**MINUTES**
**CHARLOTTE COUNTY BOARD OF ZONING APPEALS**
**Wednesday, July 10, 2013 – 9 a.m. – Room 119**
**Charlotte County Administration Center**
**18500 Murdock Circle**
**Port Charlotte, FL 33948-1094**

(These minutes are not official until they have been approved by the Charlotte County Board of Zoning Appeals)

**Members Present**
Katherine Ariens, Chair
Steve Vieira, Secretary
Blair McVety, Vice-Chair
Joe Tiseo (absent/excused)
Larry Fix

**Staff Present**
Ty Harris, *Assistant County Attorney*
Shaun Cullinan, *Zoning Official*
Joshua Moye, *Assistant County Attorney*
Ken Quillen, *AICP, Planner III*
Diane Clim, *Recorder*

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**I. *Call to Order***
*Chair Ariens* called the July 10, 2013 meeting of the Board of Zoning Appeals to order at 9:00 a.m.

**II. *Pledge of Allegiance***
*Chair Ariens* led the members and the audience in reciting the Pledge of Allegiance.

**III. *Roll Call***
Roll call was taken; a quorum was present.

**IV. *Swearing In of Those Giving Testimony***
*Diane Clim* swore in all persons who wished to provide testimony.

**V. *Approval of Minutes***
***ACTION: A motion was presented by Mr. McVety and seconded by Mr. Vieira to approve the minutes of the June 12, 2013 meeting of the Board of Zoning Appeals. Motion passed with a unanimous vote.***

**VI. *Disclosure Statements***
Ex-parte forms indicating site visits concerning the petitions being presented before the July 10, 2013 Board of Zoning Appeals meeting were submitted.

**VII. *Introduction of Staff/Comments***
*Chair Ariens* introduced staff. *Shaun Cullinan, Zoning Official,* read the Zoning rules, *Attorney Ty Harris, and Chair Ariens* made introductory remarks regarding the types of requests that the Board of Zoning Appeals would be reviewing and the standards which must be met, the notification process and how the Board of Zoning Appeals makes its decision.

## VIII. *New Business*

***The following petitions were advertised on June 25, 2013: VAR-13-003 and SE-13-007***

**VAR-13-003** (was withdrawn by applicant)
Nadine and Stephen Pearson are requesting a variance to reduce the required 15' rear yard setback by 5' to allow a 10.2' rear setback from a waterway for a pool in the Residential Single-family 3.5 zoning district. The property address is 817 East Fifth Street, Englewood, and is described as Lot 5, of Block "G", of Rock Creek Park 34rd Addition, located in Section 05, Township 41 South, Range 20 East.

**SE-13-007**
Steven Darby, agent for SW Florida Sportsman's Association, Inc., is requesting a special exception to allow a private recreation facility, consisting of a pistol, rifle, shot-gun, and archery ranges, in the Agriculture Estate (AE) zoning district. The property address is 33811 Oil Well Road, Punta Gorda, and is described as parcel P1-33, P1-34, P1-38, P1-75 and P1-83, located in Section 22, Township 42 South, Range 24 East.

*Ken Quillen* presented general information and staff findings for the petition.

**Mr. Quillen** passed out 4 Exhibits Mr. Darby handed in. (Exhibits F, G, H, I)

**Applicant Presentation**
**Steven Darby, Darby Engineering, agent for SW Florida Sportsman's Assoc. Inc.** said he was sworn in. **Mr. Darby** said he would be giving the presentation and the President of SW Florida Sportsman's Association, John Trotta, is also here. This request is for the additional 15 acres for the shooting range. The range originally started in 1991. He discussed the site and said the entire 25 acres are compatible with the surrounding uses. He discussed steel targets, the entrance to the club (this is a private club, not open to the public unless you are a member), the maintenance of the road, and the easement with Babcock Cecil Webb next to them. The entire site is fenced in. There is a gate at the entrance. Exhibit F shows the parking. He said there are 467 members, but on an average day, there are only 6 to 10 members visiting each day, at different times during the day. They may have about 30 members at a time during the competitions. He discussed the removal of the lead bullets in the berms.

**John Trotta, 312 SE 18th Ave, Cape Coral,** said he was sworn in. **Mr. Trotta** discussed the roof baffle which will be over the shooter and how a round/bullet cannot go over the berm. He also discussed the retrieval of the lead bullets and the process.

**Mr. Darby** discussed the environmental memo they received from staff. They had a project conference with staff for the site plan a month ago, and during that meeting, they discussed sensitive wetlands. They do not plan on doing anything in the wetlands area. He also discussed a report on the birds in the area.

**Jamie Scudera, Environmental Specialist,** said she was sworn in. **Ms. Scudera** discussed some of the wetlands calculations.

***Chair Ariens opened the meeting to Public Hearing.***

**Public Input**

**Hans Lintner, 32668 Oil Well Road,** said he has been sworn in. **Mr. Lintner** said he came here with an open mind. Occasionally, he can hear shooting coming from this area. He has found stray bullets on the road in the area. He is also concerned about some noise in the area. He is not against the use of guns used safely.

**Carlton DePriest, did not give his address,** said he has been sworn in. **Mr. DePriest** said some of the people who go there to shoot are very rude. He lives up the road and he can hear them shooting. He doesn't think they should be allowed to shoot on Sunday.

**Mr. Trotta** said if he is concerned about traffic, there will be less with this new driveway. As for finding bullets on the road, they do not shoot in that direction. The range does not open before 9 a.m., so if they heard shooting at 8 a.m., it did not come from this site. The new berms will be higher, so that would cut down any noise. As for property values, everyone's property was worth a lot more 5 years ago. That is the market. This range has been here 20 years. They do not just shoot at anything.

***There being no further requests to speak for or against the petition, Mr. McVety moved to close the public hearing, seconded by Mr. Fix. The public hearing was closed with a unanimous vote.***

*Ken Quillen* presented the analysis, conclusion and recommended conditions for the petition.

**Board Member Comments and Questions**

None

***ACTION: A motion was presented by Blair McVety and seconded by Steve Vieira that Petition SE-13-007 be APPROVED based on the Community Development Staff Report dated July 2, 2013, the evidence and testimony presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the Special Exception with the 13 conditions recommended by staff plus condition #14. Ms. Ariens requested that condition #15 be added and Mr. McVety amended his motion with 15 conditions. Steve Vieira seconded the motion.***

***Motion was approved with a unanimous vote with the following fifteen conditions:***

1. The special exception as approved by the Board of Zoning Appeals is to allow a private recreation facility, consisting of six shooting ranges for pistols, rifles, shotguns, and archery, generally in conformance with Exhibit C-2 and Exhibit C-3 submitted with the special exception application.
2. This special exception extends only to the land included in the Boundary Survey and legal description submitted with this application.

3. The owner shall combine all parcels under one property identification number with the Property Appraiser's office and the address of the property shall be 33811 Oil Well Road.
4. The site plan submitted by the applicant as part of the petition is for illustrative purposes only. All permitting procedures and codes, including Site Plan Review, are applicable to the construction and occupation of the proposed shooting ranges.
5. Access to the proposed new shooting ranges must be directly from Oil Well Road to the north via a new access drive located on subject property.
6. On-site parking shall be limited to no more than 36 spaces for at least a six month trial period after all six shooting ranges are constructed and operational. After that time period, the Zoning Official may allow construction of additional on-site parking as necessary.
7. No storage containers may be located on subject property.
8. Restroom facilities, including at least two restrooms, shall be constructed on site. These restroom facilities must include an in-ground holding tank with sufficient capacity for the intended use and may not utilize a septic drain field. The holding tank shall be pumped out according to a schedule to be determined by the County Health Department.
9. Adequate hand washing facilities shall be provided according to the recommendations of the County Health Department.
10. To protect the public interest, the following Range Rules shall be included in the owner or operator's Range Rules:
    a. The direction of all shooting shall be from west to east at all times.
    b. Shooting times shall be limited to daylight hours only.
    c. Use of tracer or incendiary type ammunition shall not be allowed on subject property.
    d. Automatic fire shall be prohibited.
    e. The use of glass targets is prohibited.
    f. Firearms may not be stored on-site overnight.
    g. Alcoholic beverages shall not be allowed on subject property.
    h. Steel targets may be used only during club sponsored competitions.
11. Adequate documentation, evidence, or science-based analysis shall be provided during the Site Plan Review process to address the following Policies of the Natural Resources Element of the Smart Charlotte 2050 Plan:
    a. Environmental Policy 1.4.1 Water Quality Standards
    b. Environmental Policy 2.2.1 Protect State and Federal Lands
    c. Environmental Policy 2.2.3 Developments Adjacent to Preserved Lands
    d. Environmental Policy 2.3.3 Protected Imperiled Habitat on Private Lands
    e. Environmental Policy 3.1.5 All Wetland Impact Limitations
    f. Environmental Policy 3.1.7 Prohibited Uses
12. Any major changes or additions to this special exception shall require a modification of the special exception. Minor changes or additions such as accessory uses or structures may be approved by the Zoning Official.

13. If the shooting range is ever discontinued, the owners shall remediate the site according to any State and Federal Department of Environmental Protection guidelines or regulations.
14. If the applicant does not obtain all the required permits and approvals for the proposed new shooting ranges, then the existing shooting ranges may continue as they currently exist.
15. The Southwest Florida Sportsman's Association has agreed to create and utilize an Environmental Stewardship Plan, including record-keeping and evaluation of all activities undertaken at each of the shooting ranges. These activities will be based on Appendix "D" and "E" of the 2004 Edition of *Best Management Practices for Environmental Stewardship of Florida Shooting Ranges* published by the Florida Department of Environmental Protection, Bureau of Solid and Hazardous Waste.

**IX. *Public Comments* - None**

**X. *Staff Comments* – None**

**XI. *Member Comments* –**
**Mr. Vieira** said he would not be attending the August 14, 2013 hearing.
**Ms. Ariens** said she would not be attending the August 14, 2013 hearing.

**XII. *Next Meeting***
*The next meeting of the Board of Zoning Appeals is scheduled for* ***Wednesday, August 14, 2013, at 9:00 a.m., in Room 119.***

There being no further business, the meeting ***ADJOURNED*** at 11:40 a.m.

Respectfully submitted,

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Diane Clim, Recorder
/dlc

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*Katherine Ariens, Chair*

*Approval Date:* _____