



Staff Report

Public Hearing: **April 29, 2013**

Petition: **CUP 2267**

Zoning Amendment:
A-2(8) Agriculture District to A-2(8) Agriculture District

Town/sect:
**Deerfield
Section 27**

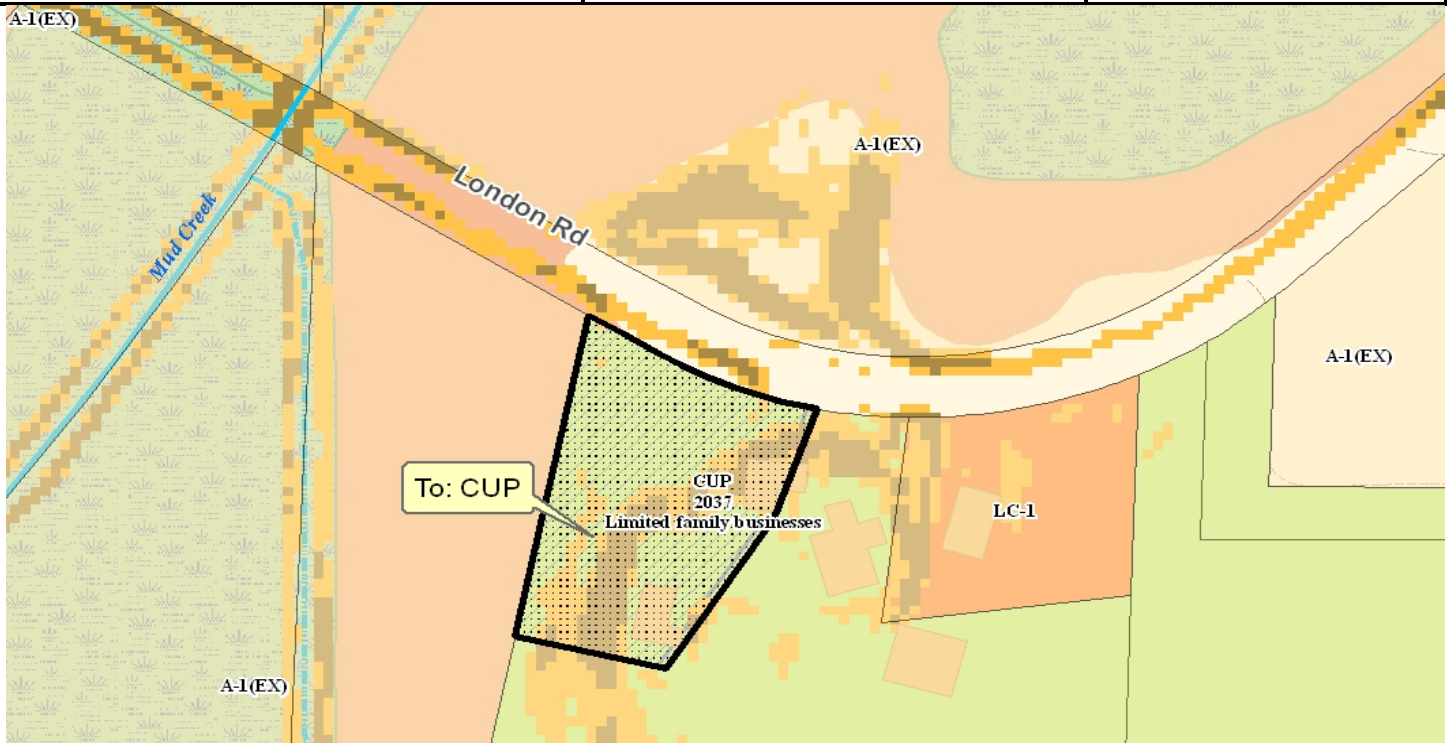
Acres: 2.2
Survey Req. No

Applicant
Dennis A Smithback

Reason:
**Limited family business for a
indoor shooting range**

Location:
575 London Rd

Zoning and Land Regulation Committee



DESCRIPTION: The landowner would like to expand his limited family business (Smitty's Gun Shop) by the construction of an indoor shooting range. The original plan was to construct the range on the far west side of the property. Due to floodplain, shoreland, hydric soil issues, the proposed range was moved to the front of the property to be located outside the boundaries of the water features.

OBSERVATIONS: The gun shop has been in existence since 2007 under Conditional Use Permit #2037. The owner's residence is on the property along with his excavating business (LC-1 zoning area to the east). The gun shop is located in the small building closest to the road.

Mud Creek is approximately 500 feet away from the west side of the property. There are wetlands and a flood hazard area located along the western edge of the property. Hydric soils are identified along the western boundary as well. The original location of the shooting range had complications due to the sensitive environmental features associated with the western side of the property. Having the shooting range attached to the gun shop avoids the water features of the property and consolidates the business activity on the property.

TOWN PLAN: The property is located in the town's agricultural preservation area. Town plan policies promote the establishment and retention of small scale businesses that provide services to town residents.

RESOURCE PROTECTION: A small area of resource protection corridor encroaches on the westerly lot boundary.

STAFF: The proposal appears consistent with town plan policies. Please see attached list of potential conditions.

TOWN: Approved with no conditions.

Proposed Conditional Use Permit # 2267

In order for an applicant to obtain a Conditional Use Permit, the Zoning and Land Regulation Committee must find that all of the following standards are met for the proposed land use:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare.
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.
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.
4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made; and
5. That adequate measures have been or will be being taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

Staff has prepared a list of conditions that may be used in order to meet the six standards as listed above to allow the conditional use on the property. Please note that the conditions may need to be changed or additional conditions added to address potential nuisances that may come to light during the public hearing.

1. The business shall be limited to a firearms dealership with an indoor shooting range.
2. Hours of operation shall be from 8am to 10pm.
3. The shooting range is for the purposes of customer use only. Tournaments or shooting expositions shall not be permitted on the property.
4. A minimum of 18 parking stalls shall be installed on the property as shown on the site plan. The parking area may be a gravel surface. The parking of vehicles is prohibited on London Road.
5. The shooting range shall be constructed to meet the Wisconsin Commercial Building Code.
6. The firearm dealership and shooting range shall maintain compliance with all local, state, and federal regulations relating to the sale of firearms and the discharge of firearms.
7. Signs shall comply with Dane County Code of Ordinances.
8. All employees, except one or one full-time equivalent, shall be a member of the family residing on the property.
9. The conditional use permit shall become null and void upon the sale of the property to an unrelated 3rd party.