



## Dane County Planning and Development Department

Room 116, City-County Building, Madison, Wisconsin 53703

Fax (608) 267-1540

October 18, 2023

Ray Gilden  
Deer Creek Sport & Conservation Club Inc.  
8475 Miller Road  
Verona, WI 53593

### **RE: Denial of Conditional Use Permit DCPCUP-2023-02607**

Dear Mr. Gilden,

I regret to inform you that the application for Conditional Use Permit #2607 has been rendered null and void, after it was denied by the Town of Primrose on October 16, 2023. The Town Board determined that Standards 1, 2, 5, 7 and 8 were not met in order to obtain a conditional use permit. Pursuant to Dane County Code of Ordinances Section 10.101(7)(c)2.c., no further action shall be taken by the Dane County Zoning and Land Regulation Committee.

The conditional use permit application was for expanded hours for the existing Deer Creek Sport and Conservation Club shooting range and additional indoor recreational activities for the clubhouse located at 8475 Miller Road, Section 10, Town of Primrose.

Attached is the Town Action Report along with findings.

If you have any questions or concerns, please contact me at (608) 266-9078.

Sincerely,

Roger Lane  
Zoning Administrator

Cc: Ruth Hansen, Town of Primrose  
Brian Standing, Dane County Senior Planner  
Rachel Holloway, Dane County Assistant Zoning Administrator  
Shawn Widish, Dane County Zoning Inspector  
Larry Konopacki, Stafford Rosenbaum, LLP

**TOWN BOARD ACTION REPORT – CONDITIONAL USE PERMIT**

Regarding Petition # DCPCUP-2023-02607 Dane County ZLR Committee Public Hearing Tuesday, October 24, 2023

Whereas, the Town Board of the Town of Primrose having considered said conditional use permit application, be it therefore resolved that said conditional use permit is hereby (check one):  **APPROVED**

**DENIED (IF DENIED, PLEASE COMPLETE FINDINGS SECTION ON PAGE 2)**

**PLANNING COMMISSION VOTE:**      0 **In Favor**      5 **Opposed**

**TOWN BOARD VOTE:**      1 **In Favor**      2 **Opposed**

Whereas, in support of its decision, the Town Board has made appropriate **findings of fact** that the standards listed in section 10.101(7) (d) 1, Dane County Code of Ordinances, and section 10.220 (1) (a), if applicable, are found to be (check one):

**SATISFIED**

**NOT SATISFIED (PLEASE COMPLETE FINDINGS SECTION ON PAGE 2)**

**THE CONDITIONAL USE PERMIT IS SUBJECT TO THE FOLLOWING CONDITION(S):**

**PLEASE NOTE:** The following space, and additional pages as needed, are reserved for comment by the minority voter(s), **OR**, for the Town to explain its approval if the decision does not comply with the relevant provisions of the Town Plan.

Condition 1 was not met — There was an inadequate development of a lead, PAH and benzene management plan (for continued and expanding shooting) that would protect public health and safety.  
Condition 2 was not met: The number of events is unclear and, without clarification, many long shooting events and commercial uses of clubhouse will adversely affect the uses, value and enjoyment of what is otherwise a residential neighborhood.  
Condition 5 is not met: Parking, congestion and room for emergency vehicles is an issue on narrow dead end road with proposed 300 person events.  
Condition 7 not met: The proposed rezone of 20 acres of ag. land to recreational land which will then have lead, PAH and benzene contamination is not consistent with the Primrose Comprehensive Plan's protection of land zoned FP. (see also condition 8 below)  
Condition 8 not met: The use will be in land now zoned FP and the shot contamination will prevent it from being returned to agricultural land in the future.

I, Ruth Hansen, as Town Clerk of the Town of Primrose, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on Monday, October 16, 2023

**Town Clerk** Ruth Hansen      **Date** Wednesday, October 18, 2023

# **FINDINGS OF FACT FOR DENIED CONDITIONAL USE PERMITS**

**If the Conditional Use Permit application is denied, please complete the following section. For each of the standards, indicate if the standard was found to be satisfied or not satisfied. Please note the following from sections 10.101 (7) (c) 2 f g and 10.101 (7) (c) 3 d e :**

*“The zoning committee or applicable town board must deny a permit if it finds that the standards for approval are not met, and must approve a permit when the zoning committee and applicable town board determine that the standards for approval are met.”*

**PLEASE INDICATE THE APPROPRIATE FINDING FOR EACH STANDARD (CHECK ONE / STANDARD)**

- |   |   |
|---|---|
| 1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare.   | 1. <input type="checkbox"/> SATISFIED / <input checked="" type="checkbox"/> NOT SATISFIED |
| 2. That 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. | 2. <input type="checkbox"/> SATISFIED / <input checked="" type="checkbox"/> NOT SATISFIED |
| 3. That 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.   | 3. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.   | 4. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.   | 5. <input type="checkbox"/> SATISFIED / <input checked="" type="checkbox"/> NOT SATISFIED |
| 6. That the conditional use shall conform to all applicable regulations of the district in which it is located.   | 6. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 7. That the conditional use is consistent with the adopted town and county comprehensive plans.   | 7. <input type="checkbox"/> SATISFIED / <input checked="" type="checkbox"/> NOT SATISFIED |
| 8. If the conditional use is located in a Farmland Preservation Zoning district, the town board and zoning committee must also make the findings described in s. 10.220 (1).  | 8. <input type="checkbox"/> SATISFIED / <input checked="" type="checkbox"/> NOT SATISFIED |

## **THIS SECTION IS RESERVED FOR FURTHER EXPLANATION OF THE FINDINGS:**

Condition 1 was not met — There was an inadequate development of a lead, PAH and benzene management plan (for continued and expanding shooting) that would protect public health and safety.

Condition 2 was not met: The number of events is unclear and, without clarification, many long shooting events and commercial uses of clubhouse will adversely affect the uses, value and enjoyment of what is otherwise a residential neighborhood.

Condition 5 is not met: Parking, congestion and room for emergency vehicles is an issue on narrow dead end road with proposed 300 person events.

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Condition 8 not met: The use will be in land now zoned FP and the shot contamination will prevent it from being returned to agricultural land in the future.