

STAFF REPORT
Community Development Department
Petition Number: SE-14-020

To: The Charlotte County Board of Zoning Appeals
From: Shaun Cullinan, Zoning Official
Prepared By: Ken Quillen, AICP, Planner III
Report Date: December 1, 2014 **BZA meeting date:** December 10, 2014

Requested Action/General Information:

David Smith, agent for Bermont Shooting Club, is requesting a special exception to allow a private recreation facility, consisting of a sporting clay and archery shooting range, on a 600 acre parcel located at **40571 Bermont Road** in East County (see attached **Location Map**). The attached **Zoning Map** shows the zoning of this property, which is Agriculture General. This property has a Resource Conservation Future Land Use Map designation.

A special exception, numbered **SE-00-02** (**Exhibit A**), was approved by the Board of Zoning Appeals on January 12, 2000 to allow a 300' communications tower on subject property. Also, an excavation permit, numbered **07-EX-09** (**Exhibit B**), was issued by Charlotte County on April 10, 2009 to allow a 78 acre excavation on subject property. This excavation permit is valid for ten years and will expire in 2019.

The applicant would like to establish a recreation facility, consisting of shotgun shooting ranges for sporting clays as well as an archery range, on a 90-acre portion on subject property located to the north and east of the existing excavations. The applicant has submitted the attached **Narrative** (**Exhibit C-1**), which explains the operation of the facility and locations and layout of the various activities on the leased property. **Exhibit C-2** shows the entire 90-acre site, outlined in white, the locations of various shooting stations (numbers), the circuit path (walking or carts) shown in green, the five-stand station range outlined in yellow, the archery range, shown in blue, and three parking areas. Although not mentioned in the narrative, the applicant is also proposing three buildings represented by white rectangles. One will be for an office for the shooting club, another for storage of golf carts, and the third is to house restrooms and shower facilities. The applicant has also submitted a number of exhibits. **Exhibit C-3**, shows a shooting station, **Exhibit C-4**, shows a target throwing machine, **Exhibit C-5**, shows a 5 stand shooting station, and **Exhibit C-6** shows the type of building the club is considering for their facility. All buildings and structures must comply with the Florida Building Code and permits must be obtained and inspections performed in order to receive and maintain a Certificate of Occupancy for the shooting range.

The applicant intends to use the existing gravel access drive that serves the mine for access to the shooting club and their parking areas. The applicant does not yet have any detailed plans for the required off-street parking. 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. The circuit proposed for the shotgun shooting range has 19 shooting stations. The maximum number of people that could be on the course at any one time would be approximately 76 (19 x 4) people. The applicant has informed staff that a typical weekend may only have 20-30 patrons; however, a tournament may have as many as 100-150 visitors. As such, the Zoning Official is recommending that as a minimum of 20-30 improved hard surface parking spaces, including handicapped spaces, be provided. In addition, sufficient area shall be provided for 75-100 temporary overflow grass parking spaces that shall be maintained as lawn.

Staff also recommends that restrooms be required for this proposed use. Male and female restrooms are usually provided, however, for this use two or more unisex and handicapped 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. Anyone can view and print this document online at:

http://www.dep.state.fl.us/waste/quick_topics/publications/shw/hazardous/shootingrange/FloridaBMP-2004reducedsize.pdf

The County's Environmental Specialist has performed a cursory environmental review and their comments are in the attached **Memorandum (Exhibit D)** dated November 21, 2014. 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. A more detailed submittal must be reviewed during the Site Plan Review process.

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 AG 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	Grazing lands class IV	AG	Agriculture
South	Grazing lands class IV	AG	Resource Conservation
East	Grazing lands class IV	AG	Resource Conservation
West	Mine and grazing lands class IV	AG	Resource Conservation

Finding: Subject property is surrounded primarily by undeveloped lands. There is only one residence located to the northwest over 1,000 feet of the proposed archery range and over 2,000 feet from the shooting range. 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 surrounding vegetation which will serve to reduce noise from firearms. For the same reasons there appears to be a very low risk from stray or ricocheted bullets because hand guns and rifles will not be used. Shotguns and archery arrows have a greatly reduced range. All target areas, or Surface Danger Zones (SDZ), will be directed away from populated areas. 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: Proposed access to this shooting range is over an existing private access drive for subject property and the existing mine off of Bermont Road. Bermont Road is a County maintained paved public road, which does provide adequate access to the proposed use.

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" landscape buffer for "Active Use Parks". The distance to surrounding parcels and existing natural or native vegetation and trees, which are preserved, may be counted toward much of this buffer requirement. 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 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 20-30 improved parking spaces be required for everyday use and up to 75-100 overflow lawn parking spaces be provided 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 new Smart Charlotte 2050 Plan, which became effective on June 15, 2011, contains some Goals, Objectives, and Policies that may conflict with the proposed 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 D)** 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 2.3.3 Protecting Imperiled Habitat on Private 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 for the shooting range, and natural vegetation in the area, the detrimental effects of noise or danger from misfired guns or ricochets should 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 special exception. Specifically, standard number five 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 shooting ranges only for shotguns and archery, generally in conformance with the Layout Plan (Exhibit C-2) submitted with the application.
2. This special exception extends only to the land included in the Layout Plan (Exhibit C-2) and legal description submitted with this application.
3. The Layout Plan (Exhibit C-2) 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, operation and occupation of the proposed shooting ranges.
4. Twenty to 30 improved and paved off-street parking spaces shall be constructed and maintained. The specific number and location shall be determined by the Zoning Official during the Site Plan Review process. Also, 75-100 lawn overflow off-street parking spaces shall be provided and maintained. The specific number, location and design shall be determined by the Zoning Official during the Site Plan Review process.
5. Restroom facilities, including at least two restrooms, shall be constructed on site. These restroom facilities may utilize an in-ground holding tank with sufficient capacity for the intended use or may utilize a septic drain field. If a holding tank is used the holding tank shall be pumped out according to a schedule to be determined by the County Health Department.
6. Adequate hand washing facilities shall be provided according to the recommendations of the County Health Department.
7. To protect the public interest alcoholic beverages shall not be sold on subject property.
8. 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 2.3.3 Protecting Imperiled Habitat on Private Lands
 - c. Environmental Policy 3.1.5 All Wetland Impact Limitations
 - d. Environmental Policy 3.1.7 Prohibited Uses
9. If the shooting range is ever discontinued the owner shall remediate the site according to any State and Federal Department of Environmental Protection guidelines or regulations.
10. 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.

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 (4), Location Map, Zoning Map, Aerial Photo, Notice of Approval (SE-00-02), Excavation Permit (07-EX-09), Narrative, Layout Plan, Exhibits C-3 through C-6 and Environmental Specialist Memorandum (2)



Community Development

CHARLOTTE COUNTY

Location Map for SE-14-020

Charlotte County Government

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www.CharlotteCountyFL.com



02/41/25 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 guarantees, 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-S. Yancey 6260 Date Saved: 11/12/2014 10:31:28 AM

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Community Development

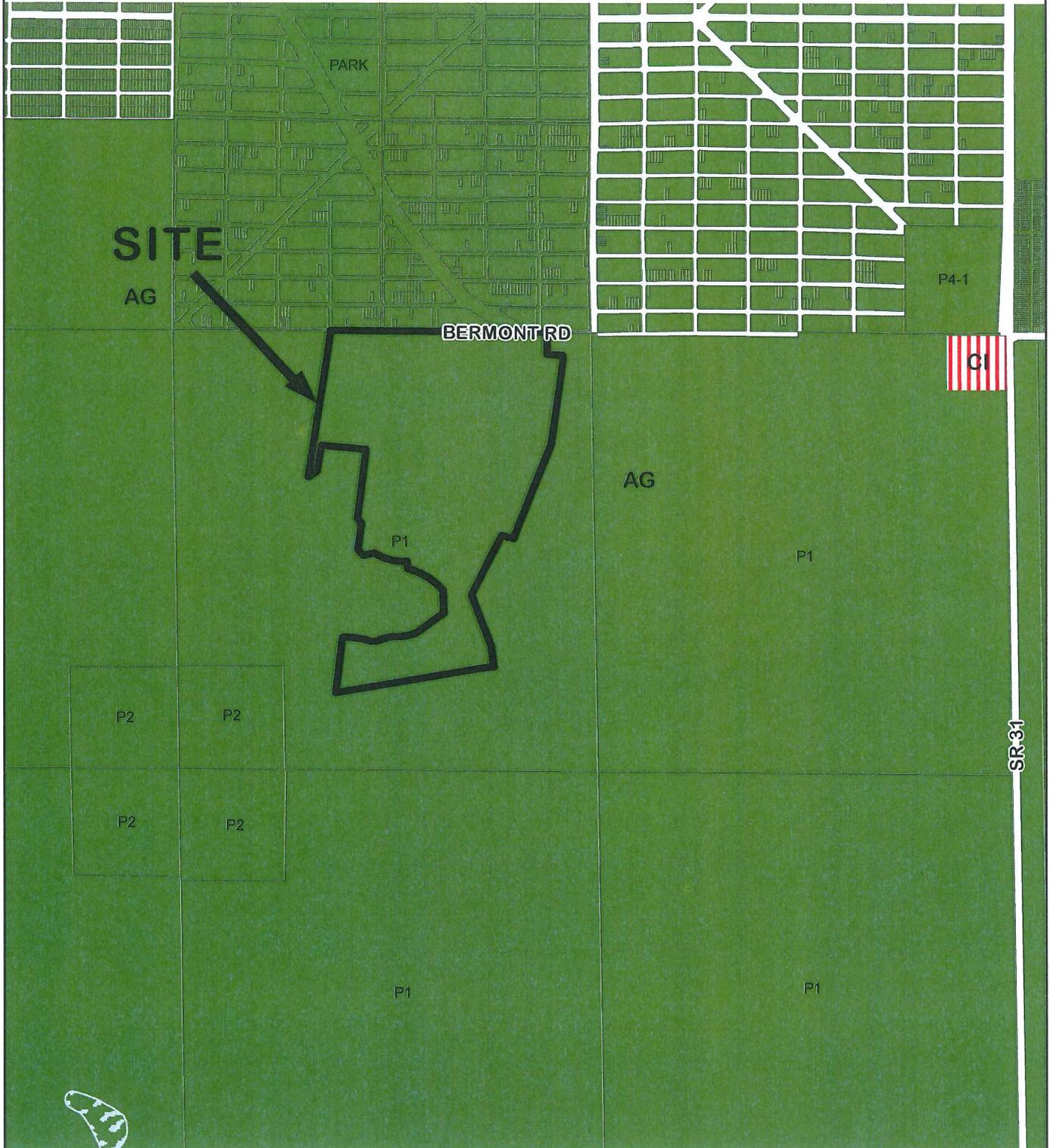
CHARLOTTE COUNTY

Zoning Map for SE-14-020

Charlotte County Government

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02/41/25 East County

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Community Development

CHARLOTTE COUNTY

2014 Aerial View for SE-14-020

Charlotte County Government

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02/41/25 East County

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Charge - * #116
Zoning BCC

IMAGED GK

4 CHARLOTTE COUNTY BOARD OF ZONING APPEALS

BARBARA T. SCOTT, CLERK
CHARLOTTE COUNTY
OR BOOK 1764 PAGE 1467
RECORDED 01/25/00 @ 01:45 PM
FILE NUMBER 701952
RECORDING FEE 6.00

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: Nextel Communications, 851 Trafalgar Court, Suite 300E, Maitland, FL 32751

Owner: Frank D. Hall, Trusee, 7521 SE Pine Island Road, Arcadia, FL 34266

Location: Section 2, Township 41S, Range 25E, also known as 40501 Bermont Road, Punta Gorda, Florida. The property contains 611.25 acres more or less.

Petition # SE-00-02

Approval Date January 12, 2000

Requested Special Exception:

To allow a 300' Communication Tower in the Agriculture General (AG) zoning district.

*Please note: Granting of the special exception was contingent based on three concerns that Charlotte County Airport Authority Director, Fred Watts needed satisfied, and before permitting could commence. They were as follow:

1. Information indicating the tower elevation above mean sea level.
2. Accurate longitude and latitude calculations
3. The FAA form "7460" must be submitted

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.* Any such special exception which ceases to exist and actively occur on the subject property shall expire three years from the effective date of this regulation unless good faith commencement of the special exception has begun prior to expiration. Prior to expiration, the applicant or property owner may request an extension from the Board of Zoning Appeals. Such extension may be granted to the applicant or owner upon showing of good cause. Any non-conforming special exception shall be subject to the requirements of Section 3-9-10 of the Zoning Regulations with regard to non-conforming uses.

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: Thomas C. Smith
Thomas C. Smith, Zoning and Current Planning Supervisor

The foregoing instrument was acknowledged before me this 24th day of January 12, 2000 by Thomas C. Smith, 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
Secretary Title
CC 541667 Commission Number

TCS/vmz/C-00-011

**SE-00-02
(Exhibit A)**

Charlotte County
Land Development Department

Excavation Permit No. 07-EX-09

Notice of

**AUTHORIZATION
To COMMENCE CONSTRUCTION**

HALL BERMONT PIT

Project Name

Per Plans s/s Neese Engineering 11-20-07 and

Project Description

Don T Hall / Mike Norris letter dated 4-5-09
40551 Bermont Road

Location

M. Lewis Hall Protective Testamentary

Issued To

Trust for William Lewshane Hall.

Subject to the following stipulations:

- Obtain clearing permit from Charlotte County prior to land disturbance
- Must meet all specific permit conditions (per ordinance ²⁰⁰⁷⁻⁰⁵⁴ 2003-003) *J.*
- No blasting or rock crushing
- Maximum depth = 28 FT
- 78 acre site - 50 acre pit - 2,015,000 C.Y.

Hours of Operation shall be 7 A.M. to 6 P.M.

Monday through Friday & Saturday 7am - Noon

DATE ISSUED ^(Friday) April 10, 2009 EXPIRES April 9, 2010 (Tuesday)

ISSUING AUTHORITY *Subara*

**This Notice Should Be Conspicuously
Displayed At The**

**Excavation Permit
No. 07-EX-09
(Exhibit B)**

Special exception application,

The request for special exception is for a shooting club at Bermont Ranch, Bermont Road, near Punta Gorda.

The club will have a sporting clays and five stand shooting range both of these sports are shotgun only and the purpose is to simulate hunting situations using clays targets, participants will walk or ride the course shooting a set number of targets at each station a typical sporting clays course is 14 stations with a total of 100 shots.

5 stand is very similar to sporting clays but more condensed with 5 stations shooting 25 shots in total.

Enclosed is a map with details of the course, the white line on the map is the boundary the club, the green line indicates the proposed cart / footpath this will be used for participants to either drive golf carts or walk the course, stations are numbered 1 through 14.

Also on the map shown in red is the proposed shot fall out, while shooting sporting clays or 5 stand shooters are limited to what shot size they use (#7.5 / #8 / #9) is all that is normally allowed, this shot has a range of 600 to 700 feet, the red lines on the map indicate 900 feet which is industry standard and considered safe by NRA / NSCA.

The direction of the shot is controlled with shooting stations which the shooter has to step into then his gun goes in between two upright poles before loading, this stops any shooter from swinging the gun barrel in a unsafe direction, the targets are launched remotely from a machine which is powered by a 12 volt battery normally charged with a solar panel, these machines normally hold 300 plus targets which is more than enough for a day's shooting.

Bothe the shooting stations and the trap house are made to be portable as stations need to be changed on a regular basis photographs of examples of both are enclosed.

5 stand is normally shot from a platform (approx. 50 feet long x 20 feet wide) with shooting stations built in. This is shown with the orange rectangle 5 stand shot. Fall is shown with the yellow. A photograph of a typical 5 stand is enclosed.

An archery course will also be included.

**Narrative
(Exhibit C-1)**

D

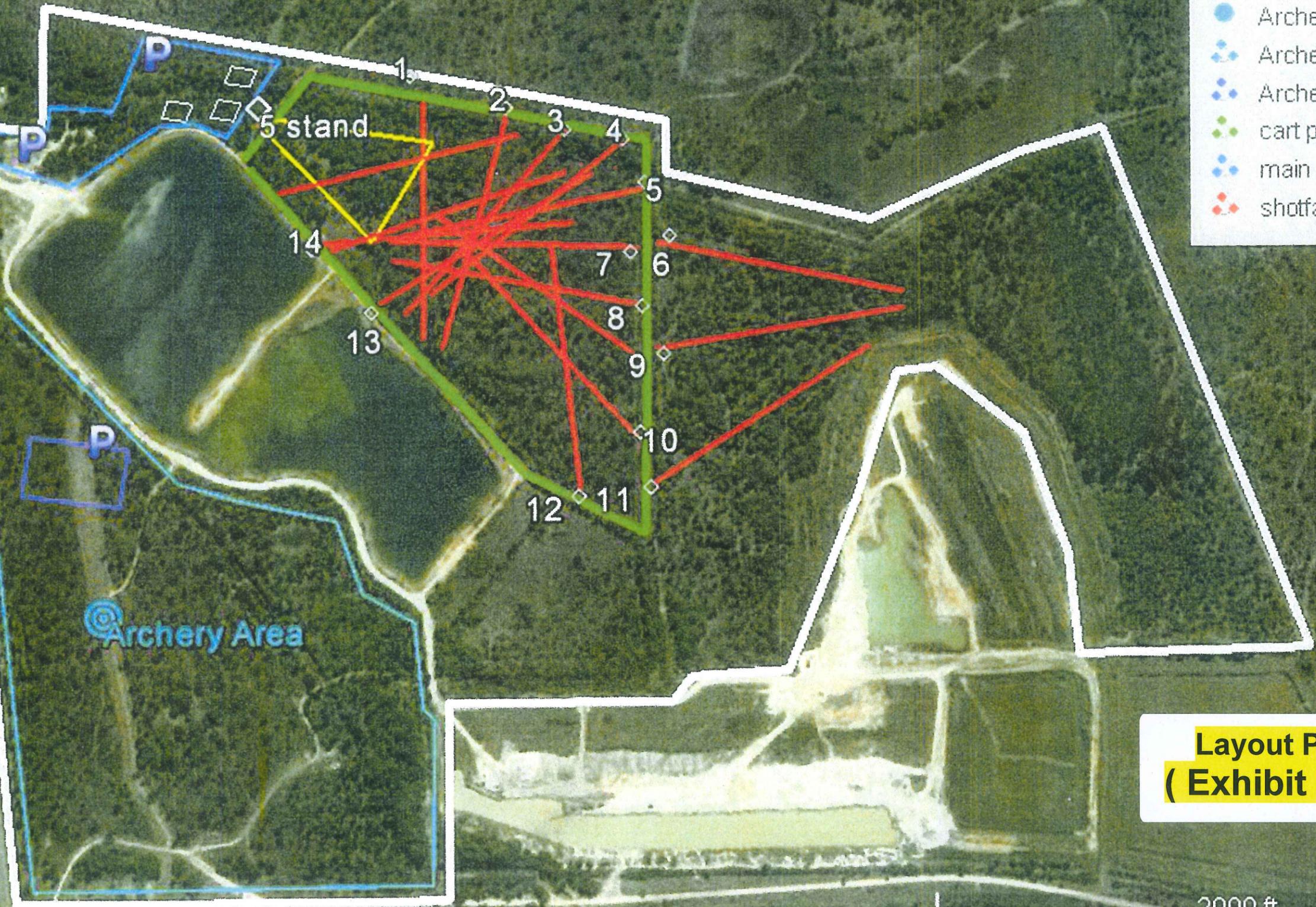
Bermont shooting club

including archery and parking

Legend

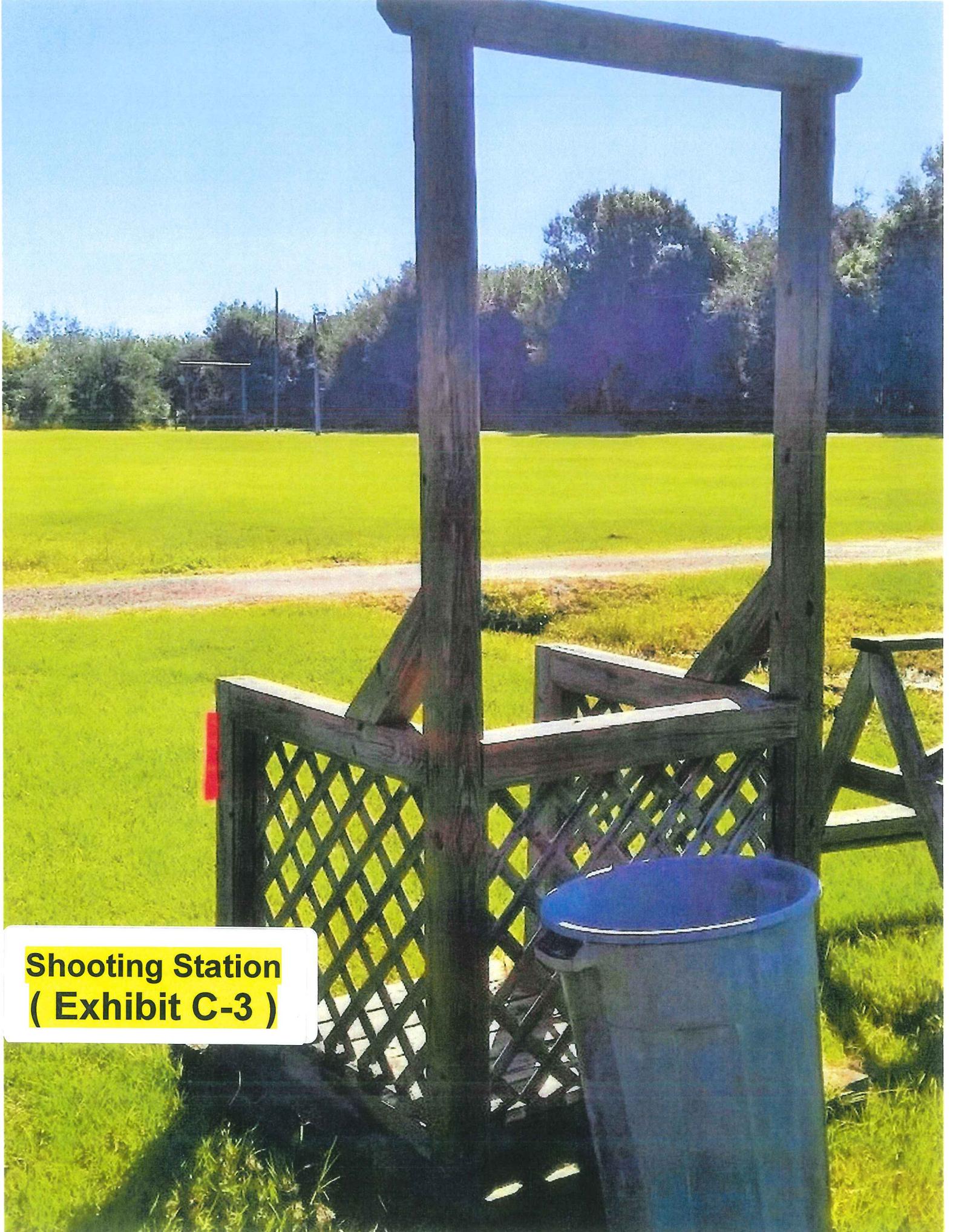
- 5 stand
- 5 stand shotfall
- Archery Area
- Archery area boundry
- Archery parking
- cart path
- main parking
- shotfall

Bermont Road



Layout Plan
(Exhibit C-2)





**Shooting Station
(Exhibit C-3)**

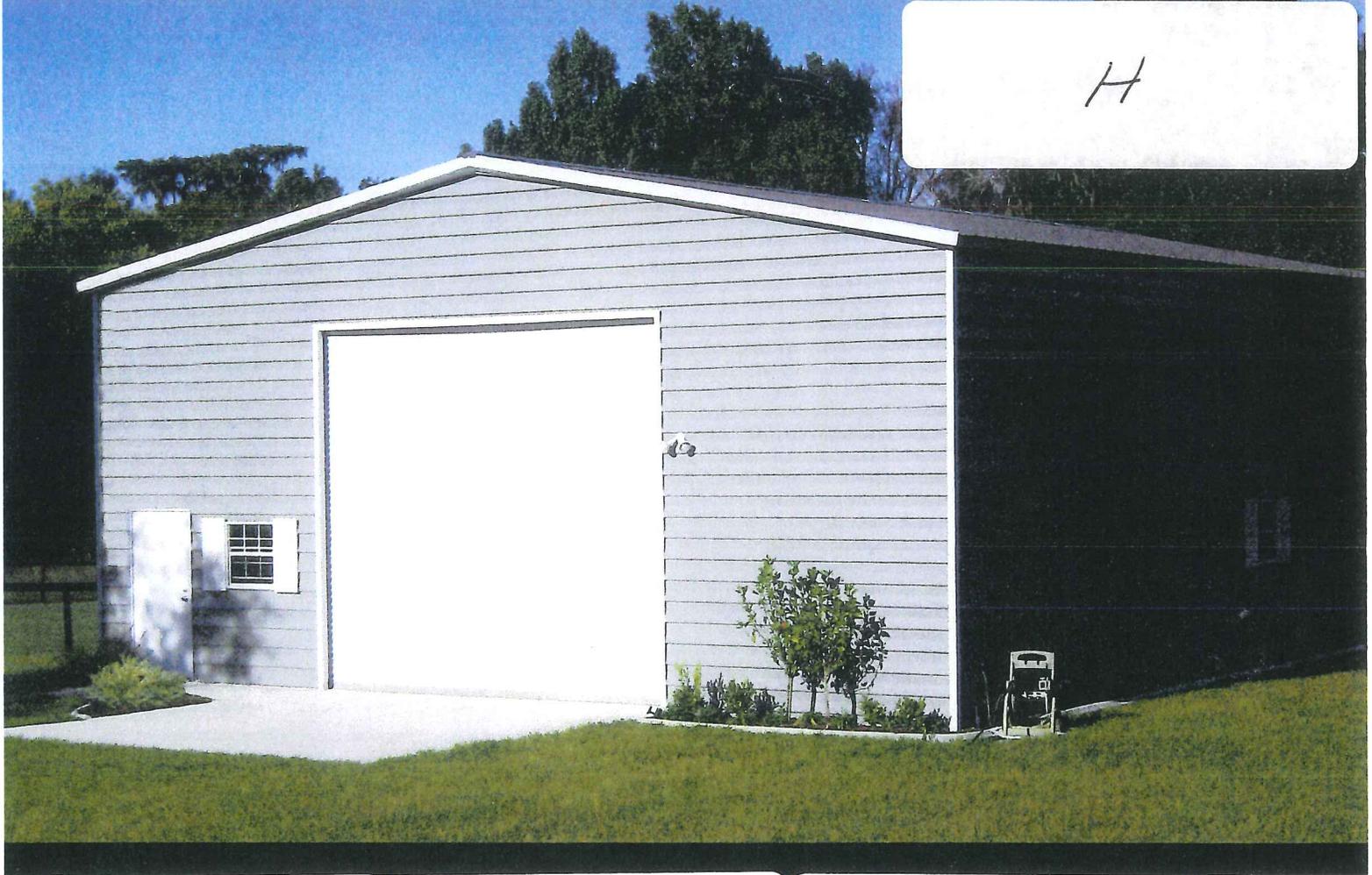


**Target Machines
(Exhibit C-4)**



**5 Stand Station
(Exhibit C-5)**

ENGINEERED STEEL BUILDINGS



**Building
(Exhibit C-6)**

MADE IN
AMERICA



ORLANDO STEEL ENTERPRISES

• STEEL BUILDING DIVISION •

BUILT TO
LAST



MEMORANDUM

Date: November 21, 2014
To: Ken Quillen, Planner III
From: Jamie Scudera, Environmental Specialist
Subject: SE-14-020, Bermont Shooting Club, 40571 Bermont Road

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

- ❖ A GIS aerial and DEP Map Direct wetland mapping review was conducted by staff. The site consists of an existing excavation surrounded by upland and wetland environmentally sensitive habitats which may be utilized by species listed by the U.S. Fish and Wildlife Service (FWS) and the Florida Fish and Wildlife Conservation Commission (FWCC).

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 D-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."*
 - 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 2.3.3 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."*
 - Jurisdictional wetlands are located throughout the 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 in the Zoning Office at (941) 743-1290.

JS

(Exhibit D-2)