

**STAFF REPORT**  
**Community Development Department**  
**Petition Number: SE-13-007**

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**To:** The Charlotte County Board of Zoning Appeals

**From:** Shaun Cullinan, Zoning Official

**Prepared By:** Ken Quillen, AICP, Planner III

**Report Date:** July 2, 2013

**BZA meeting date:** July 10, 2013

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**Requested Action/General Information:**

Steven Darby, agent for Southwest Florida Sportsman's Association, is requesting a special exception to allow a relocation and expansion of an existing shooting range, on property located at 33811 and 33949 Oil Well Road in East County (see attached **Location Map**). The attached **Zoning Map** shows the zoning of this property, which is Agriculture Estate. This property has an Agriculture Future Land Use Map designation and is located in the Rural Service Area. The Charlotte County Zoning Code does allow shooting and archery ranges in the Agriculture Estate zoning district if a special exception is approved by the Board of Zoning Appeals.

In 1994 the Cape Coral Sportsman's Association requested a special exception (SE-94-22) to allow a handgun only and archery shooting range. This was approved by the Board of Zoning Appeals on November 9, 1994, for the easterly ten acres of subject property. The attached **Notice of Approval**, labeled **Exhibit A-1**, recorded the 11 conditions required by the BZA for the special exception granted at that time. The **Site Plan** submitted in 1994, labeled **Exhibit A-2**, shows two 25-yard handgun shooting ranges and one 25-yard archery range.

In 1997 the Southwest Florida Sportsman's Association requested a special exception to allow expansion of the shooting range and allow shotguns and rifles to be used in addition to handguns and archery. This was approved by the Board of Zoning Appeals on September 10, 1997 for the easterly ten acres of subject property, which is the location of the existing shooting range pictured below. The attached **Notice of Approval**, labeled **Exhibit B-1**, recorded the five conditions required by the BZA for the special exception granted at that time. The **Site Plan** submitted in 1997, labeled **Exhibit B-2**, shows two 25-yard shooting ranges, a 25-yard archery range, and proposed expansion of the shooting range to the south. Today there are three ranges, a 25-yard range, a 50-yard range, and a 100-yard range.



Bing Map

The applicant would like to relocate and expand their facility by constructing six new shooting ranges in place of the three existing ranges. The applicant has submitted the attached **Boundary Survey** (Exhibit C-1), which shows the entire 25-acre parcel, Oil Well Road to the north, and existing gravel access drive through the Babcock-Webb Wildlife Management Area to the east. This parcel is located on the south side of Oil Well Road approximately four miles east of Tamiami Trail. The applicant has also submitted the attached two-page **Site Plan**, (Exhibits C). Exhibit C-2 shows the northerly five-acre parcel, which was acquired in order to provide access from Oil Well Road to the new shooting range. The address of this parcel is 33811 Oil Well Road, which will be the new address for this parcel. The existing access easement through the Babcock-Webb Wildlife Management Area is going to be relinquished. Exhibit C-3 shows the southerly 20-acre portion of the property and the proposed layout of six new shooting ranges, a gravel access drive, 90 on-site parking spaces, and six shooting bays with a total of 85 shooting positions. Eight-foot high concrete side walls and eight to 25-foot high earth berms will surround the Surface Danger Zones (shooting ranges) to make the surrounding areas safer and reduce noise from firearms.

There are also a number of accessory buildings or structures indicated on the Site Plans, including a pre-fab shed, pavilion, restrooms, and storage containers. Shooting canopies are not indicated on the Site Plans, however, there are shooting canopies located at the existing shooting ranges. Staff assumes that shooting canopies are also proposed to cover the firing lines for the six new shooting ranges. The Charlotte County Zoning Code does not allow storage containers to be used as buildings. Storage containers are industrial equipment and may only be used for the transportation of goods. These are a code violation and must not be used on-site for storage. All buildings and structures must comply with the Florida Building Code; permits must be obtained and inspections performed in order to receive and maintain a Certificate of Occupancy for the shooting range. The other accessory buildings and structures are permitted; however, staff recommends that restrooms be required for this proposed use. Male and female restrooms are usually provided, however, for this use two or more unisex restrooms may be more appropriate. Staff also recommends that an appropriately sized holding tank be used to handle waste instead of a septic drain field because of the close proximity and prevalence of wetlands on this site. This holding tank can then be emptied as needed. The County Health Department has also recommended that hand washing facilities be provided. This is also suggested by the Florida Department of Environmental Protection (FDEP) in their 2004 edition of *Best Management Practices (BMPs) for Environmental Stewardship of Florida Shooting Ranges* to reduce lead residue on the hands of shooters. One can view and print this document online at: [http://www.dep.state.fl.us/waste/quick\\_topics/publications/shw/hazardous/shootingrange/FloridaBMP-2004reducedsize.pdf](http://www.dep.state.fl.us/waste/quick_topics/publications/shw/hazardous/shootingrange/FloridaBMP-2004reducedsize.pdf)

The applicant has submitted the attached **Narrative** (Exhibit D) explaining why they believe this request meets the criteria for granting a special exception. The County's Environmental Specialist has performed a cursory environmental review and their comments are in the attached **Memorandum** (Exhibit E) dated June 11, 2013. This preliminary environmental review states that there are a number of environmental issues and concerns that need to be addressed, such as, jurisdictional wetlands located on the site, which must be avoided, minimized, or mitigated if impacted. The proposed use also may not be in conformance with all of the Goals, Objectives and Policies of the Natural Resources Element of the County's Comprehensive Plan.

**Findings: The six standards for approval of a Special Exception according to Section 3-9-7(f) of the Charlotte County Zoning Code are as follows:**

1. The requested special exception is either explicitly permitted in the zoning district for which it is requested or is permitted by reasonable implication within that district.

Finding: Section 3-9-30(e)(5) of the Zoning Code explicitly states that "Public and private recreation facilities, including country clubs; race tracks; pistol, rifle, skeet, trap shooting and archery ranges..." may be allowed by special exception in the Agriculture Estate zoning district.

2. The requested special exception is compatible with existing uses surrounding immediately adjacent and contiguous to the land on which the requested special exception would exist.

Direction	Existing Land Uses	Existing Zoning	Future Land Use Map Designation
North	Single-family residence and vacant lots	AE	Agriculture
South	Grazing lands	AE	Agriculture
East	State wildlife preserve	AE	Resource Conservation
West	Vacant lots and single-family residences	AE	Agriculture

Finding: Subject property is surrounded primarily by undeveloped lands and vacant lots. There are only two residence located within 2,000 feet of the proposed shooting range. One is located to the northeast and one over 800 feet to the west, opposite the direction of fire. To the south are agricultural grazing lands, and to the east is the Babcock-Webb Wildlife Management Area. The nearest residence to the east, the direction of shooting, is over two and one-half miles away. Staff believes the primary compatibility issues are noise and physical danger from stray or ricocheted bullets. It seems that noise will not be a problem because of the small population surrounding the ranges and the proposed walls, earth berms, and surrounding vegetation will also serve to reduce noise from firearms. For the same reasons there appears to be a very low risk from stray or ricocheted bullets. All shooting has been, and will continue to be, oriented so that shooting is from west to east, toward the state preserve lands, which is uninhabited. Also, all target areas, or Surface Danger Zones (SDZ), will be surrounded with concrete walls or earth berms eight to 25 feet high. However, staff recommends that steel targets not be allowed in order to reduce the chance of ricochets. The proposed use does seem to be compatible with the surrounding land uses due to adequate buffers and barriers to reduce noise and prevent an off-site accident from misfired guns or ricochets.

3. Adequate access shall be provided for ingress and egress to the proposed use in a manner that minimizes hazards and congestion on streets and roads.

Finding: Existing access to this shooting range is over an existing private access easement over the Babcock-Webb Wildlife Management Area property off of Oil Well Road. This has not been an ideal situation because this access is from the east in the direction of shooting. In an effort to resolve this hazard the applicant has purchased 15 additional acres to the west and north for expansion and to provide direct access to Oil Well Road. The applicant is proposing to abandon the existing access easement and develop a new access drive off of Oil Well Road to provide safer access to the site. Oil Well Road is a private unpaved gravel road which was never accepted by the County for maintenance. The Florida State Department of Corrections did pave Oil Well Road from the Interstate (I-75) up to the Charlotte Correctional Institution entrance to provide adequate access to the prison. However, Oil Well Road is a one-lane gravel road from the prison drive to subject property, which is approximately ¼ of a mile. Access via this type of roadway normally would not be acceptable; however, in this case it could be acceptable because the members of this private club are choosing to accept the existing conditions of Oil Will Road. The condition of the road could also serve as an incentive to keep the public away from this shooting range.

4. Adequate provision has been made for buffers, landscaping, trees, open space, storm-water or other improvements associated with the proposed use.

Finding: All applicable code requirements, including landscaping, will be enforced during the Site Plan Review and permitting process. The landscaping and buffer code requires a type "C" buffer for "Active Use Parks". The proposed walls, earth berms, and existing trees, which are preserved, may be counted toward some of the buffer requirements. Code also requires the removal of all exotic species from a development site. As such, all exotic plant species must be removed as part of the development of subject property.

The applicant's Site Plan is showing 90 proposed parking spaces for the six shooting ranges, which have 85 shooting positions. Staff believes the proposed 90 parking spaces may be excessive, which would result in greater storm-water requirements and therefore greater wetland impacts, which the County would like to see minimized. The Zoning Code does not include parking standards for this use and staff has been unable to find existing parking data for a shooting range. As such, the Zoning Official is recommending at this time that as a minimum one parking space be required for every three shooting positions or 29 parking spaces. Staff recommends that only the 36 parking spaces, located to the east of the access drive, be allowed to be constructed initially. If at a later date it is determined that additional parking is needed then the Zoning Official may authorize construction of additional parking spaces.

5. The requested Special Exception is consistent with the Smart Charlotte 2050 Plan (Charlotte County Comprehensive Plan) and Land Development Regulations.

Finding: The existing shooting range was established in 1994 and expanded in 1997 through the approval of Special Exceptions and according to the Charlotte County Zoning Code and Comprehensive Plan in effect at that time. However, the new Smart Charlotte 2050 Plan, which became effective on June 15, 2011, contains some new Goals, Objectives, and Policies that may conflict with the proposed expansion of this shooting range, which creates a significant environmental impact on existing wetlands.

The Community Development Department's Environmental Specialist has indicated in the attached **Memorandum (Exhibit E)** that this development, as proposed, does not comply with the following Policies of the Natural Resources Element of the Smart Charlotte 2050 Comprehensive Plan:

- Environmental Policy 1.4.1 Water Quality Standards
- Environmental Policy 2.2.1 Protect State and Federal Lands
- Environmental Policy 2.2.3 Developments Adjacent to Preserved Lands
- Environmental Policy 3.1.5 All Wetland Impact Limitations
- Environmental Policy 3.1.7 Prohibited Uses

6. The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare.

Finding: It appears that the primary issues related to an outdoor shooting range are noise, safety from bullets or ricochets, and contamination of the soil or water from lead. Due to the remote location of the property, the orientation of the direction of shooting, the proposed safety improvements, such as walls and berms for the propose shooting range, and natural vegetation in the area, the detrimental effects of noise or danger from misfired guns or ricochets will not unduly endanger the public health, safety or general welfare.

Adequate rest rooms and hand washing facilities are also necessary to protect the public health and should be required as a condition of approval for this proposed development.

Human exposure to lead is also a major health concern. According to the Florida Department of Environmental Protection: "Florida depends on groundwater for its drinking water supply and on surface water for the outdoor recreation industry. High rainfall and acidic conditions, typical in Florida, cause lead to be more mobile in the environment. Therefore, proper management of outdoor shooting ranges is especially important in the Sunshine State." The source for this reference is the 2004 edition of Best Management Practices for Environmental Stewardship of Florida Shooting Ranges published by the FDEP Bureau of Solid and Hazardous Waste.

## **ANALYSIS AND CONCLUSIONS:**

After review of the site and the application requesting this special exception staff believes that the requested special exception for an outdoor shooting range does not meet all six criteria for granting a variance. Specifically standard numbered 5 has not been met.

If the Board of Zoning Appeals decides to approve the requested special exception staff recommends the following conditions be adopted, as conditions of approval, to ensure the use is in compliance with the purpose and intent of the Zoning Code. The conditions are as follows:

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. Rapid or automatic fire shall be prohibited.
  - e. The use of metal or glass targets is prohibited.
  - f. Firearms may not be stored on-site overnight.
  - g. Alcoholic beverages shall not be allowed on subject property.
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.

**Please be advised that the final decision regarding this petition rests with the Board of Zoning Appeals, and will be decided after consideration of all the evidence introduced at the hearing.**

Attachments: Staff Report (5), Location Map, Zoning Map, Aerial Photo, Notice of Approval and Site Plans (4), Boundary Survey, Proposed Site Plans (2), Narrative and Environmental Specialist Memorandum (3)



Community Development

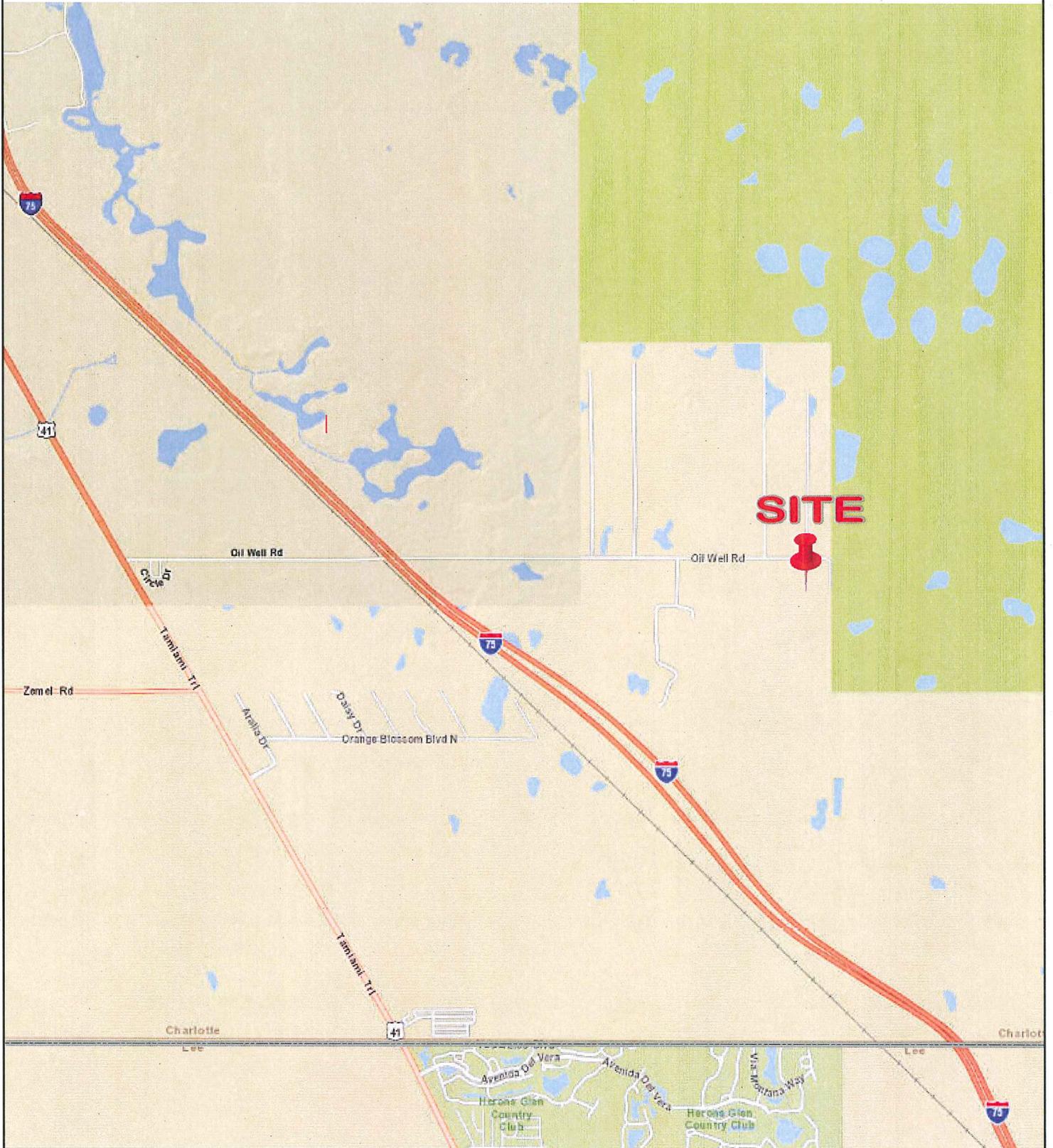
# CHARLOTTE COUNTY

## Location Map for SE-13-007

Charlotte County Government

"To exceed expectations in the delivery of public services."

www.CharlotteCountyFL.com



### 22/42/24 East County

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guaranties, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for Informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents. Created By: Land Information-D. Vance Date Saved: 6/12/2013 3:11:24 PM

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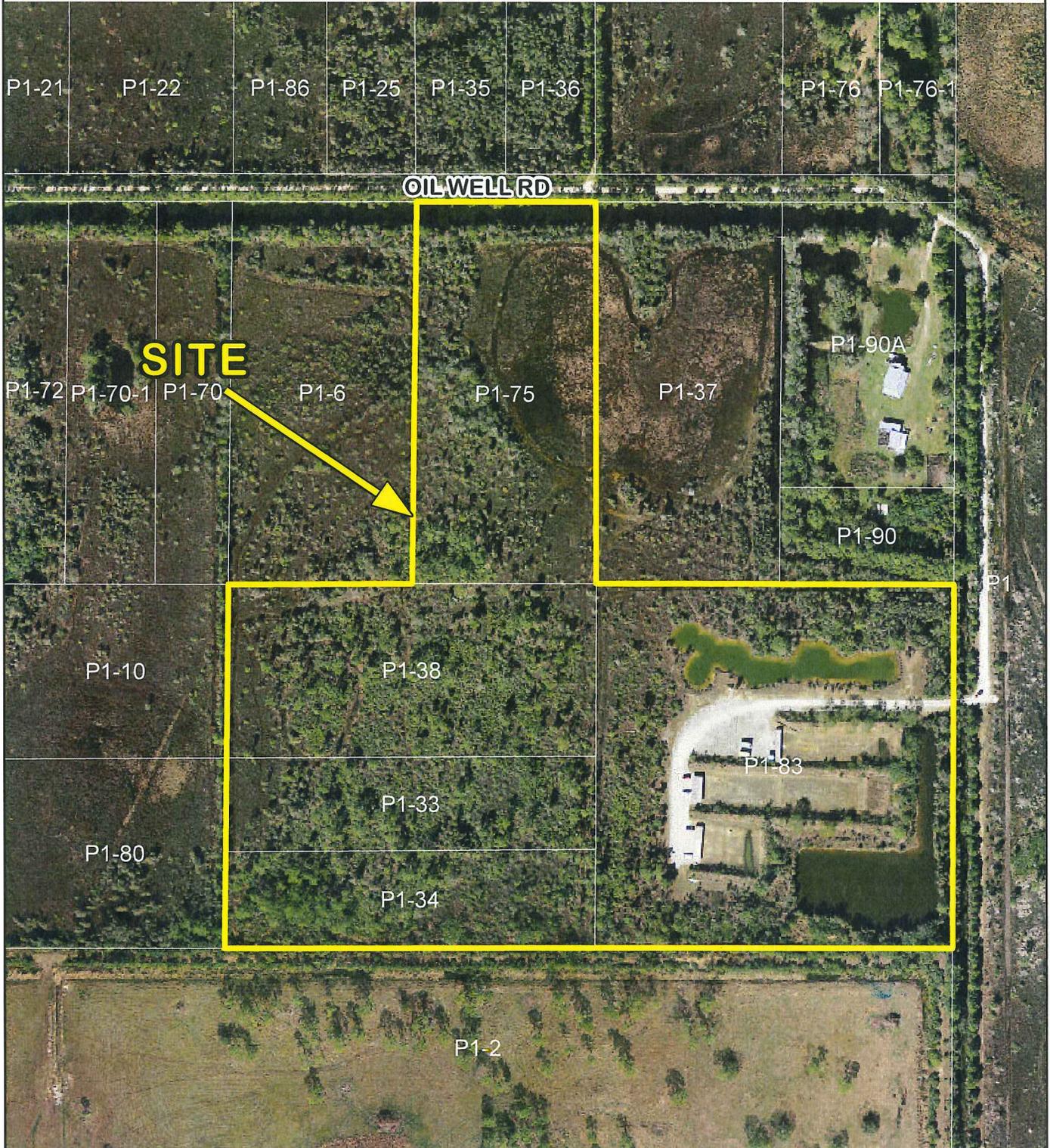
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# CHARLOTTE COUNTY

## Aerial View for SE-13-007



### 22/42/24 East County

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guaranties, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for Informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents. Created By: Land Information-D. Vance Date Saved: 6/12/2013 10:20:16 AM

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NOT TO SCALE

Recording \$ 6.00 Name Idx \$ 1.00  
Record Verified: JUDY MEISNER, D.C. 00 #14

NOTICE OF APPROVAL

IMAGED  
CH

FOR

SPECIAL EXCEPTION TO THE CHARLOTTE COUNTY ZONING CODE

Pursuant to Charlotte County Code Section 3-9-7(f), this is to acknowledge the approval of the Special Exception application which was heard by the Charlotte County Board of Zoning Appeals.

Property Owner: W. Randle and Janette C. Blum, 11091 Lazy Acres Lane, Fort Myers, Florida.

Applicant: Cape Coral Sportsman's Association, Inc., 3813 Manatee Drive, St. James City, Florida 33956

Legal Description: Tax Parcel 1-83, Section 22, Township 42 South, Range 24 East, a/k/a 33949 Oil Well Road, Punta Gorda, Florida

Petition: SE-94-22

Approval Date: November 9, 1994

Requested Special Exception:

A special exception to allow a gun and archery shooting range in the AE (Agriculture Estates) zoning district.

Conditions placed on the approval:

1. Special Exception shall expire upon the expiration of the easement from the Florida Game and Fish Commission unless other legal access to the site is obtained;
2. That the easement from the Florida Game and Fish Commission actually be obtained;
3. Only handguns shall be fired at the site;
4. The direction of the shooting be limited to the direction described in the hearing;
5. Shooting from sunrise to sunset only, there shall be no night shooting;
6. Cecil Webb be notified of shooting times;
7. Parking is restricted to the shooting site;
8. NRA restrictions shall apply;
9. Safety flags shall be posted in prominent places at the entrance of the range;
10. Fence on the perimeter of the firing line be installed;
11. No storage of weapons on the site.

Upon granting of this special exception by the Board of Zoning Appeals, a copy of this notice shall be filed in the Public Records of Charlotte County.

Prepared By: \_\_\_\_\_

*James R. Kuzdas, Jr.*

James R. Kuzdas, Jr.  
Zoning Director  
Charlotte County Zoning Department  
18500 Murdock Circle  
Port Charlotte, FL 33948

STATE OF FLORIDA, COUNTY OF CHARLOTTE

The foregoing instrument was acknowledge before me this 21 day of NOVEMBER 1994 by JAMES R. KUZDAS, JR. who is personally known to me and who did ~~not~~ take an oath.

Francis D. Tayloe Notary Public Signature

FRANCES D. TAYLOE Notary Printed Signature

OFFICE COORDINATOR Title

CC 157950 Com

OFFICIAL NOTARY SEAL  
FRANCES D TAYLOE  
NOTARY PUBLIC STATE OF FLORIDA  
COMMISSION NO. CC157950  
MY COMMISSION EXP. NOV. 29, 1995

Notice of Approval  
( Exhibit A-1 )

RECORDED IN  
OFFICIAL RECORDS  
NOV 21 PM 4:32  
BARBARA T. SCOTT  
CLERK OF CIRCUIT COURT  
CHARLOTTE COUNTY, FLA.

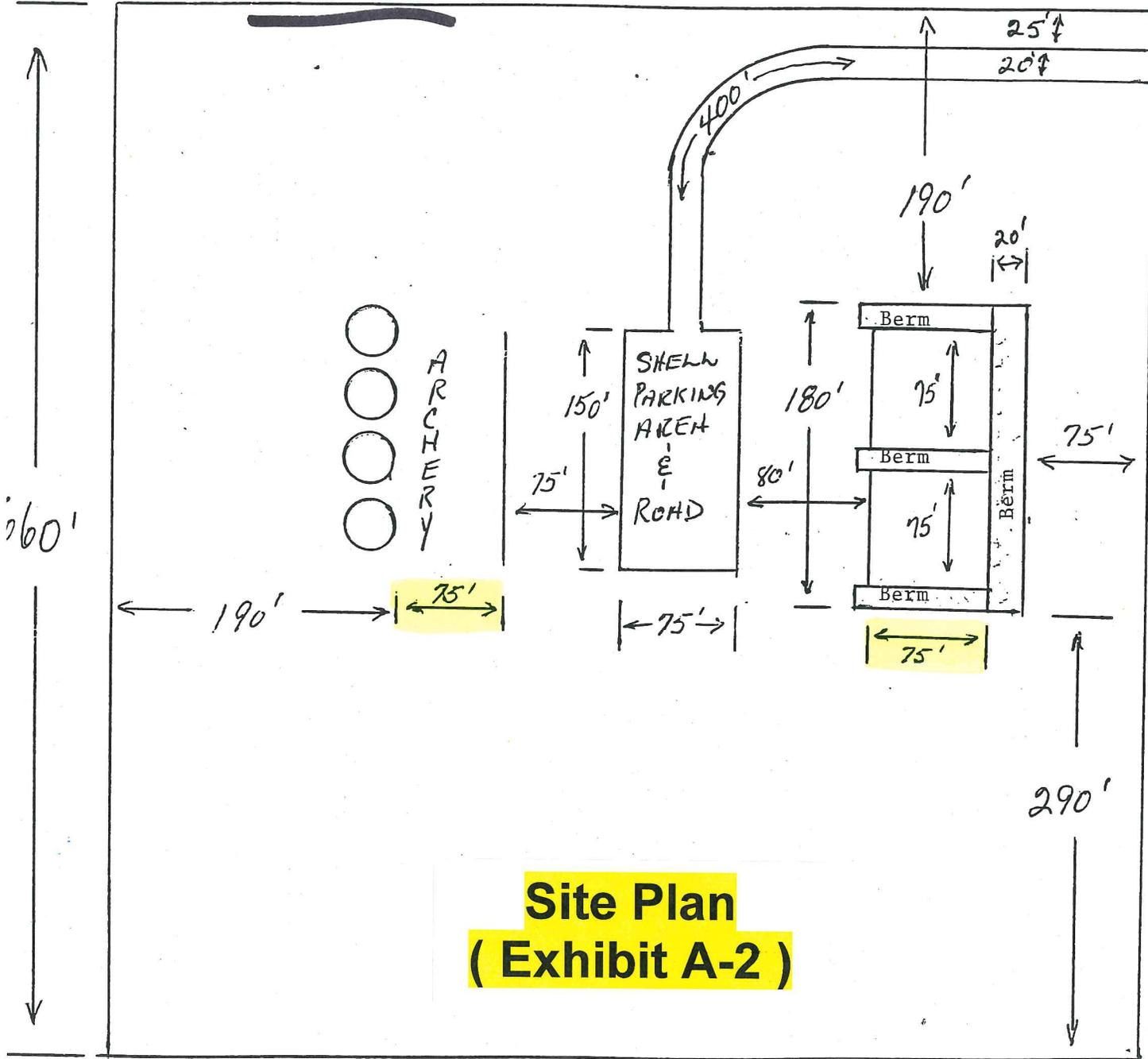
#116  
Zoning

File: 326797 OR BOOK/PAGE: 1374/1468  
Recorded: 11/22/94 01:45 P.M.  
Clerk of the Circuit Court - Charlotte County

1994



SITE PLAN



**Site Plan  
( Exhibit A-2 )**

BERMS

	<u>BACK</u>	<u>SIDE</u>
HEIGHT	12'	8'
TOPWIDTH	6'	1'

1" = 100'

Charge of 6.100 BCC

★ #116

NOTICE OF APPROVAL FOR SPECIAL EXCEPTION TO THE CHARLOTTE COUNTY ZONING CODE

Pursuant to Charlotte County Code Section 3-9-7 (f), this is to acknowledge the approval of the special exception application, which was heard by the Charlotte County Board of Zoning Appeals.

Applicant: Southwest Florida Sportsman's Assoc. Inc., P.O. Box 691 Cape Coral, Florida 33910

Owner: Same

Location: Parcel 1-83, Section 22, Township 42S, Range 24E, approximately 2 miles east of I-75 and approximately 650 feet south of Oil Well Road, Punta Gorda, Florida. The property contains 10 acres more or less.

Petition SE -97-29

Approval Date September 10, 1997

Requested Special Exception:

To modify the permitted gun range activities granted by special exception SE-94-22, on November 9, 1994. The activities requested are to include the use of shotgun and rifle.

Condition (s) placed on the approval:

- 1. Emergency communications be available on site at all times
2. No use of tracer and incendiary-type ammunition be allowed on the property, only NRA sanctioned type weapons.
3. No alcohol will be allowed on the property.
4. Any changes or additions to the range, or additional ranges meet the specifications of "The Range Manual: A Guide to Planning & Construction" published by the National Rifle Association
5. The Charlotte County Sheriff's Department and Charlotte County Correctional Institution will be notified of shooting times.

RECORD VERIFIED - BARBARA T. SCOTT, CLERK BY PAT STOUT D.C.

Please be advised that any special exception granted shall expire three (3) years after the date of approval unless the use allowed by the special exception is in existence and actively occurring on the subject property prior to the date of expiration.

Upon granting of this special exception by the Board of Zoning Appeals, a copy of this notice shall be filed in the Public Records of Charlotte County.

Prepared By: Byron J. Wallace Acting Planning & Zoning Division Manager

The foregoing instrument was acknowledged before me this 24th day of September, 1997 by Byron J. Wallace, who is personally known to me and who did not take an oath.

Vivian Myrna Ziegler Notary Public Signature

Vivian Myrna Ziegler Notary Printed Signature

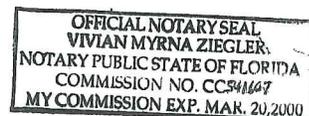
Clerk Typist III Title

CC 541667 Commission Number

BJW/vmz/D-97-132

cc: Paul Waggoner, Attorney

Notice of Approval (Exhibit B-1)



IMAGED DL

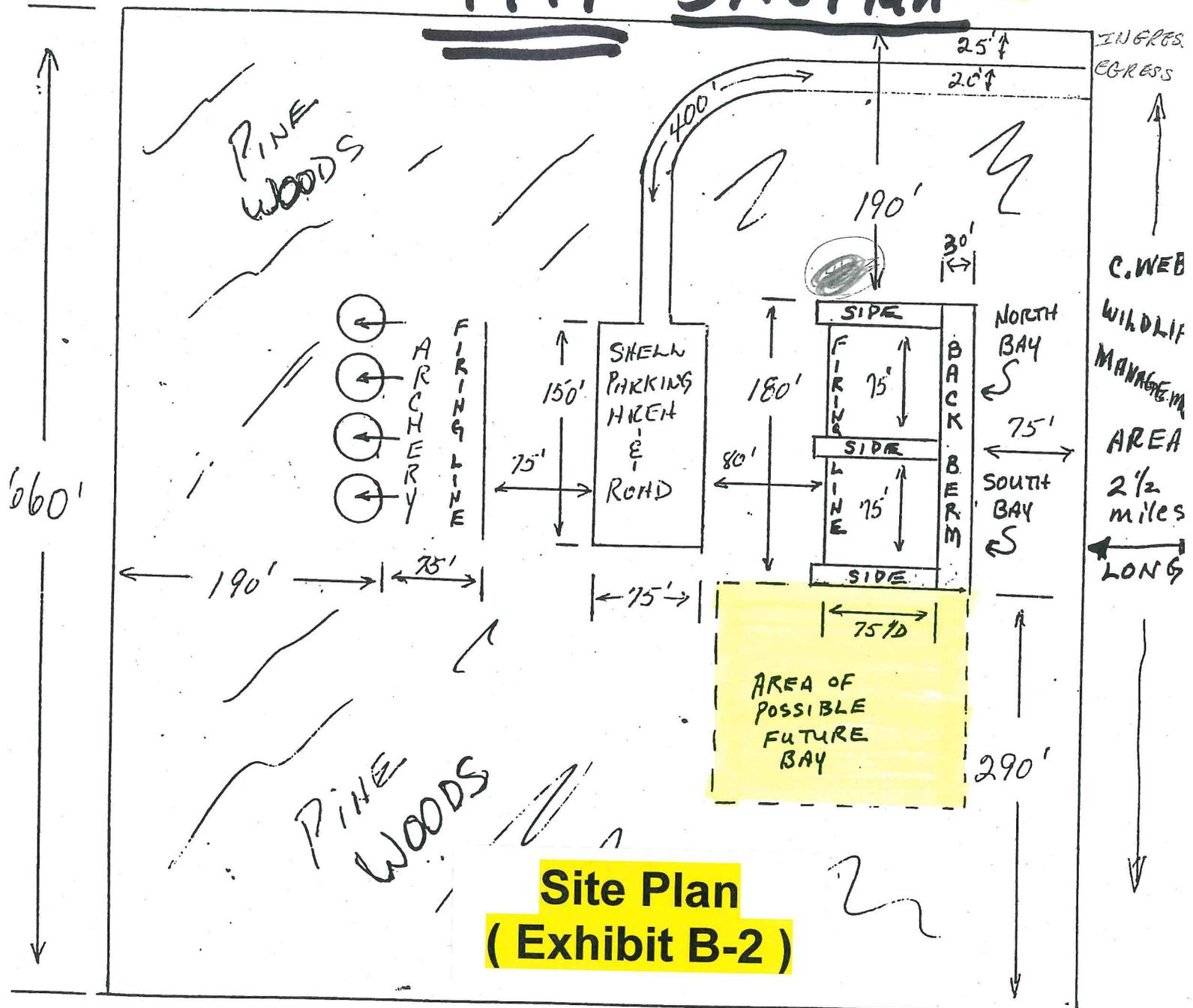
Zoning

Recording \$6.00 Recorded By: Patricia Stout D.C.

FILE: 512427 OR BOOK/PAGE: 1559/0935 RECORDED: 9/22/97 07:49:38 BARBARA T. SCOTT, CLERK OF THE CIRCUIT COURT - CHARLOTTE COUNTY

SOUTH WEST FLORIDA SPORTSMAN'S ASSOCIATION  
 SITE PLAN: APPROVED BY CHARLOTTE COUNTY  
 11/94

RESUBMITTED FOR RIFLE & SHOTGUN USAGE  
**1997 Site Plan** 6/97

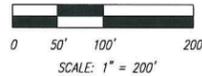


**Site Plan**  
**(Exhibit B-2)**

660'

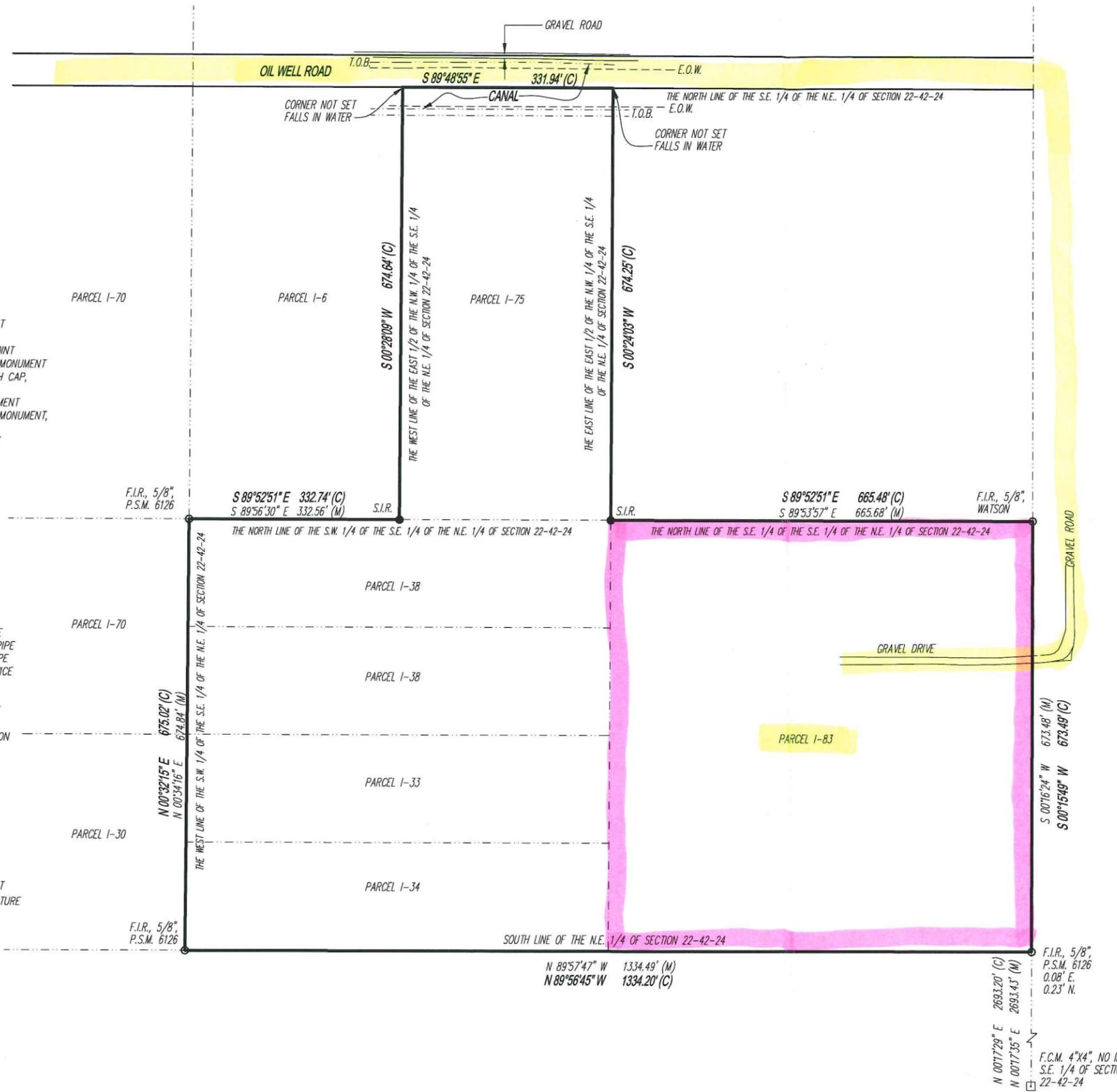
- BERMS**
- HEIGHT 20'
  - WIDTH 15'
- STRAW/DIRT BACK STOPS
- △ BERMS

1" ≈ 100'



**LEGEND**

- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- F.I.R. ○ FOUND IRON ROD
- P.C.P. ⊙ PERMANENT CONTROL POINT
- P.R.M. ⊙ PERMANENT REFERENCE MONUMENT
- S.I.R. ● SET 5/8" IRON ROD WITH CAP, SAM, INC., L.B. #7231
- F.C.M. □ FOUND CONCRETE MONUMENT
- S.C.M. ■ SET 4" X 4" CONCRETE MONUMENT, SAM, INC., L.B. #7231
- F.P.K. ⊙ FOUND P.K. NAIL W/DISK
- S.P.K. ⊙ SET P.K. NAIL W/DISK, SAM, INC., L.B. #7231
- C.L.P. ⊗ CONCRETE LIGHT POLE
- FND. FOUND
- SEC. SECTION
- TWP. TOWNSHIP
- RNG. RANGE
- (P) PLAT
- (M) MEASURED
- (C) CALCULATED
- (D) DEED
- P.B. PLAT BOOK
- PG. PAGE
- W.P.P. WOOD POWER POLE
- C.M.P. CORRUGATED METAL PIPE
- R.C.P. REINFORCED CONCRETE PIPE
- E.C.P. ELLIPTICAL CONCRETE PIPE
- U.T.S. UNITED TELEPHONE SERVICE
- M/H MANHOLE
- F/H FIRE HYDRANT
- F.P.L. FLORIDA POWER & LIGHT
- W/M WATER METER
- F.F.E. FINISHED FLOOR ELEVATION
- C.B. CATCH BASIN
- C.P.P. CONCRETE POWER POLE
- CATV CABLE TELEVISION
- R.O.W. RIGHT-OF-WAY
- D.E. DRAINAGE EASEMENT
- INV. INVERT
- B.M. BENCHMARK
- C.L.F. CHAIN LINK FENCE
- W.S.F. WOOD STOCKADE FENCE
- U.E. UTILITY EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- C.B.S. CONCRETE BLOCK STRUCTURE
- I.D. IDENTIFICATION
- E.O.P. EDGE OF PAVEMENT
- S.M.H. SANITARY MANHOLE
- D.M.H. DRAINAGE MANHOLE
- +12.33 EXISTING ELEVATION
- SPRINT SPRINT RISER
- INV. INVERT
- ELEV. ELEVATION
- L.B. LICENSED BUSINESS
- T.O.B. TOP OF BANK
- T.O.S. TOE OF SLOPE



**PROPERTY DESCRIPTION**

THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4;  
 AND  
 THE SOUTH 1/2 OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4;  
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 AND  
 THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4;  
 ALL IN SECTION 22, TOWNSHIP 42 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA.  
 CONTAINING A TOTAL OF 25.77 ACRES, MORE OR LESS.

**NOTES**

1. BEARINGS SHOWN HEREON REFER TO THE EAST LIEN OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 42 SOUTH, RANGE 24 EAST; AS BEING N 00°17'29" E.
2. THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.
3. IMPROVEMENTS OTHER THAN THOSE SHOWN WERE NOT LOCATED.
4. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
5. DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
6. ENVIRONMENTAL CONCERNS, ENDANGERED WILDLIFE AND JURISDICTIONAL WETLANDS, IF ANY, HAVE NOT BEEN SHOWN ON THIS SURVEY.
7. THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.
8. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND ALL MATTERS OF TITLE SHOULD BE REFERRED TO AN ATTORNEY AT LAW.
9. THIS CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING, SETBACKS OR FREEDOM OF ENCUMBRANCES.
10. LEGAL DESCRIPTION PROVIDED BY CLIENT.
10. THE FIELD WORK FOR THIS SURVEY WAS COMPLETED ON 5-26-13.

**Boundary Survey  
( Exhibit C-1 )**

SURVEYING AND MAPPING, INC.

SIGNED 5/26/13

TOM CHERNESKY  
TCHERNESKY@SAM-FLA.COM

P.S.M. #5426  
STATE OF FLORIDA

FIELD BOOK: 117

PAGES: 17-29

DRAWN BY: T.C.

APPROVED: T.C.

SCALE: 1" = 200'

**SAM**

*Surveying and Mapping, Inc.*

6860 HENDRY CREEK DRIVE  
FT. MYERS, FL. 33908

PHONE: (239) 242-4385

FAX: (239) 242-4386

Certificate of Authorization: L.B. #7231

**BOUNDARY SURVEY**

**PARCELS OF LAND LOCATED IN**

SECTION 22, TOWNSHIP 42 SOUTH, RANGE 24 EAST,  
CHARLOTTE COUNTY, FLORIDA

DATE: MAY 26, 2013	PROJECT CODE: 2003-358	DRAWING NUMBER: SAM-C-286
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Revision	Date	Description

LOT: P1-36

LOT: P1-25

LOT: P1-35

LOT: P1-38

LOT: P1

LOT: P1-7

SITE INFORMATION

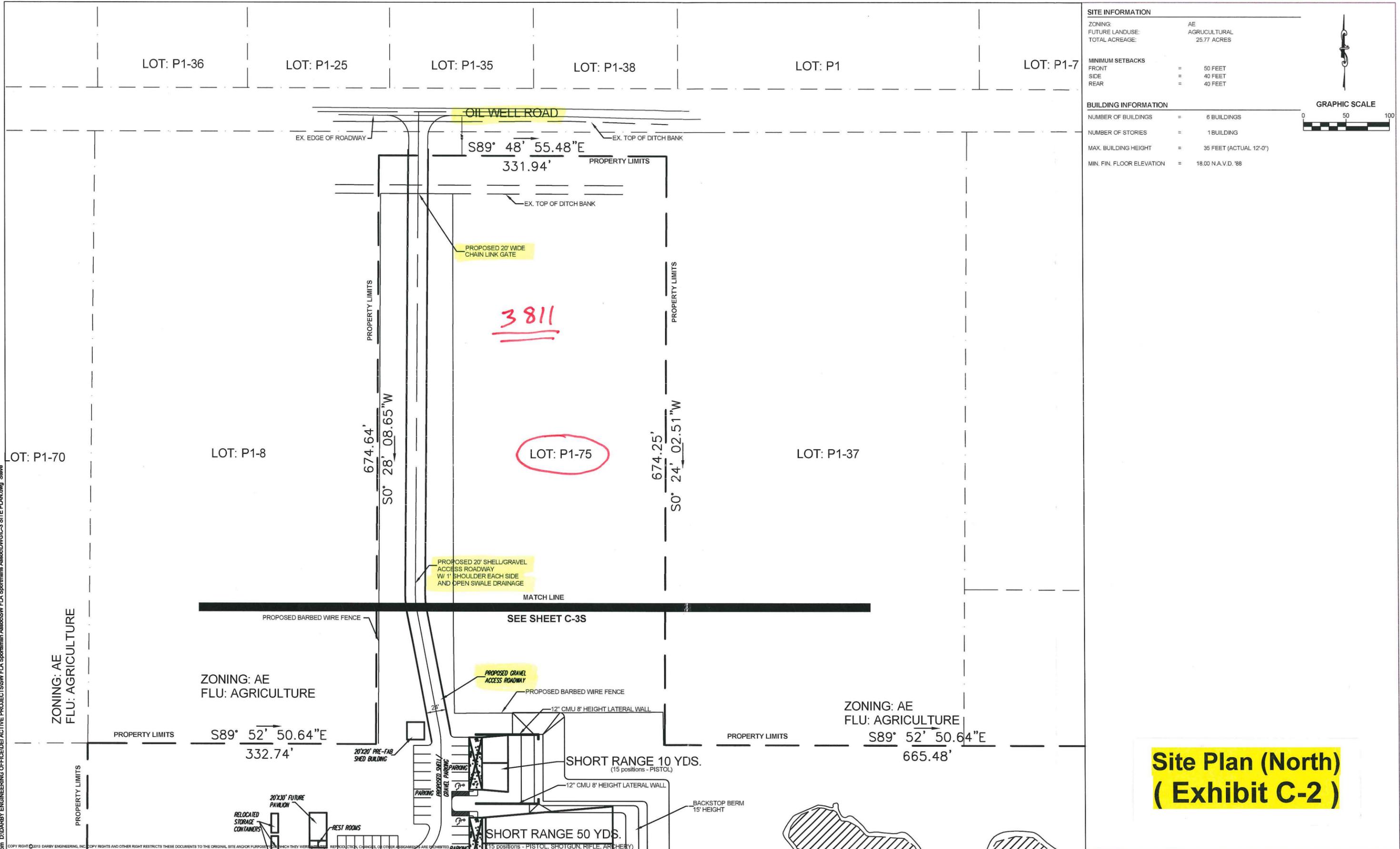
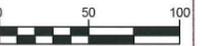
ZONING: AE  
FUTURE LANDUSE: AGRICULTURAL  
TOTAL ACREAGE: 25.77 ACRES

MINIMUM SETBACKS  
FRONT = 50 FEET  
SIDE = 40 FEET  
REAR = 40 FEET

BUILDING INFORMATION

NUMBER OF BUILDINGS = 6 BUILDINGS  
NUMBER OF STORIES = 1 BUILDING  
MAX. BUILDING HEIGHT = 35 FEET (ACTUAL 12'-0")  
MIN. FIN. FLOOR ELEVATION = 18.00 N.A.V.D. '88

GRAPHIC SCALE



Site Plan (North)  
( Exhibit C-2 )

May 24, 2013 - 12:41 pm D:\DARBY ENGINEERING OFFICE\DEI ACTIVE PROJECTS\SW FLA Sportsman Assoc\SW FLA Sportsman Assoc\DWG\C-3 SITE PLAN.dwg Steve

DESIGN BY: SLD	SCALE: 1" = 100'
DRAWN BY: SLD	DATE: MAY 2013
CHECK BY: SLD	

REVISIONS	
MAY 2013	PERMIT REVIEW SET

SW FLORIDA SPORTSMAN ASSOCIATION, INC.  
P.O. BOX 100691  
CAPE CORAL, FLORIDA 33910  
239.699.0906

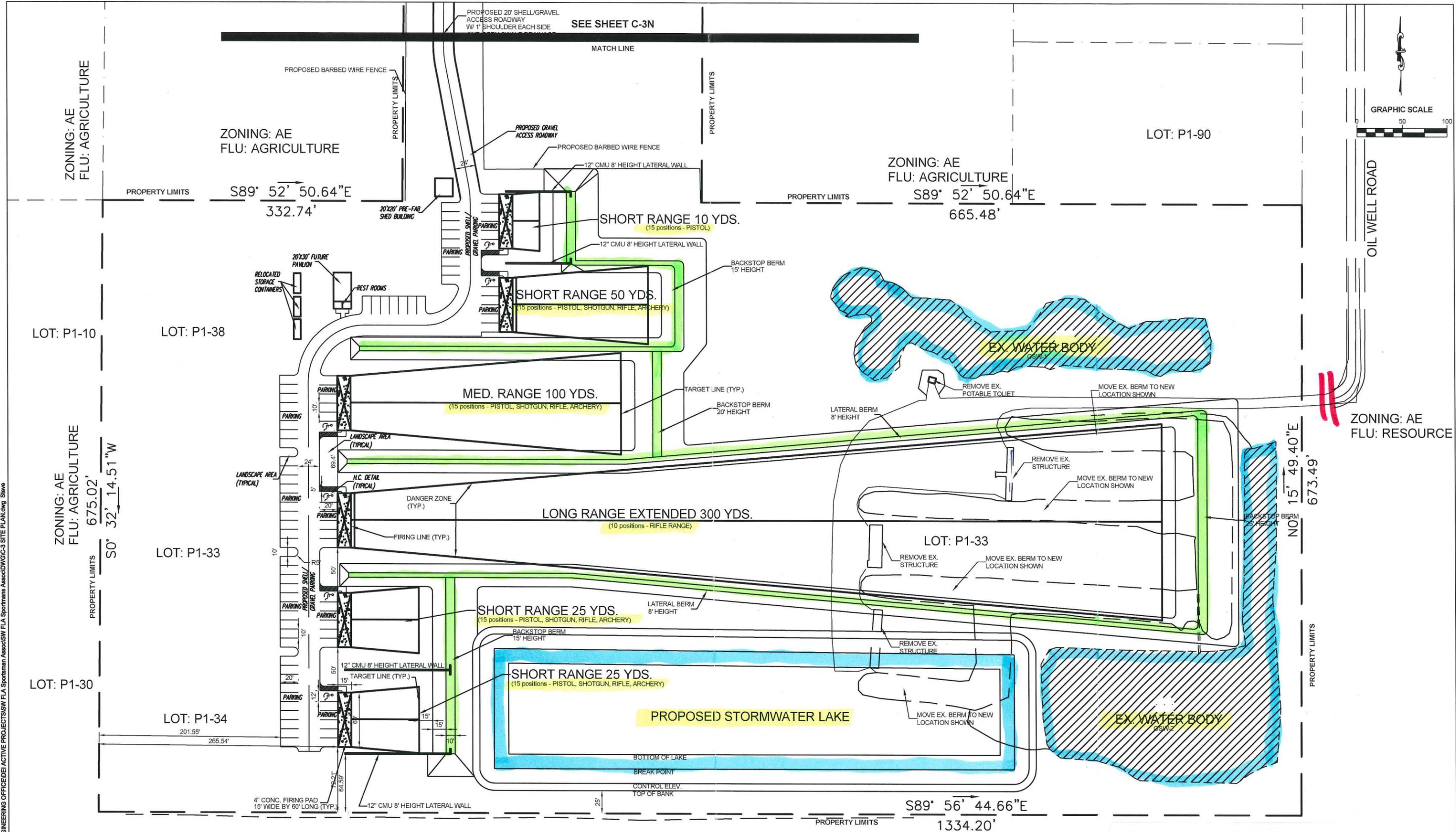
STEVEN L. DARBY, P.E.  
FL. REG. # 45190  
NOT VALID UNLESS  
SIGNED & EMBOSSED SEALED



**DEI** Civil Engineers & Planners  
CERTIFICATE OF AUTHORIZATION NO. 26460  
1216 S.W. 4TH STREET, SUITE 4, CAPE CORAL, FLORIDA 33991  
(239) 945-0551 FAX: (239) 772-0141 WEBSITE: WWW.DEI-FLA.COM

SW FLA SPORTSMAN ASSOCIATION  
NORTH SITE PLAN

DEI PROJECT NO.: 13-107-01  
SHEET NO.:  
**C-3N**



**Site Plan (South)  
(Exhibit C-3)**

May 24, 2013 - 12:36pm. D:\DARBY ENGINEERING OFFICE\DEI ACTIVE PROJECTS\SW FLA Sportsman Assoc\DWG\C-3 SITE PLAN.dwg Steve

DESIGN BY: SLD	SCALE: 1" = 100'	REVISIONS	
DRAWN BY: SLD		MAY 2013	PERMIT REVIEW SET
CHECK BY: SLD	DATE: MAY 2013		

SW FLORIDA SPORTSMAN ASSOCIATION, INC.  
P.O. BOX 100691  
CAPE CORAL, FLORIDA 33910  
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SOUTH SITE PLAN

DEI PROJECT NO.: 13-107-01  
SHEET NO.:  
**C-3S**

**SOUTHWEST FLORIDA SPORTSMAN ASSOCIATION**  
**SPECIAL EXCEPTION NARRATIVE**

The existing shooting range has been in operation since the first special exception was granted in November 1994 to Cape Coral Sportsman Association, Inc. for use of pistol and archery shooting range in Charlotte County zoning district AE (Agriculture Estates). The Special Exception approval number is SE-94-22. The Association name changed in 1995 to Southwest Florida Sportsman Association, Inc.

A second special exception was approved and modified on September 10, 1997 to include the use of shotgun and rifles. Therefore, the present special exception is approved on Parcel 1-83 (changed to Lot P1-33) within Section 22, Township 42 South, Range 24 East, approximately 2 miles east of I-75 and approximately 650 feet south of Oil Well Road in Punta Gorda, Florida. The property contains 10 acres more or less with the special Exception approval number of SE-97-29.

The conditions placed on the special exception as it presently stands are as follows:

1. Special exception shall expire upon the expiration of the easement from the Florida Game and Freshwater Fish Commission unless other legal access to the site is obtained.
2. That the easement from the Florida Game and Freshwater Fish Commission actually be obtained.
3. The direction of the shooting be limited to the direction described in the hearing.
4. Shooting from sunrise to sunset only, here shall be no night shooting.
5. Cecil Webb shall be notified of shooting times.
6. Parking is restricted to the shooting site.
7. NRA restrictions shall apply.
8. Safety flags shall be posted in prominent places at the entrance of the range.
9. Fence on the perimeter of the firing line to be installed.
10. No storage of weapons on site.
11. No alcohol be allowed on the property.
12. No use of tracer and incendiary-type ammunition be allowed on the property.
13. Any changes or additions to the range, or additional ranges meet the specifications of "The Range manual: A Guide to Planning & Construction" published by the National Rifle Association.

This special exception request is based on the desire of the Southwest Florida Sportsman Association to update their existing facilities since purchasing additional 10 acres of land adjacent to the west and 5 acres of land adjacent to the north up to the Oil Well Road. The proposed site layout within the approximately 25 acres will include a new gravel access roadway from Oil Well Road south through the 5 acre parcel to the remaining 20 acres, one (1) short 10 yard range, one (1) short 50 yard range, one (1)

**Narrative**  
**( Exhibit D-1 )**

## Special Exception Narrative

Page 2

medium 100 yard range, (1) long 300 yard range for rifles only, and three (2) short 25 yard ranges with associated firing stations, backstop and side berms, member only parking including handicap spaces, landscaping within the parking areas, stormwater treatment and attenuation lake.

The proposed ingress and egress will replace the existing access point east of the project for safety reasons to not allow direction of firing towards the members accessing the shooting range. The additional 5 acres parcel was purchased for access only and no shooting range facilities will utilize this parcel.

The existing buffers, landscaping, trees, etc. are in place and provide adequate provisions with natural trees and foliage. The proposed expansion of the shooting range is not detrimental to nor will it endanger the public health, safety or general welfare. This expansion will be utilized in the same manner as it has for the past 20 years using the proven range rules and regulations such as:

1. All gates must be locked after entrance or exit by each member.
2. Membership ID badges must be visibly displayed.
3. No children under 18 are allowed on range property without parent or under adult supervision.
4. No alcoholic beverages are permitted prior to or after entering upon the club's property.
5. No automatic fire.
6. No tracer bullets or armor piercing rounds.
7. No live or misfired ammo in the trash cans; deposit in the appropriate container.
8. No shooting except in the shooting bays.
9. No shooting at wildlife.
10. No handling of firearms while people are downrange.
11. Actions of uncased firearms must be kept open, except when on the firing line, ready to fire.
12. Shoot at approved targets only! No Glass.
13. Do not carry loaded firearms down range.
14. Keep all firearms pointed downrange at all times.
15. Wear eye and ear protection at all times, whether shooting or observing in the vicinity of the fire line.
16. All rounds must impact the berm.
17. Place all trash in proper containers and clean up your mess. Remove all targets and cardboards from the range when you are finished shooting.
18. Any rule violations or unsafe gun practices must be reported to the Match Director or Range Safety Officer as soon as possible. All violations shall be reviewed by the board before action is taken.
19. Shooting hours are from 9 AM to sunset seven (7) days a week.

**Narrative**  
**( Exhibit D-2 )**

In preparation of the proposed Site Layout the following safety considerations are utilized;

1. Shooting bays are facing east with all firing towards C. Webb Wildlife Management areas. This direction provides over two and a half (2.5) miles of uninhabited area offering over twice the safety distance for accidental stray bullets.
2. The shooting range has been design utilizing the National Rifle Association 2012 Range Source Book "A Guide to Planning and Construction" Section II for outdoor ranges. The Range Source Book provides Outdoor range design criteria for operations and maintenance, rifle range, pistol range, shotgun range, and archery which are all previously approved uses. These specifications include berm heights at the backstop, backstop design, side berm and/or wall design, etc.
3. Noise abatement within the 20 acre parcel utilizing the existing heavily wooded areas as a natural sound barrier.
4. Firing east towards C. Webb Wildlife Management Area projects sound towards an uninhabited area with the berms containing a high degree, if not all lateral sound projection.

The Charlotte County zoning code regulations states public and private recreational facilities, including rifle, pistol, and archery ranges are allowed in the Agricultural Estates (AE) zoning district by special exception. This special exception request is due to the expansion of the facilities approved under the previous special exceptions stated above.

The Charlotte County comprehensive plan shall have commercial development located in areas which are appropriate to the service and trade area and which are compatible or can be made compatible through buffering techniques with adjacent existing and anticipated land uses. This expansion of the facility follows this objective.

**Standards for approval.** A special exception to Section 3-9-7 (f) shall be granted by the board of zoning appeals only if all of the following requirements are satisfied:

(1) The requested special exception is either explicitly permitted by the regulations in the zoning district for which it is requested or is permitted by reasonable implication within that district.

**Response:** The requested use is explicitly permitted in the AE district when approved as a special exception. The Board of Zoning Appeals (BZA) approved the existing range in 1994 and modifications in 1997 with the conditions stated above.

**Narrative**  
**( Exhibit D-3 )**

(2) The requested special exception is compatible with existing uses surrounding immediately adjacent and contiguous to the land on which the requested special exception would exist.

**Response:** The BZA determined in 1994 and again in 1997 that pistol, archery, rifle, and shotgun range was compatible with the surrounding land uses. The subject property is surrounded by AE lots and a public wildlife reserve to the east. The section of the reserve to the east of the range is uninhabited, mostly underwater. The surrounding properties are also undeveloped, most of these area wet. The closest development to this parcel is the Charlotte County Correctional Institute about a half mile west and a single-family home on a 5-acre parcel north of the subject property. The uses proposed for the shooting range would be compatible with existing uses surrounding the subject parcel.

(3) Adequate access shall be provided for ingress and egress to the proposed use in a manner that minimizes hazards and congestion on streets and roads.

**Response:** The proposed ingress and egress to the site from the north is a change for safety reasons and will provide adequate ingress and egress to the same roadway of Oil Well Road as previously approved. The membership is capped, so no additional traffic is anticipated due to this proposed expansion.

(4) Adequate provision has been made for buffers, landscaping, trees, open space, stormwater or other improvements associated with the proposed use.

**Response:** Adequate provisions have been provided for buffers and other related development issues. The combination of national surroundings, berms and distances from other uses ensures there is buffering from the sound of gunfire and adequate provision have been taken to prevent an accident from stray bullets. Even accounting for the long range and louder sounds of rifles, these facilities are appropriate for all the uses previous approved as long as the facilities are maintained and conditions approved in previous special exceptions.

(5) The requested special exception is consistent with the Charlotte County Comprehensive Plan and Land Development Regulations.

**Response:** The request is consistent with the Comprehensive Plan and Land Development Regulations.

(6) The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare.

**The facility will have the necessary safety improvements with the construction of backstop berms, side berms and/or walls, baffles on medium and long ranges built within the specification of the NRA's Range Source Book for planning and construction of outdoor ranges. The backstop berms are located toward the east from the firing station towards the Webb parcel with several miles of uninhabited land which is off limits to the public access.**

**Ensuring the design of the facilities meet or exceed the criteria of the NRA's Range Source Book for Outdoor Ranges on site will not be detrimental to or endanger the public health, safety and general welfare.**

The primary issues with a shooting range are the noise and safety. Due to the remote location of the property, use of berms, baffles, and heavy foliage in the region, noise from the pistols, rifles, and shotguns should not be a burden to neighboring property owners of the general public. The applicant requests approval for a special exception which clearly meets the County's standards.



## MEMORANDUM

**Date:** June 11, 2013  
**To:** Ken Quillen, Planner III  
**From:** Jamie Scudera, Environmental Specialist  
**Subject:** SE-13-007  
SW Florida Sportsman Association, 33811 and 33949 Oil Well Road

The Zoning Environmental Review Section has conducted a cursory review (additional wildlife or environmental reviews may be required by state and/or federal agencies) of the above referenced petition for compliance with Environmental, Tree and Landscaping codes/ordinances and offers the following comments.

- ❖ A DRC project conference took place on June 6<sup>th</sup> with the applicant's project engineer, environmental consultant and the county site plan review committee members. The site consists of vacant land that is primarily dominated by highly sensitive jurisdictional wetlands. The proposed project consists of clearing and filling a large portion of wetlands to expand an existing gun shooting range.

If this petition is approved, the following conditions will be reviewed for compliance upon Site Plan Review and the issuance of any county permit or land improvement activities:

- ❖ All applicable county, state and federal authorizations or permits, and mitigation will be required, if necessary.
- ❖ If this proposal moves forward, it will be reviewed for compliance with:

Chapter 3-2:

Article IX. *TREE REQUIREMENTS*

\*\*All heritage trees (per Section 3-2-190) must remain preserved.

Chapter 3-5:

Article IV, *CLEARING, FILLING AND SOIL CONSERVATION*;

Article XV, *SURFACE WATER AND WETLAND PROTECTION*;

Article XV, *UPLAND BUFFER ZONE*;

Article XVIII, *LANDSCAPING AND BUFFERS*.

**( Exhibit E-1 )**

- ❖ The current proposal **DOES NOT COMPLY** with the following Policies of the Natural Resources Element of the Smart Charlotte 2050 Comprehensive Plan.
  - **ENV Policy 1.4.1 Water Quality Standards:** *"The county shall not allow the quality of Charlotte Counties groundwater and surface water resources to be degraded, either directly or indirectly by human influences, below the minimum criteria for water quality provided in Chapter 62 FAC, the Clean Water Act, 3 USC 1251, or by adopted Site Specific Alternative Criteria (62-302.500 FAC), and shall ensure that it is maintained or, as necessary, improved to ensure the availability of this resource for present and future generations."*
    - During the Site Plan Review Committee Project Conference the applicant stated that any wetlands located inside of the Surface Danger Zones (SDZ) were to be cleared of all trees and replanted with low lying wetland grasses. The Florida Department of Environmental Protection Bureau of Solid and Hazardous Waste has recommended in their publication titled Best Management Practices for Environmental Stewardship of Florida Shooting Ranges that: when "evaluating a site for a new or renovated range, remember that it is not suitable for proposed shot fall zones to be located in water or wetland areas." The proposed improvements will result in shot fall zones being located within and around wetlands and other surface waters. This in turn could result in lead leaching into local surface and ground waters.
  - **ENV Policy 2.2.1 Protect State and Federal Lands:** *"The County shall support the US Fish and Wildlife Service (USFWS), the SWFMWD, the SFWMD, the DOF, the FDEP and the Florida Fish and Wildlife Conservation Commission (FFWCC) in protecting the environmental and recreational integrity of their wildlife management areas, parks, preserves, and reserves. Charlotte County shall accomplish this through review of development applications that may affect these areas, and the enforcement and implementation of development regulations to protect environmentally sensitive habitats, including but not limited to, upland, wetland and marine communities."*
    - The current shooting range is located adjacent to the Florida Fish and Wildlife Conservation Commission's Babcock-Webb Wildlife Management Area. The applicant has not provided any documentation from the Florida Fish and Wildlife Conservation Commission (FWCC) regarding their comments on how the proposed expansion of this shooting range will impact the adjacent wildlife management area.
  - **ENV Policy 2.2.3 Developments Adjacent to Preserved Lands:** *"The County shall require a developer submitting for a special exception, plan amendment, rezoning, or site plan review for property adjacent to Federal, State or County wildlife management areas, parks, preserves and reserves to supply a science-based analysis of possible impacts to the environmental resources of these lands and the manner in which these impacts can be eliminated. Where elimination is not possible, the analysis shall detail how these impacts can be reduced and mitigated. After consultation with the appropriate Federal, State or County department or agency to review this analysis, the County may require the developer to revise the proposal or provide a Developer's Agreement that specifies how the development will mitigate impacts to the adjacent lands."*
    - At this time no information has been provided by the applicant in regards to this Policy. In reference to the science based analysis, the applicant will need to submit at a minimum: (1) a state approved wetland delineation; (2) a complete hydrologic study including, but not limited to, water quality sampling for lead or other contaminants; and (3) a current protected species assessment.

**( Exhibit E-2 )**

- **ENV Policy 2.3.3 Protecting Imperiled Habitat on Private Lands:** *"During the site plan review process, the County shall require avoidance, minimization and proper mitigation of the effects of development on rare and imperiled natural communities.*
  - Highly valuable jurisdictional wetlands not only occur throughout the majority of the site but are also part of a much larger wetland system located off site. This Policy must be addressed during the Site Plan Review process.
  
- **ENV Policy 3.1.5 All Wetland Impact Limitations:** *"The County shall limit impacts in wetlands to the following:" (there are then nine activities listed that may be permitted in wetlands)*
  - A shooting range is not listed as an authorized activity within wetlands.
  
- **ENV Policy 3.1.7 Prohibited Uses:** *"The use, storage, transmission, or generation of hazardous substances, or substances which may artificially accelerate the eutrophication of wetlands and water bodies, is prohibited within 200 feet of wetlands."*
  - The proposed shot fall zones will be located within wetlands and within 200 feet of wetlands. Both bullets and shot contain lead, a hazardous substance which has the potential to leach into surface waters. As a result various forms of lead could potentially contaminate local surface and ground waters.

If there are any questions pertaining to this review please feel free to contact me at (941) 743-1290.

JS

**( Exhibit E-3 )**