

Dane County Rezone Petition

Application Date	Petition Number
10/25/2021	DCPREZ-2021-11781
Public Hearing Date	
12/28/2021	

OWNER INFORMATION	AGENT INFORMATION
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OWNER NAME DEER CREEK SPORT & CONSERVATION CLUB INC	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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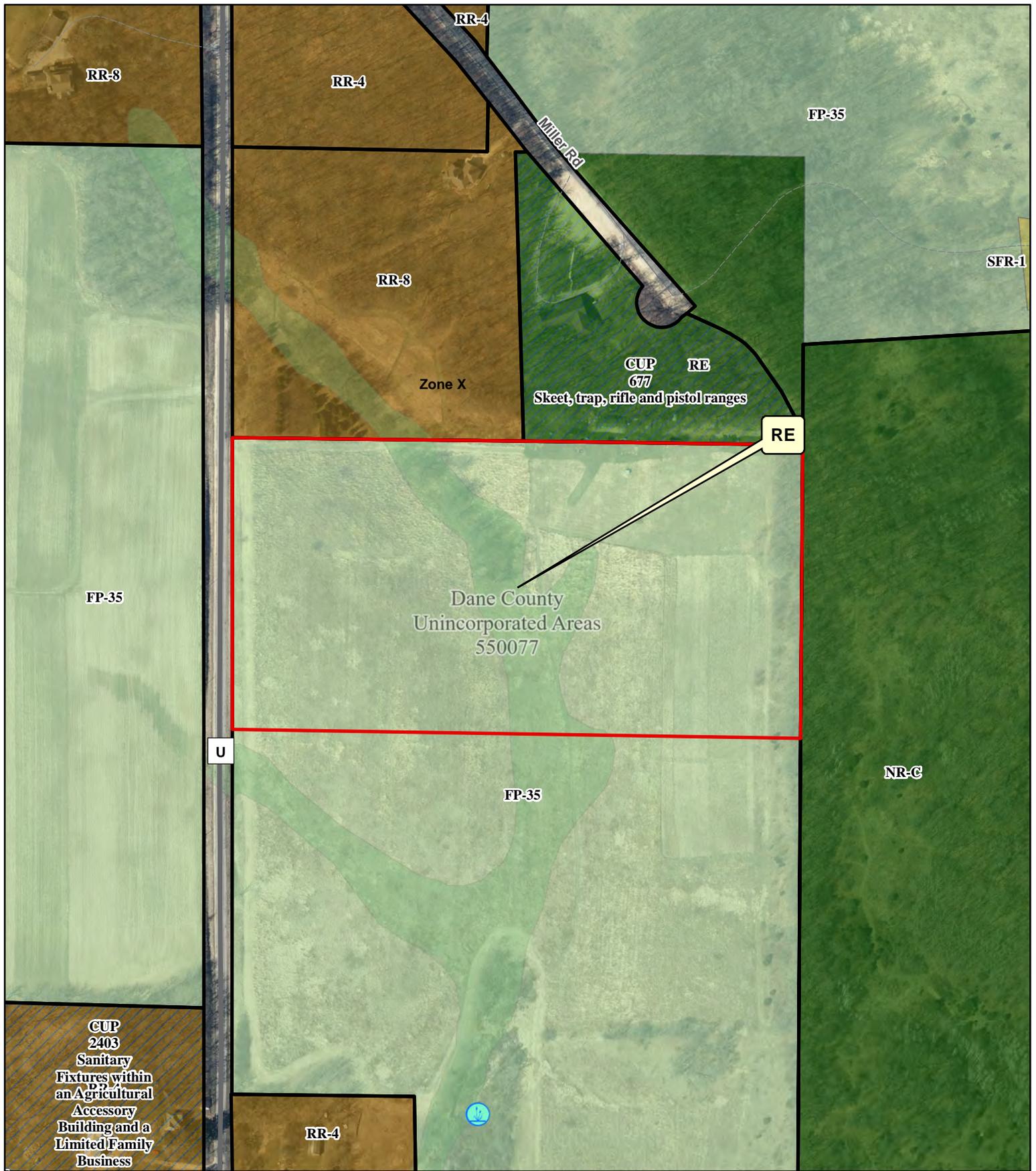
ADDRESS OR LOCATION OF REZONE		ADDRESS OR LOCATION OF REZONE		ADDRESS OR LOCATION OF REZONE	
8475 Miller Road					
TOWNSHIP PRIMROSE	SECTION 10	TOWNSHIP	SECTION	TOWNSHIP	SECTION
PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED	
0507-101-8200-6					

REASON FOR REZONE

CHANGE ZONING DISTRICT TO ALLOW FOR THE EXPANSION OF THE EXISTING SHOOTING RANGE

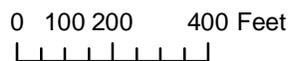
FROM DISTRICT:	TO DISTRICT:	ACRES
FP-35 Farmland Preservation District	RE Recreational District	20.0

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

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



Petition 11781
 DEER CREEK SPORT &
 CONSERVATION CLUB
 INC



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:	\$395
Farmland Preservation:	\$495
Commercial:	\$545

- PERMIT FEES DOUBLE FOR VIOLATIONS.
- ADDITIONAL FEES MAY APPLY. CONTACT DANE COUNTY ZONING AT 608-266-4266 FOR MORE INFORMATION.

REZONE 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:	hickoryridge@tds.net	Email Address:	lkonopacki@staffordlaw.com
Phone#:	608-516-6948	Phone#:	608-358-4500

PROPERTY INFORMATION

Township:	Primrose (T5NR7E)	Parcel Number(s):	048-0507-10F-8200-6
Section:	10	Property Address or Location:	8475 Miller Rd, Verona, WI 53593

REZONE DESCRIPTION

Reason for the request. In the space below, please provide a brief but detailed explanation of the rezoning request. Include both current and proposed land uses, number of parcels or lots to be created, and any other relevant information. For more significant development proposals, attach additional pages as needed.

Is this application being submitted to correct a violation?
 Yes No

See attached

Existing Zoning District(s)	Proposed Zoning District(s)	Acres
FP-35 (General Farmland preservation)	RE (Recreational)	20.0

Applications will not be accepted until the applicant has contacted the town and consulted with department staff to determine 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 commercial development proposals, or as may be required by the Zoning Administrator.

<input checked="" type="checkbox"/> Scaled drawing of proposed property boundaries	<input checked="" type="checkbox"/> Legal description of zoning boundaries	<input type="checkbox"/> Information for commercial development (if applicable) <i>MA</i>	<input checked="" type="checkbox"/> Pre-application consultation with town and department staff	<input checked="" type="checkbox"/> Application fee (non-refundable), payable to the Dane County Treasurer
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I certify by my signature that all information provided with this application is true and correct to the best of my knowledge and understand that submittal of false or incorrect information may be grounds for denial. Permission is hereby granted for Department staff to access the property if necessary to collect information as part of the review of this application. Any agent signing below verifies that he/she has the consent of the owner to file the application.

Owner/Agent Signature *Larry Konopacki*

Date 10/20/21

Legal Description of Parcel 048/0507-101-8200-6

The Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ 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.



050710182006



Show search results for 050710182006



well

Wastewater treatment (Powers)

driveway entrance

Existing RE zoning

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](#)

FP-35 to RE zoning

300ft

950 ft

10/19/21

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:

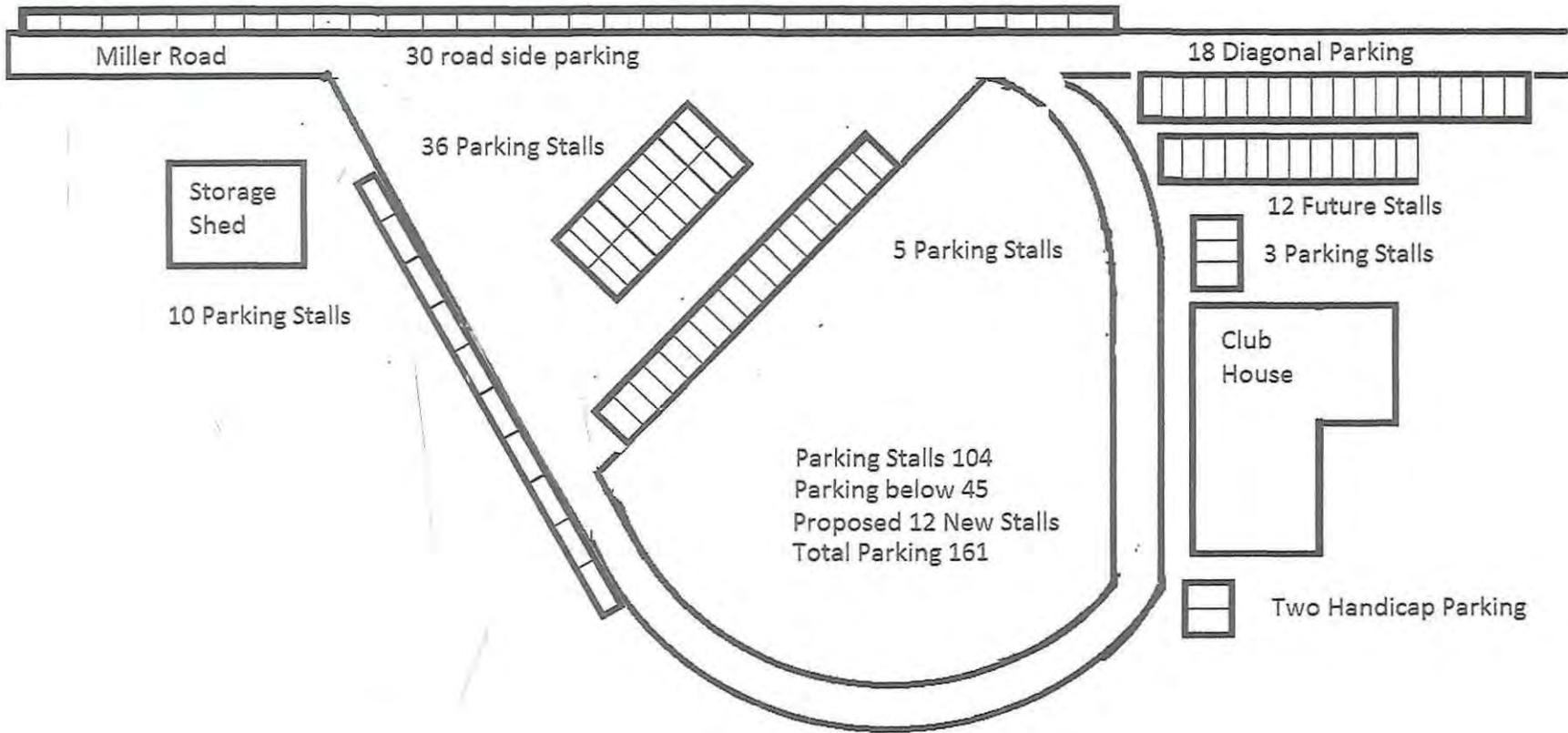
This proposed use converts no land from agricultural use or open space use to another type of use.

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

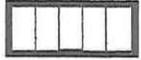
This use does not negatively impact the use of surrounding land for agricultural purposes, and instead provides environmental buffering against potential damage to water resources caused by agricultural use.

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

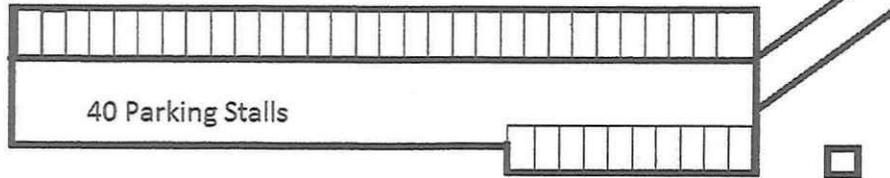
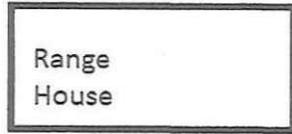
There will be no construction that could damage land remaining in agricultural use.



5 Parking Stalls



Deer Creek Lower Parking 45 Stalls



40 Parking Stalls



Tower



Trap Tower