

IN BLACK:

8.18.2023 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")

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Staff report for 2021 CUP 2547

Recommended conditions of approval

The Club Requests that a new CUP be issued for both the Clubhouse Parcel and the Prairie Parcel authorizing the operation of a sports and conservation club including the following outdoor entertainment and indoor active recreation uses subject to the following restrictions:

General Limits and Definitions

1. Maximum Capacity. No more than 300 people, from all activities combined, shall be on the site at any one time. No more than 99 people may be present at an outdoor event at any one time.

1. No more than 300 people, from all activities combined, shall be on the site at any one time.

2. Uses. "Indoor active recreation" which includes indoor archery, youth hunter education, rental of the clubhouse to third parties, and other indoor activities of a sports and conservation club, and "outdoor entertainment" which includes operation of a shooting range, archery, youth hunter education, and other outdoor activities of a sports and conservation club.

3. "Events" or "special events" are defined as any activity or other use of the club property in which more than 20 people participate.

4. Expiration for third party events: Special events involving rental of the clubhouse to third parties shall expire 10 years after the date of the issuance of this conditional use permit; continuation shall require approval of a new CUP.

3. Indoor active recreation activities are limited to indoor archery.

4. Indoor assembly activities are limited to club use and rental of the clubhouse to third parties, subject to the following conditions:

a. Hours of operation shall generally be from 9:00 a.m. until 6:00 p.m., except as indicated below. i. No more than 20 times per year, and no more than twice in any month, third-party renters may use the clubhouse until 8:00 p.m. on a weekend day.

ii. No more than 10 times per year, and no more than twice in any month, third-party renters may use the clubhouse until 11:00 p.m.

iii. If Town of Primrose alcohol beverage permits or licenses impose other limitations on hours of operation, the most restrictive combination of limitations shall apply.

b. All third-party rentals must be scheduled at least 90 days in advance. The operator must provide copies of clubhouse rental schedules on its public website, and if requested, by e-mail.

5. "Shooting range" or "shooting range activities" means the use of the area of the club

property developed as a shooting range for firearm shooting activities. The club shall

limit the type of firearms used on the shooting range to shotguns, and the use of rimfire rifles of .22 caliber or smaller as part of a hunter safety education program.

Operating Days and Hours

6. General weekday hours: Monday, Tuesday, Thursday 9:00am to 9:00pm yearround

(no operating hours Wednesdays or Fridays).

o Shooting range weekday operation may only occur Thursdays from 5:00-8:00pm and from April 15 to September 15.

7. General weekend hours: Events may be held at the club property only one weekend day per weekend. General hours of operation are from 9:00am to 7:00pm year-round except that the club may hold weekend events ending at 10:00pm on ten weekend days per year (“extended weekend event hours”).

- o Shooting range weekend events are generally limited to 9:00am to 3:00pm, except that such events may occur from 9:00am to 5:00pm on eight days per year (“extended weekend shooting hours”).

- o Shooting range weekend events shall only occur three weekends per month.

- o The club shall not operate the shooting range on Easter and Mother’s Day or on the weekends before and after Thanksgiving and Christmas.

8. Notification. The dates that the club will hold weekend events, the dates the club

will operate under extended weekend event hours, and the dates that the club will

operate under extended weekend shooting hours shall be posted on the club website at least 30 days prior to the date of the event and provided to the Town of Primrose for posting at the Town Hall.

2. Outdoor entertainment activities are limited to a shooting range and a sports and conservation club, subject to the following conditions: a. Hours of operation shall be as follows: i. One day (either Saturday or Sunday) of each weekend, between 9:00 a.m. and 3:00 p.m., for three weekends each month, and except as indicated below. The shooting range must be closed one full weekend (Saturday and Sunday) each month.

ii. On no more than 8 weekend days per calendar year, the shooting range may operate between 9:00 a.m. and 5:00 p.m.

iii. Thursdays from April 15 until September 15, between 5:00 p.m. and 8:00 p.m.

iv. The shooting range shall be closed on the weekends before and after Thanksgiving.

v. The shooting range shall be closed the two weekends closest to Christmas, Easter and Mother’s Day.

b. Shooting range activities are limited to the use of shotguns, archery equipment and rimfire rifles of .22 caliber or smaller as part of a hunter safety education program.

c. No more than 99 people shall be on the portion of the premises dedicated to the shooting range at any one time. Outdoor assembly events of 100 or more people requires approval of a separate conditional use permit.

Additional Restrictions and Conditions

9. The club may only use targets for its shooting range activities that are nontoxic when used as intended by the manufacturer.

10. The club shall implement the following plan for lead containment verification and reclamation to show that lead shot, resulting from discharging shotguns on the clay target range, does not migrate off of the club property and is reclaimed as appropriate when lead concentrations reach a level that allows for reclamation.

- o The club initiated soil sampling in the area of the lead pellet drop zone of the portion of the club property used for the shooting range and to the south (downhill) on November 2, 2018. The soil samples taken at that time showed no lead migration, horizontally or vertically, in the tested area. The club conducted another soil sampling survey on September 19, 2022, which sampled a broader area in the shot drop zone and, again, south of the shot drop zone which verified that no lead has migrated downhill from or away from the shot drop zone.

- o The club will repeat the soil sampling protocol used on September 19, 2022 every five (5) years to verify that lead from the shot drop zone does not migrate horizontally or vertically over or in the soil and to determine whether lead concentrations have reached levels to justify reclamation. If testing shows that lead has or is likely to migrate horizontally off of the club property or vertically in a manner that threatens groundwater, the club shall take action deemed appropriate by the Town to address such lead migration.

- o When lead concentrations reach minimum levels necessary for the value of the recycled material to pay for commercial reclamation services, the club shall cause such reclamation to be conducted. The club shall also cause such reclamation to be conducted if required by state or federal law.

- o The club will annually perform an on-site lead test of the club's well water and share the results with the Town and other interested parties upon request. The club will also pay to have annual water well testing

conducted for lead in the same manner on adjacent properties if requested by the property owner. If lead levels in a tested well exceed state safe drinking water standards, the club shall cause a professional consultant to evaluate the results and determine the cause of such elevated lead concentration. If it is determined that the club's use of lead shot on its property is the cause of the elevated lead concentration, the club shall implement a mitigation plan deemed appropriate by the Town to address the exceedance.

11. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.

12. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Commercial Building Code.

13. The applicant shall apply for, receive and maintain all other legally required and

applicable local, county, state and federal permits, including alcoholic beverage permits issued by the Town of Primrose. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.

14. Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements, including alcohol licensing requirements from the Town of Primrose. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.

15. Existing onsite wastewater sewage disposal systems 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.

16. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.

17. At least 161 off-street parking spaces must be provided, consistent with s. 10.102(8).

18. If the Dane County Highway, Transportation and Public Works Department or the town engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be borne by the landowner. Costs borne by the landowner

shall be proportional to the incremental increase in traffic associated with the
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proposed conditional use.

19. 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.

20. 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.

21. 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.

22. 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.

23. If any use allowed by an approved conditional use permit is abandoned for
one

year or more, the associated conditional use permit shall be terminated. Future
re-establishment of an abandoned conditional use shall require approval of a
new conditional use permit.

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

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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 three 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.

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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.

CUP 2607 Legal Description:

Lot 1 Certified Survey Map No. 5671, recorded in Volume 12151 of Certified Survey Maps of Dane

County on pages 34-35 as Document No. 2112449, located in the Northeast . of the Northeast . of

Section 10, Town 5 North, Range 7 East, Town of Primrose, Dane County, Wisconsin.

AND

The Northeast . of the Northeast . of Section 10, Town 5 North, Range 7 East, Town of Primrose, Dane County, WI, EXCEPT the following: Commencing at the Northeast corner of said Section 10; thence South 165 feet; thence West 264 feet; thence South 165 feet; thence East 264 feet; thence North 165 feet to the point of beginning; AND ALSO EXCEPT those lands set forth in Vol. 3285 of Records, Page 31, as Doc. No. 1727550, AND ALSO EXCEPT Certified Survey Map No. 6697, AND ALSO EXCEPT Certified Survey Map No. 5671. (approximately the southerly 668 feet of the Northeast . of the Northeast . of Section 10, T5N, R7E, Town of Primrose) 20 acres more or less.