

# GARDEN CITY PLANNING AND ZONING COMMISSION

## Indoor Shooting Range

3933 Chinden Boulevard, Garden City  
CUPFY2016-3

) FINDINGS OF FACT, CONCLUSIONS  
) OF LAW, AND DECISION

This application came before the Garden City Planning and Zoning Commission for consideration on February 17, 2016. The application was continued to May 18, 2016, at which time the Commission reviewed the application and materials submitted and considered public testimony. Based on the evidence presented, the Commission makes the following findings of fact and conclusions of law:

## FINDINGS OF FACT

1. The applicant is Jeff Lusk, represented by Larson Architects.
2. The location of the project is 3933 Chinden Boulevard, Garden City, ID 83714. Assigned Ada County Parcel #: R2734510909.
3. The subject property is .86 – acres
4. The project is located in the Green Boulevard Corridor and Mixed Use Commercial areas designated in the Comprehensive Plan.
5. The project is in the C-1 Highway Commercial Zoning District.
6. The following section of the Garden City Planning and Zoning Codes apply to this proposal:  
GCC 8-2B-2 ALLOWED USES  
GCC 8-4 DESIGN AND DEVELOPMENT REGULATIONS  
GCC 8-6B-2 CONDITIONAL USE
7. A copy of the application and plans was transmitted to interested and affected public agencies and written comments were received from:
  - a. Ada County Highway District
  - b. Central District Health
  - c. COMPASS
  - d. Garden City Engineer
  - e. Garden City Environmental Division
  - f. Idaho Transportation Department
  - g. North Ada County Fire & Rescue
8. The record contains:
  - a. Application Materials
  - b. Agency Referral Notice
  - c. Agency Comments
  - d. Property Owner Notice
  - e. Legal Advertisement in Idaho Statesman
  - f. Staff report
  - g. Planning and Zoning Commission Hearing Sign Up Sheet
  - h. Signed Findings of Fact, Conclusions of Law, and Decision
9. The application was received April 11, 2016. The Commission Public Hearing was held within sixty (60) days of receipt of an application certified as complete.
10. A legal public hearing notice for the proposed conditional use permit application was published on April 29, 2016, and on April 29, 2016, notice was mailed to all property owners within a 300-foot radius of the said property in compliance with the public notice requirements of Section 8-6A-7 of the Garden City Municipal Code.
11. The site was posted with a public hearing notice sign on May 5, 2016, as required in GCC 8-6A-7 3

- for the public hearing of May 18, 2016.
12. A staff report was presented by Jeff Lowe at the public hearing on May 18, 2016.
  13. Jeff Lusk represented the application at the public hearing on May 18, 2016.
  14. Testimony from the public was provided by:
  15. Letters and comment forms in support of the application were received by 51 people and are included in this record.
  16. On May 18, 2016, the application for CUPFY2016-3 was **Approved/Denied 4/0** with Conditions of Approval.

## CONCLUSIONS OF LAW

Approval of the proposed conditional use permit is governed by 8-6B-2 code consideration of Title 8 of the Garden City Code:

1. **The use is appropriate to the location, the lot, and the neighborhood, and is compatible with the uses permitted in the applicable zoning district:**  
*This development contributes to the mix of uses in the area and adds to the built environment with the design of the building addition and landscaping. The addition of street trees and a plaza area contributes to the vision of Chinden Boulevard as it evolves into a comfortable pedestrian street. The project is in general conformance with the adopted Garden City Comprehensive Plan.*
2. **The use will be supported by adequate public facilities or services to the surrounding area, or conditions can be established to mitigate adverse impacts:**  
*This use is located in an area that has adequate public facilities and services and the site has previously been served by the same.*
3. **The use will not unreasonably diminish either the health, safety, or welfare of the community:**  
*Provided all conditions of approval are satisfied, complied with, and enforced, this use will not unreasonably diminish the health, safety, or welfare of the community. These conditions of approval are developed to minimize the effects of sound on adjacent properties and to reduce or eliminate the potential for lead exposure to nearby properties and patrons of the facility.*
4. **The use is not in conflict with the Comprehensive Plan or other adopted plans, policies, or ordinances of the City:**  
*The Comprehensive Plan states that the intent of the Green Boulevard Corridor is "to create more multi-modal characteristics on these corridors, including sidewalks with parkways...and location of parking behind the buildings and maximum setback requirements from the street". "Mobility for vehicles should be maintained, but improvements to the safety and convenience for transit and pedestrians is needed that will influence changes in the adjacent land uses". The site has been redesigned with the addition of landscaping, street trees, and a plaza area in the front of the building. One access point on Chinden Boulevard is being eliminated, contributing to a safer and friendlier pedestrian area.*

## DECISION

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law, the Planning and Zoning Commission hereby does **APPROVE/DENY** CUPFY2016-3 Application for an Indoor Shooting Range with located at 3933 Chinden Boulevard, Garden City, ID 83714, Parcel: R2734510909 and subject to the following conditions:

1. The use of an indoor shooting range and retail firearms sales is approved with this application.
2. No structure, nor the site, shall be occupied, except for approved construction related activities until after a Certificate of Occupancy has been obtained from Garden City Development Services Department.
3. All building elevations, landscaping, and exterior improvements shall be consistent with the application and plans as approved by the Design Review Committee. All work identified and required in the Design Review approval and building permit approvals shall be completed prior to the issuance of a Certificate of Occupancy.
4. All landscaping shall be maintained to be healthy and replaced as necessary pursuant to Garden City Code 8-4I-9.
5. The applicant shall prepare a Record of Survey and Property Boundary Adjustment application for review and approval to remove the two internal property lines extending through the site, effectively creating one Lot from three. The Record of Survey shall be approved by the City and recorded prior to the issuance of any building permit for a building expansion or building occupancy change.
6. Comply with all requirements of the Garden City Environmental Division. Verification of compliance shall be provided prior to the issuance of a Certificate of Occupancy.
7. Comply with all requirements of the Garden City Engineer. Verification of compliance shall be provided prior to the issuance of a Building Permit.
8. Comply with all requirements of the North Ada County Fire Rescue prior to the issuance of a Certificate of Occupancy.
9. Comply with all requirements of the Idaho Transportation Department, as noted in the letter dated April 27, 2016, prior to the issuance of a Certificate of Occupancy.
10. The westerly access point onto Chinden Boulevard that will be blocked by the proposed future building shall be removed and reconstructed with vertical curb, ADA compliant sidewalk level with adjacent sidewalk, and removal of the approach apron prior to issuance of a Certificate of Occupancy.
11. The applicant shall coordinate with the Garden City Police Department to create and implement a security plan for the operation of the Indoor Shooting Range. The Security plan shall, at a minimum, address the following features:
  - A. Both the interior and the exterior of the premises shall be monitored through video surveillance.
  - B. Protocol to immediately cease operations in the event of an injury, and the actions to be taken in rendering aid and notifying emergency personnel.
  - C. Current copies of all applicable Federal and State licenses such shall be maintained on file with the city.
  - D. All events must be held inside the facility or notify the Garden City Police Department at least two months in advance for any event to be held outside of the facility.
  - E. Protocol to identify individuals that may be under the apparent influence and to prohibit said individuals from using the range.
  - F. On-site alcohol sales and consumption are prohibited.
  - G. Firearms holstered or cased when not on the range.
  - H. List of limited cartridges and ammunition allowed for use on-site.
  - I. The sale of Class 3 (automatic) weapons is prohibited.
  - J. NOTE: Accidental discharges, suicides, reckless shooting or criminal activity may result in a recommendation from the Police Chief to the Planning and Zoning Commission to revoke the conditional use permit.

The Security plan shall be submitted for review and approval prior to the issuance of a Certificate of Occupancy.

12. The Building shall be designed to be safe and lessen any impact on adjacent properties. The building design shall include:
  - A. The capability of containing accidental firearm discharges in the building. All walls, floor, ceiling, baffles, and bullet trap shall be of sufficient design to contain and absorb the energy from the most powerful ammunition allowed at the range.
  - B. The HVAC system shall be designed to adequately clean the supply and exhaust air and to provide thorough ventilation through the facility.
  - C. Airflow shall be designed to be directed downrange. Exhaust air concentrations shall meet EPA ambient air criteria for lead and shall undergo pre-filtration with final filtration using HEPA filters.
  - D. The bullet trap shall be attached to the building with an energy absorbing anchor to reduce noise and vibration. The use of a water trap is prohibited.
  - E. Noise reduction in the range and noise transmission (and mitigation) out of the range are different design considerations and shall be addressed as such. Noise reduction outside of the facility is vital to the design of the structure and noise levels shall be at a minimum and no higher than the 50-55 dB range when measured 10-feet from the exterior wall, as proposed by the applicant.
  - F. Sidewalls shall be installed at each firing position to prevent harm to adjacent shooters and provide additional sound protection. The walls shall be constructed so as to not interrupt airflow and ventilation.
  - G. Access to the range for patrons shall be through an enclosure of two separate, sealed doors to minimize air flow (exposure) into other areas and to reduce noise outside of the range.
  
13. The applicant shall coordinate with the Garden City Environmental Department to create and implement a Cleaning and Disposal plan for the operation of the Indoor Shooting Range. The Cleaning and Disposal plan shall, at a minimum, address the following features:
  - A. Methods and techniques used to clean the range including the use of wet cleaning and HEPA vacuums.
  - B. Schedule and record of routine cleaning of the range and bullet traps.
  - C. HVAC filter replacement and system maintenance.
  - D. Ensure that no water that may be exposed to lead is disposed of in the city sewer system or on the ground.
  - E. Protection for employees to limit transfer of lead to their clothing or skin. Provide Information about the importance of hygiene and provide convenient washing facilities to encourage frequent hand washing.
  - F. Brass and shells should be placed in containers next to shooters, or swept forward of the firing line to allow safe footing. Brass and shells shall not be disposed of in Garden City trash system and recycling practices should be implemented.

The Cleaning and Disposal plan shall be submitted for review and approval prior to the issuance of a Certificate of Occupancy.

14. No one shall be allowed to shoot or rent a firearm who does not meet federal, state, and local requirements to possess a firearm.
15. The applicant shall comply with all requirements of OSHA relative to occupational noise exposure.

16. A Range Master or assigned personnel shall be present at the range during all hours of range operation. Patrons must comply with instructions from range personnel or otherwise are subject to removal from the premises.
17. The facility shall have posted in a prominent place, visible to patrons, a list of Safety and Operational Rules to be followed by all patrons and employees of the facility. The list shall include a reminder to patrons to wash their face and hands before leaving the facility so as to limit potential lead contamination. And, that expectant mothers are advised not to be on the range at any time.
18. The applicant shall provide a letter from the Department of Environmental Quality addressing Best Management Practices regarding exhaust air from the facility relative to lead exposure.
19. Outdoor sales or display of firearms or ammunition is prohibited.
20. The discharge of firearms outside of the building or designated shooting lanes inside the building is prohibited.
21. Anyone entering the range shall wear appropriate safety eye protection and ear protection apparatuses, with double hearing protection devices the preferred requirement.
22. Any changes to the plans and specifications upon which this approval is based, other than those required by the above conditions, will require submittal of an application for modification and approval of that application prior to commencing any change.
23. The Commission may revoke a conditional use permit for any of the following: A) Violation of Garden City Code or State or Federal Laws; B) Failure to abide by any conditions of this permit; C) Causing or allowing a nuisance as determined by Garden City Code, in connection with the use for which the permit is granted.
24. Any violation of the conditions of this application is a criminal offence.
25. Should there be a change in use, the use is discontinued for more than one year without written documentation submitted to the City indicating intent to continue the use, or clear intent to cease the use, this approval shall become void.
26. Occupancy or an application for a building permit shall be considered commencement of the use permitted by this approval. All previous rights to no permitted uses shall be considered null and void once this use has commenced.
27. There is a ten (10) day right to appeal to City Council. An appeal shall be made on the form provided by the City and filed with the City Clerk within ten (10) days after the action of the decision.

### **General Requirements**

1. This approval is only approval of the conditional use permit. All other applicable permits must be obtained prior to a certificate of compliance or occupancy.
2. The approval is specific to the application provided and reviewed. Final approval is based on substantial conformance.
3. Final approval is subject to the approval of other reviewing agencies and City Departments. Any more restrictive standards adopted and made applicable by any Transportation Authority, Fire Authority or other Federal, State or Local regulatory agencies shall prevail.
4. All improvements and operations shall comply with applicable local, state and federal requirements and procedures whether specifically addressed in the analysis of this application or not. This shall include but not be limited to 8-4A General Provisions of Design and Development Regulations; 8-4I-3 and Landscape maintenance provisions 8-4I-9; and standards for transportation and connectivity provisions identified in 8-4E.
5. Any tree grates shall be widened to accommodate the growing tree trunk and prevent girdling of any trees planted in tree wells within sidewalks or other public right of way.

6. Plant materials which exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated to correct the problem. Dead plant materials shall be replaced.
7. Where landscaping might impact motorist or pedestrian sight distance, shrubs shall be maintained below three feet (3') in height and trees shall be pruned so that the lowest branches will be at least seven feet (7') above the ground level.
8. A three foot (3') clearance zone shall be maintained around the circumference of fire hydrants.
9. Retain and protect existing trees, vegetation, and native soils and integrate these features into the overall landscape plan.
10. If trees are staked, the stakes shall be removed within twelve (12) months to prevent damage to the tree.
11. All planting areas that border driveways, parking lots, and other vehicle use areas shall be protected by curbing, wheel stops, or other approved protective devices.
12. Trees shall be planted at least three feet (3') from curbs, sidewalks, driveways and other hard surfaces to buffer from stress caused by vehicle overhang and compacted soils, or planted with sufficient space to provide for the full maturity of the particular tree species.
13. All other plant material, except sod or ground cover, shall be set back a minimum of one foot (1') from any curb edge to protect from vehicle overhang and mechanical damage.
14. The landscape installation shall stabilize all soil and slopes.
15. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.
16. Demonstrate compliance with 8-4G-1 prior to certificate of occupancies.
17. This approval is for this application only. Additional permits, licenses and approvals may be necessary.
18. Property maintenance standards shall be maintained as required by Garden City Code 8-4K.
19. The property owner is responsible for the maintenance of all landscaping and screening devices required.
20. Cross-Connections: All cross-connections between the domestic water lines and the irrigation water lines shall be in accord with the City's adopted standards, specifications and ordinances.
21. Utility easements that are unobstructed by permanent structures shall be provided along front lot lines, rear lot lines, and side lot lines when deemed necessary by the City Engineer. Total easement width shall not be less than ten feet (10'), with twelve feet (12') recommended, front and rear, with at least twenty feet (20') required for water and sewer easements for main lines.
22. Unobstructed easements, including but not limited to, drainage, water, and sewer easements shall be provided as required by the City Public Works or Planning Official.
23. Materials submitted after the decision shall not be considered part of the record for this decision. If additional materials or information is submitted after the decision the application may be remanded to the decision making body during which time the decision shall be stayed provided that there is no immediate threat to life or safety.
24. Any changes in the design, construction, operation or use shall be brought to the immediate attention of the Planning Official for determination if the changes are in substantial conformance with the City's action.
25. No change in terms and conditions of this approval shall be valid unless in writing and signed by the applicant or his or her authorized representative and an authorized representative of the reviewing agency. The burden shall be upon the applicant to obtain the written confirmation of any change and not upon Garden City.
26. The Commission may revoke a conditional use permit for any of the following: A) Violation of Garden City Code or State or Federal Laws; B) Failure to abide by any conditions of this permit; C) Causing or allowing a nuisance as determined by Garden City Code, in connection with the use for which the permit is granted.
27. Any violation of the conditions of this application is a criminal offense.

28. Should there be a change in use, the use is discontinued for more than one year without written documentation submitted to the City indicating intent to continue the use, or clear intent to cease the use, this approval shall become void.
29. An application for a building permit shall be considered commencement of use of this permit.
30. An extension may be granted by the Commission upon findings that the application and or the applicable City regulations have not changed. Such extension shall be applied for sixty (60) days prior to the expiration date for the original approval; only one extension of not more than three hundred sixty five (365) days shall be granted.
31. There is a 10 day right to appeal to City Council. An appeal shall be made on the form provided by the City and filed with the City Clerk within ten (10) days after the action of the decision.

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Chairman, Planning and Zoning Commission

Date

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