may authorize a third-party renter of the clubhouse to remain on the Club premises as late as 11pm no more than 10 times per calendar year. If Alcohol is served at such an event, alcohol may not be served later than 10pm. No more than 2 such events may be held per month.

The Club may authorize a third-party renter of the clubhouse to remain on the Club premises on a weekend day until no later than 8pm no more than 20 times per calendar year. If Alcohol is served at such an event, alcohol may not be served later than 7pm. No more than 2 such events may be held per month.

The Club may authorize a third-party renter of the clubhouse to remain on the Club premises on a weekday until no later than 6pm without limitation if no alcohol is served at the event.

The authorization under this CUP for the Club to rent its clubhouse to third parties terminates 10 years from the issuance of the CUP. To continue this use, the Club must re-apply for a CUP authorizing this activity.

4. **Public Club events.** Club events that are open to the public and at which alcohol is served must be held on days when the shooting range is open. No alcohol may be served after 7pm.
5. **Calendar.** After the first 120 days following approval of this CUP, all days and times that that Club will rent its clubhouse to a third party or host a public Club

event where alcohol will be allowed to be served, and days and times that the shooting range will be open, must be scheduled no later than 90 days prior to the activity. The Club shall make this schedule available to neighbors and other interested parties via email upon request, and shall make reasonable effort to post, update, and maintain this schedule on the Club's internet site.

6. **Archery.** The Club may operate or allow indoor and outdoor archery leagues and practices throughout the year.

Compliance with Conditional Use Permit Standards

1. The establishment maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The proposed sport and conservation club, shooting range, and archery uses are preexisting and have been occurring safely on this site for more than three decades. The Club maintains and enforces appropriate safety protocols. The noise-generating activities of the shooting range are currently allowed under CUP #677 and the proposed shooting range activities represent a small reduction in the allowable shooting hours at this site. The proposed restrictions on shooting events have been extensively negotiated with the Club's neighbors.

The proposed clubhouse rental use is limited in scope in terms of the number of events and hours of operation as negotiated with the Club's neighbors. All building and fire code requirements are consistently met and the clubhouse is maintained in a clean and safe condition for users.

2. The uses, values, and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.

See response to number 1 above. The Club and its neighbors have worked together for over two years to outline restrictions on these uses that will protect neighbor's interests. In addition, the proposed clubhouse rental use, if approved, must be re-evaluated after 10 years under this proposal.

3. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

The surrounding property is used for and planned to be used for rural residential and agricultural purposes. This use will not have an impact on the orderly development and improvement of surrounding property. To the contrary, the uses proposed in this

application provide funding for the Club's efforts to restore its property to native prairie cover which is an attractive land use that may enhance the desirability and property value of neighboring properties.

4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made to accommodate the conditional use.

All such improvements are already in place.

5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

Access to Club property is by Miller Road. No increase in volume of traffic to events at the Club property will occur as a result of this CUP. Limits on capacity at events at the Club Property adequately minimize congestion.

6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

Subject to the rezoning request that is included with this CUP application, these uses will comply with all regulations of the districts in which the subject property is located, as described ab above.

7. The conditional use is consistent with the adopted town and county comprehensive plans.

These proposed uses are preexisting and consistent with the open space/agricultural land preservation goals for this property in adopted comprehensive plans. The use proposed here does not include improvements that would preclude future use of the property for agricultural purposes. The environmental benefits of the prairie cover on the subject property further protect water resources from negative impacts from agricultural use.

8. Farmland Preservation Standards:
 - a. Explain how the use and its location in the Farmland Preservation Zoning District are consistent with the purposes of the district:

This use preserves the Club's property as open space and does not include improvements that would preclude future use of the property for agricultural purposes.

- b. Explain how the use and its location in the Farmland Preservation Zoning district are reasonable and appropriate, considering alternative locations:

This use is best situated in agricultural areas where the number of residences in the nearby vicinity are limited. Additionally, this use preserves the Club's property for potential future use as farmland.

- c. Explain how the use is reasonably designed to minimize the conversion of land from agricultural use or open space use:

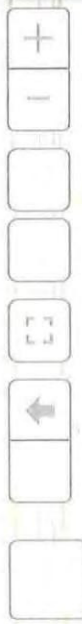
This proposed use converts no land from agricultural use or open space use to another type of use.

- d. Explain how the use does not substantially impair or limit the current or future agricultural use of surrounding parcels zoned for agricultural use:

This use does not negatively impact the use of surrounding land for agricultural purposes, and instead provides environmental buffering against potential damage to water resources caused by agricultural use.

- e. Explain how construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible:

There will be no construction that could damage land remaining in agricultural use.



050710182006 X Q

Show search results for 050710182006



Parcels

[View Parcel in AccessDane](#)

[View Assessor Property Info](#)

Parcel Number: 050710182006

Owner: *DEER CREEK SPORT & CONSERVATION CLUB INC

Co-Owner: *

Property Address:

Municipality: Town of Primrose

School District: MOUNT HOREB SCHOOL DIST

Assessed Acres: 20.0

Approx. Square Ft: 874,895

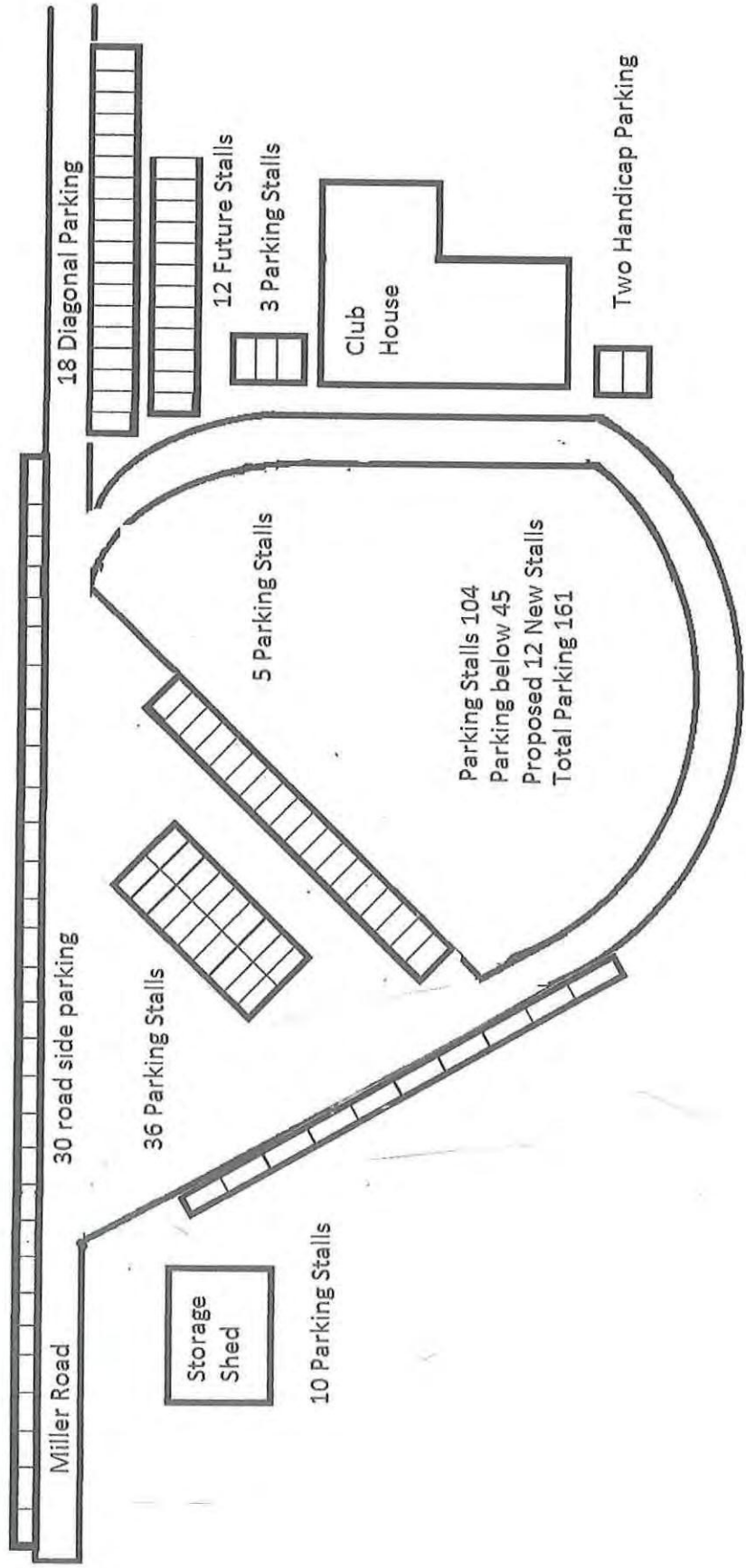
Land Value: \$7,200.00

Improved Value: \$0.00

[Zoom to](#)

950 #

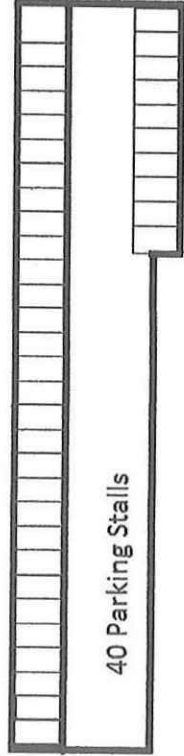
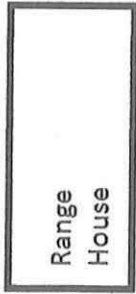
10/19/21



5 Parking Stalls



Deer Creek Lower Parking 45 Stalls



40 Parking Stalls



Tower



Trap Tower

CUP 2547

Lot 1 of Certified Survey Map 5671 and the southerly 668 feet of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, Section 10, Town 5 North, Range 7 East, Town of Primrose, Dane County, WI