



~ MINUTES ~

**Planning & Zoning Commission**

6:30 PM

Wednesday, May 18, 2016

City Hall – Council Chambers

6015 Glenwood Street, Garden City, Idaho

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- I. **CALL TO ORDER:** The meeting was called to order at 6:30 pm.
- II. **ROLL CALL:** Commissioners Present: Stephanie Butler; Charles Kennedy; James Page  
Commissioners Absent: L. Kent Brown

Staff Present: Jenah Thornborrow, Jeff Lowe, Charles Wadams, Mike Broussard

- III. **CHANGES TO AGENDA:** None

IV. **CONSENT AGENDA**

A. **April 20, 2016 Minutes**

Commissioner Butler moved to approve the consent agenda and to continue Item VII A to the meeting of June 15, 2016. Commissioner Page seconded the motion. The motion unanimously passed.

- V. **OLD BUSINESS:** None

VI. **PUBLIC HEARINGS:**

**CUPFY2016-3:** Jeff Lusk, represented by Larson Architects, is requesting conditional use permit approval of an indoor shooting range and firearms retail store. The project includes an 8,907 square-foot, single-story expansion to an existing building with associated site improvements. The .86-acre site is located at 3933 Chinden Boulevard, and is within C-1 Highway Commercial zoning district and the Mixed Use Commercial and Green Boulevard Corridor Comprehensive Plan designations. In addition, the application is subject to Design Review Committee approval. **Staff recommendation- Approval**

City Attorney Wadams asked the Commission if any Members had a conflict of interest with the subject application, or any ex-parte communication. All Commissioners answered they had not.

City Staff Jeff Lowe presented the staff report and addressed the concerns the applicant had with the conditions of approval as listed in the draft Findings of Fact and Conclusions of Law document.

Cornel Larson with Larson Architects, representing the applicant, spoke to the design of the building, floor plan, and site improvements.

Mr. Larson stated that the applicant was satisfied with site specific conditions of approval 1 through 11 c.

The applicant has concerns with following:

- 11.d. The owners request that the wording changes to: "All events must be held inside the facility or notify the Garden City Police Department at least two weeks in advance for any event to be held outside of the facility."

- 11h. The owner requests that this item be removed. This is not a requirement for similar operations in the area.
- 11.i. The owners request that the wording changes to: "The sale of Class 3 (automatic) weapons is prohibited unless the purchaser can meet all State and Federal requirements." The owner will need to secure a Class 3 license in the future, in order to provide customers with the opportunity to rent Class 3 weapons for shooting on the gun range.
- 11.j. The owners cannot control accidental discharges, suicides, reckless shooting, or criminal activity. However, if an incident does occur, the appropriate action will be taken immediately to remedy the situation. The owners request that this item be removed from the conditions.
- 12.e. The requirement will be hard to test/determine since other elements generating noise may influence testing. These include, but are not limited to, dog barking, traffic, aircraft, etc. The owners request that the 50-55 decibel requirement be removed from the conditions.
- 14. The requirement will be hard to monitor, asking everyone if they can legally own a firearm without requesting a background check from each customer. The owners request this item be removed from the conditions.
- 16. 8-4G-1 relates to sustainability practices. We understand this is covered and reviewed by design review. The owners request that this item be removed from the conditions.
- 19. The owners request that the wording change to: "Outdoor sales of firearms or ammunition is prohibited." On certain occasions, vendors display weapons inside of promotional vans/ trailers in the parking lot.
- 20. The owners request that this item be deleted. The owners cannot control an accidental weapons discharge outside of the shooting lanes. As per item 17, a list of Safety and Operational Rules will be posted within the facility to minimize the possibility of an accidental discharge. If an incident does occur, the appropriate action will be taken immediately to remedy the situation.
- 30. The owners are concerned about giving out information that it is not legal to give out.

Mr. Larson states that testing and monitoring for lead exposure will occur.

Chad Park with Action Targets, hired by the applicant as a consultant and contractor, speaks to the design of the HVAC system to be installed in the indoor range. He talks about lead concentrations inside and outside the facility. HEPA filters and negative pressure are the key factors with proper ventilation, there will be no lead concentrations inside or outside. With the filtration system, the air will be as clean as that for a hospital. An alarm system will send an alert if there are issues. He mentions that noise will be mitigated with 8-inch thick CMU block wall and acoustic wall tile. There will be no way for a bullet to escape. It is also mentioned that the existing building and the addition will have separate ventilation systems.

Commissioner Page asks why the 2 month notice to the Police Department is too long. Larson responds that they would like more flexibility in scheduling events.

Commissioner Page mentions that for hours of operation, 9PM is already late; any outdoor display should not include guns in plain view on table.

Commissioner Butler asks what is meant by outdoor display.

Larson responds that all displays would be inside a vehicle wherein people can view items but must go inside the building to be able to purchase items.

Discussion on Class III weapons and type of bullets to be used in the facility.

Park mentions that traps are designed to handle large caliber ammunition.

Chairman Kennedy opened the public hearing. The following members of the public provided testimony:

T.J. Smith – opposed. Mr. Smith, owner of an animal care facility adjacent to the subject site, expressed his concern about lead exposure and its danger to dogs and employees. The sound of gunfire triggers stress in animals, and the community is affected by noise as well. The proposed use is right for industrial areas but not for a residential and commercial zone. Lead exposure can occur in places other than the shooting range as contamination can be carried on people's hands or clothing. Real estate prices will go down for businesses adjacent to shooting ranges, and he won't expand his current business. He mentions that suicide at ranges is an issue; signing a form is not a background check; and ranges are not inspected regularly. Mr. Smith entered a number of documents into the record related to his testimony.

NOTE: The City Attorney confirmed that the applicant has no objection to the submittal of Mr. Smith's documents into the record.

Commissioner Page asks Mr. Smith what the fiscal impact of noise there may be on his business and what does it do to dogs. Mr. Smith responds that clients will stop coming to his business and that some dogs "shut down"; they need to be conditioned to withstand noise.

Brenda Glenn – in favor. States that there is a lot of misinformation about indoor shooting ranges. There is professional training for patrons and personnel and retired law enforcement officers providing training for current officers. The new facility will be a safe environment, family-friendly, and lead is not an issue.

Carl Miller – in favor. He knows about lead exposure and his past experience involved working in industry that dealt with lead. He is upset about the hearsay concerning the subject – listening to research should be encouraged over than the hearsay. He has worked around lead for many years, and lead is everywhere in the world. Blood monitoring is the method that should be used to understand exposure; he does not feel that lead will be an issue at the subject facility.

Butch Glenn signed up to testify but left the meeting prior to being called.

Lowe stands for questions and requests that the applicant clarify what is meant by the term "legal" in relation to condition number 30.

Larson rebuts and mentioned that they are okay with the doors closing at 9PM and operations to be over by 10PM.

Park further explains the properties and practices of the HVAC system and MERV 8 HEPA filters will be used.

Chairman Kennedy closed the public hearing.

Discussion of the Commission:

Commissioner Butler appreciates the information presented and states this is a big picture and hot button issue. She sees the use as not ideal but does see Chinden Boulevard as the appropriate location and she does appreciate the neighbor's concerns.

Commissioner Page states that lead is a real issue and he is troubled by the material presented and added to the record. He would need time to review the materials; it would be particularly difficult to review during a meeting.

Chairman Kennedy responds that the purpose of the hearing is to create a record. This is not the last point in the decision making process – there is the opportunity to appeal. It is the public’s right to submit information but that does not mean that the Commission is expected to halt the process. He appreciates Mr. Smith’s testimony and feels he was able to make his salient points. It is up to the Commission members to decide if they are comfortable in making a decision tonight. He was not aware that the gun industry had moved toward HEPA filter systems.

Commissioner Page understands the Chairman’s position and that an appeal is available as part of the process. He feels that they have adequately addressed the new information on the record.

After discussion, the following motion was made:

**Commissioner Butler moved to approve CUPFY2016-3 with the Site Specific Conditions of Approval and Findings of Fact and Conclusions of Law with the following modifications:**

**11. d. add the words to the 2-month notice provision “or sooner if approved by the Police Department”.**

**11. i. strike the condition**

**14. expand the condition to include a means for a patron to attest that they meet federal, state, and other requirements to possess and use a firearm; specific wording to be established later.**

**19. Outdoor sales is prohibited. The display of firearms and ammunition is allowed outside provided the merchandise is wholly within a display trailer or other vehicle.**

**28. doors may be open from 8AM to 9PM Monday through Sunday, with facility operations to conclude by 10PM.**

**29. add to the end of the sentence “or as otherwise required”.**

**30. indicating willingness to cooperate with law enforcement regarding access to video surveillance and records**

**Page seconded the motion. No Discussion. All in favor (2-0); motion passes.**

Chairman Kennedy requests that staff address the opportunity for those that wish to do so may appeal the decision. Thornborrow states that persons who have testified in writing or verbally may appeal, pursuant to the provisions in the ordinance.

**VII. NEW BUSINESS:**

- A. Adoption of ADMINISTRATIVE RULES OF PROCEDURE, APPEALS PURSUANT TO TITLE 8 OF THE GARDEN CITY CODE BEFORE THE PLANNING AND ZONING COMMISSION**

Continued to the meeting of June 15, 2016.

**VIII. DISCUSSION:**

None

**VII. ADJOURNMENT:** Meeting adjourned at 8:42 p.m.