

CITY OF CODY
PLANNING, ZONING AND ADJUSTMENT BOARD
TUESDAY, May 13, 2014
CITY HALL COUNCIL CHAMBERS @ 12:00 NOON

MEETING AGENDA

1. Call to Order by Chair Justin Lundvall
2. Roll Call, excused members
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of Minutes of the April 22, 2014 –Regular Meeting.
6. Approval of Minutes of the April 29, 2014 –Special Meeting.

7. NEW BUSINESS:
 - A. Site Plan Review-Park County Sheriff Departments Search & Rescue located at 721 15th Street.
 - B. Landscape, Architecture, Sign Plan-Park County School District 6 Court Tennis Complex located at 2901 Cougar Avenue.
 - C. Site Plan Review- Ed Higbie- 5,728 square foot shop and office area located at 178 Blackburn Street.
 - D. Public Hearing and Special Exemption Review for an indoor firearms range-Wyoming Firearms Experience located at 1138 12th Street.

8. APPROVED SIGN APPLICATIONS:

None.

9. P&Z Board Matters (announcements, comments, etc.)

10. Council Update: Steve Miller

11. Staff Items

12. Adjourn

The public is invited to attend all Planning, Zoning and Adjustment Board meetings.
If you need special accommodations to participate in the meeting, please call the City office at (307) 527-7511 at least 24 hours in advance of the meeting.

City of Cody
Planning, Zoning and Adjustment Board
Tuesday, April 22, 2014

A regular meeting of the Cody Planning, Zoning and Adjustment Board was held in the Council Chambers of City Hall in Cody, Wyoming on Tuesday, April 22, 2014 at 12:00 PM

Present: Justin Lundvall, Chairperson; Justin Ness, Vice Chairperson; Brad Payne; Bob Senitte; Mark Musser; Buzzy Hassrick; Sandra Kitchen, Deputy City Attorney; Steve Miller, Council Liaison; Todd Stowell, City Planner; Kylie Hanson, Administrative Secretary.

Absent: Kim Borer

Chairperson Justin Lundvall called the meeting to order at 12:01 PM, followed by the pledge of allegiance.

Justin Ness made a motion, seconded by Buzzy Hassrick to approve the agenda. Vote on the motion was unanimous, motion carried.

Brad Payne made a motion, seconded by Buzzy Hassrick, to approve the minutes for the April 8, 2014 meeting, with a correction to the adjournment time to be 12:45 P.M. Vote on the motion was unanimous, motion carried.

Presentation of Communications:

Todd Stowell presented the Landscape and Architecture Review for the Cindy Ivanoff private garage within a D-2 zone located at 1820 Sheridan Avenue.

Justin Ness made a motion, seconded by Mark Musser, for the Planning and Zoning Board to grant zoning approval for the project, as presented. Vote on the motion was unanimous. Motion carried.

Todd Stowell presented the staff report for the Minor Subdivision-Amended Plat of the Lafollette Subdivision.

Brad Payne made a motion, seconded by Justin Ness, to approve the amended Plat of the Lafollette Minor Subdivision, and authorize the Planning and Zoning Board Chairman to sign the final plat mylar, subject to verification from CenturyLink that they have no utilities in the easement that is to be vacated. Vote on the motion was unanimous. Motion carried.

Todd Stowell presented the Downtown Sign Review for Mossy Oak Properties located at 1025 12th Street.

Buzzy Hassrick made a motion, seconded by Mark Musser, to approve the Mossy Oak Properties Sign located at 1025 12th Street, as presented. Vote on the motion was unanimous. Motion carried.

Todd Stowell presented the Downtown Sign Review for C.E. Phillips Attorney, located at 1349 Sheridan Avenue.

Justin Ness made a motion, seconded by Bob Senitte, to approve the C.E. Phillips Attorney sign located at 1349 Sheridan Avenue. Vote on the motion was unanimous. Motion carried.

Todd Stowell presented the Downtown Sign Review for 1900's Charm located at 1531 Beck Avenue.

Bob Senitte made a motion, seconded by Buzzy Hassrick, to approve the 1900's Charm Sign located at 1531 Beck Avenue. Vote on the motion was unanimous. Motion carried.

Todd Stowell informed the Board that the Photometric Plan for the Canopy located at 1200 17th Street had not been submitted by the time of the meeting, as requested.

Buzzy Hassrick made a motion, seconded by Bob Senitte, to table the Good 2 Go Photometric Plan for the Canopy located at 1200 17th Street.

Justin Ness abstained from the vote.

Buzzy Hassrick, Mark Musser, Justin Lundvall, Brad Payne and Bob Senitte approved the motion, motion carried.

Justin Ness recused himself from the following application.

Todd Stowell presented the site plan for Cody Laboratories Warehouse Facility located within the Heavy Industrial Zone, on the north side of Road 2AB.

Joe DesJardin spoke regarding the project. He noted no objection to following up on the emergency response plan and evidence of compliance. The building plans should be submitted to the City this week. These will include the details on the generator and the containment system. The containment system is following several codes and regulations, and they are in contact with Wyoming DEQ. This would be an underground system. Bob Senitte noted a concern with mulch being used due to the local weather conditions. Joe said they would look at changing to the local custom. Buzzy Hassrick commented regarding the suggested trees for landscaping, and Joe said they could work with Todd to provide a more local recommendation. Brad Payne noted that he would like to see the proposed containment system.

Buzzy Hassrick made a motion, seconded by Bob Senitte, to approve the site plan for Cody Laboratories Warehouse Facility, as submitted subject to the following:

1. The emergency response plan and evidence of compliance with applicable state and federal permits or licenses pertaining to hazardous materials must be submitted for review and approval prior to use of the facility (certificate of occupancy). The emergency response plan will be reviewed and approved by the Fire Marshal. Planning and Building staff will verify the necessary hazardous material licenses and permits.
2. The containment system plans are to be submitted to the Planning, Zoning and Adjustment Board.
3. The proposed mulch is to be replaced with rock.
4. The generator shall be baffled or contained in a manner allowing it to stay within the set noise threshold.

Vote on the motion was unanimous. Motion carried.

Steve Miller left the meeting at 12:44 PM.

Justin Ness rejoined the meeting.

Todd Stowell presented the Planned Unit Development review of the preliminary plat and a “major adjustment” to the PUD plan for Trailhead 3 P.U.D. Phase 6. A 45-lot subdivision, with a request to allow duplexes on up to ten of the lots. Located south of Twin Creek Trail Avenue and east of Robert Street.

Public Hearing:

Chairperson Justin Lundvall opened the public hearing at 12:47 p.m.

Jim Evans, with Sage Civil Engineering, spoke regarding the history and progression of the project.

Chairperson Justin Lundvall closed the public hearing at 12:58 p.m.

Todd Stowell outlined the conditions noted in the Staff Report, and the reasoning for each of these. He also noted comments received from the Fire Marshal regarding Appendix D of the Fire Code, which is not an adopted code, but a good guideline to follow.

Justin Ness asked as to the location of the closest park. Todd noted that they have provided common area in the amount of 20+% of the total area. There is property deeded to the City along E Avenue, but the area is not officially designated as a park.

Sam Wilde spoke regarding the street widths and public safety concerns. Fire Code requires a 20’ wide access for the truck, based on the width of the truck with the outriggers out to support the truck. This does not count cars parked on the street. A width up to 26’ should be signed as no parking if there is a fire hydrant that needs to be accessed, from 26’-32’ there should only be parking on one side. These distances are to be edge of asphalt measurements.

Jim Evans noted that there is a 29’ paved width and that they do also have the standard 2.5’ curb. The common area was outlined in greater detail. The common area is owned by the HOA.

Ed Higbie, the developer, spoke regarding the project. He noted the street width is 32’ from curb to curb. Additional information was provided to the Board regarding the covenants on the subdivisions. The covenants require three off street parking spaces, two of which can be in the garage. It also prohibits the parking of campers and other trailers on the street. Mr. Higbie discussed his reasoning for the additional units within this subdivision.

Justin Ness commented regarding the narrow common areas and the upkeep of them. He asked as to the ability to have a park planned for this area. Ed Higbie, noted park/common areas on E Avenue, on Pleasant View and on West Cooper Lane and one on the edge of phase 4 and 5 that laps over into the open space. Not all of these are in place at this time, but are intended to be grassy area. He noted a demand for walking paths.

Justin Lundvall asked as to any concerns there would be with having sod in the common area as noted by staff. Ed Higbie asked if this verbiage could be changed from sod, to a sod type of planting. He does anticipate planting grass which will be like sod after a couple of years. Staff pointed out that “sod” was not intended to refer to how it was planted, but the end result.

Justin Ness asked as to the maintenance of the walkways. Ed Higbie noted that the HOA does maintain the walkways. The HOA dues were raised this year from \$125 to \$150 per year, per home.

Justin Lundvall asked if a variance would be needed for the Fire Code and street width. Todd Stowell noted that the major adjustment process will allow the board to specify the standard appropriate for this development.

Buzzy Hassrick asked if there was a plan notating an ideal park in the overall development. Todd Stowell noted that they had submitted a conceptual plan showing the development of the overall 80 acres. This mostly outlined the common areas and not a park. There is 5 acres which was deeded to the City, but this was not officially designated as a park, but as “Public Use Area”.

Jim Evans did ask the Board for some flexibility with the staff comments regarding the street width.

Justin Ness asked as to the pavement width on the most recent PUD on 29th Avenue (Thiel). Todd Stowell noted that it was within a foot or two of being 39’—wide enough for two lanes and parking on both sides.

Mark Musser asked Sam Wilde if the width of pavement, as noted by Jim Evans, with the 18” curb pan would be a satisfactory width. Sam Wilde was okay with this width.

Justin Ness recommended looking at the small pathways located within the project, and ways of addressing concerns of maintenance. Todd Stowell noted the width of the area discussed is 12’, and that the pathway along the one side is already existing and currently does not seem to have an issue with trash buildup. Todd Stowell noted that according to code they must provide 20% of the area as common area or open space, and that in a PUD they cannot provide cash-in-lieu. The 20% is also not an adjustable standard and no variance is allowed. Bob Senitte asked if the City had a way to require the common areas to be cleaned up. Todd Stowell noted that the City could enforce the nuisance ordinance on these areas. Jim Evans noted that the common area currently exceeds the 20% for the area that has been developed, but this amount will apply to the future phases within the 80 acres. Any changes to this now could affect the area going forward.

Mark Musser made a motion, seconded by Buzzy Hassrick, to recommend that the City Council authorize the “major adjustment” and approve the preliminary plat for Trailhead 3 P.U.D., Phase 6 subject to the following conditions:

1. Prior to consideration of the preliminary plat by the City Council, make the following modifications to the drawings:
 - a. Modify Note 5 to read as follows, or as otherwise approved by staff to reflect the approved situation:
Lots P6-9, P6-10, P6-17 thru P6-19, and P6-31 thru P6-35 are authorized for single-family detached dwellings or duplexes. Lots P6-11 thru P6-14 are authorized for single-family detached or attached dwellings, with one dwelling on each lot. Lots P6-46 and P6-47 are Common Area tracts not authorized for residential development. Each of the other lots within this plat are authorized for one single-family detached dwelling.
 - b. Modify Note 6 to read as follows, or as otherwise approved by staff to reflect the approved situation:
Building Setbacks:
From street property line provide a minimum of 15 feet, except a minimum of 25 feet is required for the side of the garage with the vehicle door.

From rear property lines, provide a minimum of 15 feet for the dwelling and 5(?) feet for any detached accessory buildings.

From side property lines adjacent to other lots, provide a minimum of 5 feet, except attached single-family dwellings need no setback at their common wall.

- c. Distinguish the line work outside of this plat from the lines within the plat (Suggestion-bold the boundary of the phase and lighten the lines outside of the phase.) Reflect the line work in the legend.
- d. Correct the easement note references on the plat drawing (35' instead of 15' and reference Note 3 on the Cody Canal easement, reference Note 2 on the 12' utility easement).
2. Provide the temporary drainage easements with the final plat, either in the form of an easement document, or by expanding the plat boundary to include the area and adding appropriate labels.
3. The common area to the west of the lots must be improved to a more functional state than the "native grass" requested. It is recommended that once mature the surface over the majority of the area east of the irrigation canal shall resemble a sod type playing field. A plan for landscaping of the area must be submitted for approval with the final plat.
4. No above-ground or non-traffic rated utility boxes are permitted at the common lot line locations, unless the driveway and garage door opening is at least three(?) feet from the common property line.
5. Utility fees applicable to the project will be determined with the final plat.
6. Street names are subject to approval by the road name committee, with final approval by the City at the time of final plat.
7. The developer is responsible for the costs and applications associated with transfer of the surface water rights from the City to the developer.
8. Construction plans for all subdivision improvements shall be submitted for review with the final plat application, in compliance with all provisions of City of Cody Code, except as modified by the preliminary plat approval.
9. The final plat application shall otherwise contain and comply with the City subdivision ordinance.

Todd presented the approved sign application for Norma's MexiCan located off of the Greybull Highway. There were two on-premise signs approved, one located on the north side of the intersection of the Greybull Highway and the Meeteetse Highway, and another located near Roger Sedam Drive.

P&Z Board Matters:

The Board had no matters to discuss.

Council Update:

There were no Council updates.

Staff Items:

There were no staff matters to discuss.

Mark Musser made a motion, seconded by Brad Payne adjourn the meeting. Vote on the motion was unanimous, motion carried.

There being no further business to come before the board, Chairperson Justin Lundvall adjourned the meeting at 1:48 PM.

Kylie Hanson
Administrative Secretary

City of Cody
Planning, Zoning and Adjustment Board
Tuesday, April 29, 2014

A special meeting of the Cody Planning, Zoning and Adjustment Board was held in the Council Chambers of City Hall in Cody, Wyoming on Tuesday, April 29, 2014 at 12:00 PM

Present: Justin Lundvall, Chairperson; Justin Ness, Vice Chairperson; Bob Senitte; Scott Kolpitcke, City Attorney; Todd Stowell, City Planner; Utana Dye, Certified Level II Engineering Technician II.

Absent: Buzzy Hassrick; Brad Payne; Mark Musser and Steve Miller, Council Liaison.

Chairperson Justin Lundvall called the meeting to order at 12:01 PM, followed by the pledge of allegiance.

Justin Ness made a motion, seconded by Kim Borer to approve the agenda. Vote on the motion was unanimous, motion carried.

Presentation of Communications:

Todd Stowell presented the Good 2 Go Photometric Plan for the Canopy located at 1200 17th Street.

Marty Duff a representative for the Good 2 Go Stores. Spoke to the reason of having 14 light fixtures. He stated that the canopy is 10' longer and adding 14 light fixtures is not too excessive for this site.

Kim Borer made a motion to approve the photometric plan for 12 light fixtures for the Good 2 Go located at 1200 17th Street. Motion fail lack of a second.

Bob Senitte made a motion second by Justin Ness to approve the photometric plan for 14 light fixtures for the Good 2 Go located at 1200 17th Street. Kim Borer voted in opposition of the motion. Justin Ness, Justin Lundvall and Bob Senitte voted in favor of the motion. Motion failed.

Justin Ness made a motion second by Bob Senitte to approve the photometric plan for 14 light fixtures for the Good 2 Go Store located at 1200 17th Street. Vote on the motion was unanimous. Motion carried.

Vote on the motion was unanimous. Motion carried.

Justin Ness made a motion, seconded by Bob Senitte to adjourn the meeting. Vote on the motion was unanimous, motion carried.

There being no further business to come before the board, Chairperson Justin Lundvall adjourned the meeting at 12:25 PM.

Utana Dye
Certified Level II Engineering Technician II

**CITY OF CODY
PLANNING, ZONING AND ADJUSTMENT BOARD
STAFF REPORT**

MEETING DATE:	MAY 13, 2014	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	SITE PLAN REVIEW: PARK COUNTY SEARCH AND RESCUE BUILDING SPR 2014-14	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT DESCRIPTION:

The Park County Sheriff has submitted an application for construction of a 38' by 70' metal building immediately south of the existing building at 715 15th Street. The property will be utilized by Search and Rescue for the storage of emergency vehicles and as an incident command center during search and rescue events. The command center will be on a partial second floor within the new building. The building will not be occupied other than during search and rescue events and training. For the last couple of years they have averaged about 25 calls per year. A 20 to 25-foot tall and 2-inch diameter radio antenna would be mounted on the roof of the new building, towards the southwest corner.

Existing building:



REVIEW CRITERIA:

The property is located within the General Business (D-2) zoning district, which permits offices and storage buildings.

Section 10-10B-4 of the zoning regulations states:

All structures within the district shall be architecturally compatible. Architectural and landscaping plans shall be submitted to the planning and zoning commission for approval. Architectural and landscaping details shall be maintained as shown by the approved plans.

Section 9-2-3 is as follows:

Before the issuance of any permit under the international building code for commercial buildings situated within the city, the applicant, property owner and occupant shall meet with the planning, zoning and adjustment board to review the application and plans insofar as they pertain to the exterior of a commercial building and site plan conditions. The issuance of a permit shall be conditioned upon the applicant receiving an affirmative vote of a majority of the planning, zoning and adjustment board members in attendance at said meeting.

STAFF COMMENTS:

Architecture:

An elevation drawing of the proposed building is included, which shows a 19-foot height at the front parapet, and 16-foot side walls. The roof is a 1:12 pitch gable roof with no overhang. The application indicates the building siding will match the existing building on the property which is a horizontal lap style in a tan/light brown color scheme. The lower portions of the new walls are proposed to have vertical siding to provide architectural variation.

The matching siding and the parapet on the front of the building will help a lot with the architectural character of the building. The lack of roof overhang is somewhat of a concern, but adding it would mean having to shrink the building width and that would have major impacts to the floor plan.

Surrounding land uses include residences to the west and south, a landscape business to the north, and an apparent storage building/lot across the street. Zoning on all sides is also D-2, except to the south is Residential B.

The P&Z Board will need to determine if the proposed materials, colors, and architecture are suitable to the situation.

Landscaping:

No landscaping currently exists and no vegetation is proposed. The building will be located in an area that was most recently a gravel compound. A flag pole will be added, which does have a hardscape decorative component.

Parking:

It is not clear if the parking in the building would count towards required parking, as it is only available for vehicle storage. It is recommended that it not be counted and that required parking only be calculated on actual demand, rather than building area. The applicant notes that most events have 4-6 responders per call. Additional assistance may be at the scene, but they do not originate from this building. It is noted that not all stored vehicles are needed for most response events. Therefore, they can typically park in front of many of the bays and not interfere with the response.

In front of the existing bays there is physically room for seven passenger type vehicles (eight if the flag pole were moved to in front of the front gable) and a "sidewalk" passage behind the parked cars (approx. 32' total). Acknowledging the need to get vehicles out of the facility, likely only four or five spaces would be available, leaving a potential lack of one or two parking spaces. However, it is recognized that on-street parking is available along the south frontage of the property (about 3 spaces).

They also plan to hold small training sessions at the facility, with 9-10 attendees. For training meetings, all spaces in front of the existing building would be available. The Board will need to determine if the parking situation is acceptable. Due to the limited amount of parking, large training sessions or other meetings should not be authorized at the facility, but could be held at the law enforcement center.

Provided the use is not open to the public, ADA parking is not required. If it were, it would reduce the amount of available one-site parking by at least one space.

Lighting

Exterior lighting includes three 250 watt wall packs located above the two overhead doors and the south entry door. The wall packs are not full-cut off style. Staff recommends that the wall packs—particularly the one over the south entry door, be full-cut off style (fully shielded lens). The lights are immediately next to the property lines and are visible from residential areas across the street.

Neighborhood Compatibility, Setbacks and Buffers, and Height Requirements

There are no specified zoning setbacks or height limits for the D-2 zone. No buffers are required for this proposal—the residence immediately west is on two lots, the closest of which is zoned D-2. The proposed setbacks are shown on Sheet 1.

Storm Water Plan:

A storm water plan has been submitted and appears to meet the city storm water policy requirements, based on the assumption that the gutter system is sloped to direct at least 750 square feet of the roof area to the infiltration trench on the west side of the building. The plans should have the details of the roof drainage added.

Utility Services

The application indicates no new utility services. There will be a relocation of the electrical service panel to provide necessary separation from the gas meter. Other modifications/extensions to the utilities are within the building.

Signage

A simple sign indicated "Park County Search & Rescue" will be mounted on the parapet of the new building. The size and location meet the city sign code and can be authorized. The former signs on the existing building are considered abandoned and they and their support frames must either be removed or re-permitted.

Snow Storage

There is no snow storage area indicated on the site plan. Being a County facility, they have the resources to haul off the snow if needed, which is likely adequate to satisfy the intent of the requirement.

ATTACHMENTS:

Application materials.

ALTERNATIVES:

Approve or deny the project with or without changes.

RECOMMENDATION:

If the Planning and Zoning Board is agreeable to approving the application, it is recommended that it be subject to following.

1. That unless adequate off-site parking is provided, use of the facility is limited to the storage, command center, and small search and rescue training sessions as described by the applicant. The facility cannot be used for large training events/meetings, or other uses that would exceed available parking on site and along the property frontage.
2. That detail to the construction plans be added showing the gutter system being sloped to direct runoff from at least 750 square feet of the roof area to the infiltration trench on the west side of the building.
3. That the exterior lighting be full cut-off style (no lens below the metal fixture housing).
4. That the project must otherwise comply with the submitted plans and applicable building, fire, and electrical codes.



PLANNING, ZONING AND ADJUSTMENT BOARD
COMMERCIAL SITE DEVELOPMENT APPLICATION

STAFF USE
File #: SPR2014-_____
P&Z Invoice:_____
Date Submitted:_____

Applicant's Name: _____ Business Name: _____

Applicant's Mailing Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Cell: _____ Email: _____

Project Address: _____ Cody, WY Zoning: _____

Property Owner's Name: _____ Phone/Cell: _____

Property Owner's Mailing Address: _____ City: _____ State: _____ Zip: _____

Description of Proposal (attach additional sheets as necessary): _____

Legal Description of Property (or attach copy of deed): _____

Estimated Construction Start Date: _____

Representative Attending Planning and Zoning Meeting: _____

Signature of Property Owner: _____
Signature *Date*

APPLICATION MATERIALS:

Applicants are encouraged to arrange a pre-application meeting with staff to ensure a complete submittal. Re-submittal of an application may result in additional fees. The following items are to be submitted with the application.

1) **FEE:** Each application shall be accompanied by one of the following review fees as set forth by Resolution 2011-09. Payment may be made by cash, check, or credit card (Visa, MasterCard, Discover).

- Site Plan Review (also includes Landscape, Architecture, and Sign Plan).
Size of Building/Addition: _____ S.F. @\$0.05 per square foot \$250.00 minimum
- Landscape, Architecture and Sign Plan only. (Typically modifications to existing development.) \$100.00
- Minor Commercial Review. (Windows, doors, awnings, building access or exterior finish only.) \$50.00

2) **COPIES:**

- Twelve (12) paper copies* of the application materials (plans, project description, sign plan, and other required information).
- A digital copy (PDF) of each of the application documents.

*For complex projects, or if the applicant wishes, submit only two full-size paper copies and the electronic copy for staff review and wait until staff review is complete before providing the 12 copies for the Planning and Zoning meeting. This allows for corrections and changes to the plans before the 12 copies are printed. The 12 copies and an updated PDF will need to be submitted well before the Planning and Zoning meeting, as coordinated with staff.

3) **PLANS AND ADDITIONAL FORMS:** Commercial Site Plan Review requires all of the following, whereas minor commercial reviews and landscape/architectural plans need only include applicable items. All plans must be dimensioned, clearly legible, and to a standard scale.

Please include the following Architectural and Site Plan components:

- Provide a site plan showing all existing and proposed buildings and structures, outdoor use areas, lot lines, setbacks, access points, driveways, easements, landscape areas, signs, fences, fire hydrants, wells, and drain fields, as applicable. Include a vicinity map with vicinity information describing surrounding land use and zoning.
- Show parking layout and pedestrian access details (parking lot surfacing/pavement limits, curbing, sidewalk, ADA ramps, tactile warning strips, etc.). Include details to verify compliance with the City off-street parking ordinance (Title 10, Chapter 16), and ADA requirements.
- Provide dimensioned elevation views of each building face to illustrate scale, materials, colors, and roof lines.
- Identify proposed fencing and retaining walls (location, height, materials).
- Provide exterior lighting details (location, size, type of lighting, and cut sheets). Note: Photometric plans may be required for projects with intensive exterior lighting or locations with potential lighting conflicts. Full cut-off lighting fixtures are typically required.
- Show the general grading and drainage scheme.

Please include the following Utility components:

- Identify all existing and proposed domestic water, sanitary sewer, storm water, electrical, raw water, natural gas, and telecommunication utility lines.
- If a new or redeveloped commercial site, submit complete grading and storm water plans and a drainage report from a WY licensed engineer, which comply with the city storm water management policy manual (no increase in runoff). Identify the location and size of all drainage facilities.
- Complete and submit the attached Electrical Division Review Comments Form.
- Locations and layout of existing electrical power lines, electrical equipment, and utility easements on or adjacent to the project site.
- Identify the trash and recycling dumpster locations and any proposed screening. (City trucks are side-loading)
- Identify snow storage areas.

Please include the following Landscape components:

- Provide a landscape plan to illustrate location of landscaping, type and number of plant and landscaping materials, type of groundcover, and the irrigation source and route to landscape areas.
- Provide a Landscape Bond Agreement if applicable (If want occupancy prior to installation of landscaping).

Please include the attached Sign Plan Application

- Sign Plan Application and associated documentation (No additional fee required when the sign plan is submitted with this application.)

PLANNING AND ZONING BOARD REVIEW:

Review of this application is conducted by the Planning and Zoning Board. The Board meets the 2nd and 4th Tuesday of each month at noon in the City Council Chambers (1338 Rumsey Avenue). Applications should be submitted at least one month prior to the meeting to allow review and comment by affected city departments, and any needed revisions. Incomplete and complex projects occasionally require longer. Exceptions to the one-month submittal deadline may be made when staff workload and schedules allow. NOTE: It is possible to submit for building permit review at the same time, if your construction drawings are complete.

Desired Planning and Zoning Meeting Date: _____, 2014

2014 Meeting Dates:

Jan. 14 & 28	April 8 & 22	July 8 & 22	Oct. 14 & 28
Feb. 11 & 25	May 13 & 27	Aug. 12 & 26	Nov. 11 & 25
Mar. 11 & 25	June 10 & 24	Sept. 9 & 23	Dec. 9 & 23



COMMUNITY DEVELOPMENT DEPARTMENT
SIGN PLAN REVIEW APPLICATION

STAFF USE
File #: SGN 2014-_____
P&Z Invoice: _____
Approved By: _____
Date: _____

Applicant's Name: _____ Business Name: _____

Applicant's Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Cell: _____ Email: _____

Project Address: _____ Cody, WY Zoning: _____

Property Owner's Name: _____ Phone/Cell: _____

Property Owner's Mailing Address: _____ City: _____ State: _____ Zip: _____

Sign Installer (Commercial signs require a licensed installer): _____

- Types of Signs: Attached Wall Projecting Awning Banner (Temporary) Inflatable (Temporary)
 Freestanding Monument Electronic Message Board Temporary A-Frame
 Other (Marquee, Suspended, Bulletin, Billboard, Subdivision, etc.)—Please describe _____

Is the sign in the Downtown Sign District? (1/2 block each side of Sheridan Avenue, from 9th St. to 16th St.) No Yes

Will an existing sign be replaced by the proposed sign(s)? No Yes (If yes, note which sign in description below.)

Brief Description of Proposal: _____

Property Owner: _____ OR Letter of authorization from property owner

Signature

Date

FEE SCHEDULE:

Each application for a sign review shall be accompanied by a review fee as set forth by Title 10 Chapter 15 of the city code.

- | | |
|--------------------------------------------------------------------------------------------------------|--------------------|
| <input type="checkbox"/> Off Premise Temporary A-Frame Signs | No Fee |
| <input type="checkbox"/> Sign Application Submitted with Commercial Site Development Application | No Additional Fee* |
| <input type="checkbox"/> Flush/Wall Mount Signs, without Electricity | \$25.00* |
| <input type="checkbox"/> Sign Plans with Electrical, Requiring Base Structure or Projecting Sign Plans | \$50.00* |

* A building permit fee, based on the valuation of the sign, is required in addition to the fee noted above. The building permit fee is calculated and collected when the permit is ready to be issued.

MATERIAL REQUIRED FOR SUBMITTAL & REVIEW

- Two* copies of a drawing or graphic rendering of the proposed sign(s) that indicate the sign content, design, colors, dimensions, area per sign face, materials, lighting and anchoring/mounting details. (* 12 copies if Planning and Zoning Board Review needed.)
- Identify any existing signs that will be removed or replaced by the proposed signs.
- If the proposed sign is under the general category of "freestanding" (not attached to a building), submit:
 - A site plan that identifies the location of the freestanding sign and its distance to all property lines and utility easements in proximity.
 - The dimensions and square footage of any freestanding sign that will remain on the premises.
- If the proposed sign is attached to a building or something on a building, submit:
 - Drawings or photo renderings of the building elevations with all proposed signs depicted.
 - If the sign is permanent (>120 days), note the dimensions and square footage of any existing attached signs that will remain on the premises.
- A Building Permit Application for the sign(s).

If applicable, please provide any additional information pertaining to the specific sign type as necessary to demonstrate compliance with the city sign code (Chapter 10-15). Some of the requirements for specific sign types include:

- Banners must be displayed as a wall sign or attached to railings, and must be securely fastened so that it may not be blown down, in whole or in part. Any other location for display of a banner or advertising flag must be approved through the planning, zoning and adjustment board.
- Advertising flags must be securely fastened.
- Banners and advertising flags must be of professional quality construction and appearance pursuant to the definition in section [10-15-2](#).
- If the banner/advertising flag becomes damaged or detached, it must be removed or repaired within 48 hours.
- Banners are subject to the 120-day time limit for temporary/seasonal signs.

Electronic Message Boards and Animated Signs:

- Not more than one electronic message board sign may be permitted per zoning lot.
- The sign shall not display off-premise commercial advertising.
- They are not permitted in residential sign districts.
- The leading edge of the sign must be a minimum distance of 100 feet from an abutting residential zoning district.
- Electronic message boards must utilize an automatic dimmer control so as to not exceed a maximum luminance of 5,000 nits from sunrise to sunset, and a maximum luminance of 500 nits from sunset to sunrise.
- The use of audio speakers is prohibited in association with a sign.
- Electronic message boards and animated signs shall be permitted only in the following sign districts: D-2, D-3, and E industrial. In addition, electronic message boards and animated signs may be permitted in the downtown business district, but must have special approval by the planning and zoning board. Approval will be based on consideration of adjacent signage, the size of the proposed signage, and compliance with applicable sign requirements of WYDOT.

Temporary A-frame Signs:

- Each organization and/or business may receive one permit per year and will be valid for 7 consecutive days.
- Dates requested: _____
- No more than 5 permits will be issued for the same 7 day period. Permits are issued on a first come first served basis.
- No signs shall be placed within the public right of way except as otherwise allowed by the City Code with Council ok.
- No applicant is allowed to place more than 6 temporary A-frame signs. Please provide a site plan of the locations.
- Provide a signature or letter of authorization from each property owner.

Address	Signature

Address	Signature

Billboards: Applications must also include:

- Legal lease between the property owner and the billboard company which addresses the removal of the billboard (both the sign itself and the support structure for the billboard) at the termination of the lease.
- Bond suitable in value to cover the removal of all portions of the sign and support structure at the end of the lease.

Inflatable Signs: Applications must also include:

- Design and construction details to demonstrate compliance with City wind load requirements.
- How the electricity will be supplied to the inflatable.
- Demonstrate that the anchoring mechanisms will not present a danger to the public.
- Site plan showing existing structures, power poles, trees, street and pedestrian paths and all other features which may be impacted.
- Altitude: _____



**ELECTRICAL DIVISION
REVIEW COMMENTS**
Revised July 2013

STAFF USE
File: _____
P&Z Invoice: _____
Approved: _____
Date: _____

Project Name: _____ **Date:** _____
Project Address: _____ **Developer/Contractor:** _____

Distribution System Information Section: Please provide the following information to allow the City to determine whether system modifications will be necessary to accommodate the project's electrical service requirements. The completed form must be provided to the City Electrical Engineer prior to estimating the distribution system cost.

Project Electrical Service Requirements:

- 1) Three Phase Yes No
- 2) Voltage Needed 120/240 Volt Single Phase Yes No
 120/208Y Volt Three Phase Yes No
 277/480Y Volt Three Phase Yes No
- 3) Service Size (check one) 200 amp 800 amp
 400 amp 1200 amp
 600 amp Other _____ amp
- 4) Expected size and number of secondary service lateral conductors needed to supply project.
 Conductors per phase _____ Total conductors _____ Size of Conductors _____ MCM
 Conductor material Aluminum Copper
- 5) A copy of the site plan showing existing electrical lines and equipment on and adjacent to the project site.

Developer Instructions/Comments:

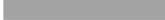
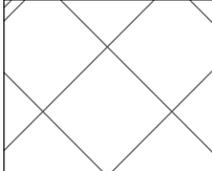
- 1) The developer shall provide and install electrical grade PVC schedule 40 conduit per the plans and specifications once the final plat is reviewed.
 - a. Invoices shall be provided to the City Electrical Engineer for all conduit and electrical material purchased for this project by the developer or contractor.
 - b. Any changes in the design of the electrical distribution system shall be discussed with and approved by the City of Cody Electrical Engineer.
- 2) All primary conduits (distribution voltage conduit) shall be installed at a depth of 48" and backfilled per City specifications as follows:
 - a. All primary conduits shall be schedule 40 electrical grade PVC , _____ inches in diameter.
 - b. A pull string is not required in 4" or larger primary conduit.
 - c. All conduit sweeps shall be 36" radius schedule 40 electrical grade PVC unless otherwise specified.
- 3) All secondary (service voltage) conduits shall be installed at a depth of 24" and backfilled per City specifications.
 - a. All secondary conduits shall be 3" schedule 40 electrical grade PVC.
 - b. A pull string is not required in 3" secondary conduit.
 - c. All conduit sweeps shall be 36" radius schedule 40 electrical grade PVC.
- 4) If a new commercial three phase service requires 12 or more conductors from the transformer to the service equipment (more than 3 per phase), then the developer shall provide a secondary connection cabinet. The City would then provide cables from the transformer to the secondary connection cabinet.
- 5) All streetlight conduits shall be installed at a depth of no less than 24" and backfilled per City specifications.
 - a. All streetlight conduits shall be 1-1/2" schedule 40 electrical grade PVC. A pull string shall be installed in the streetlight conduit run by the contractor.

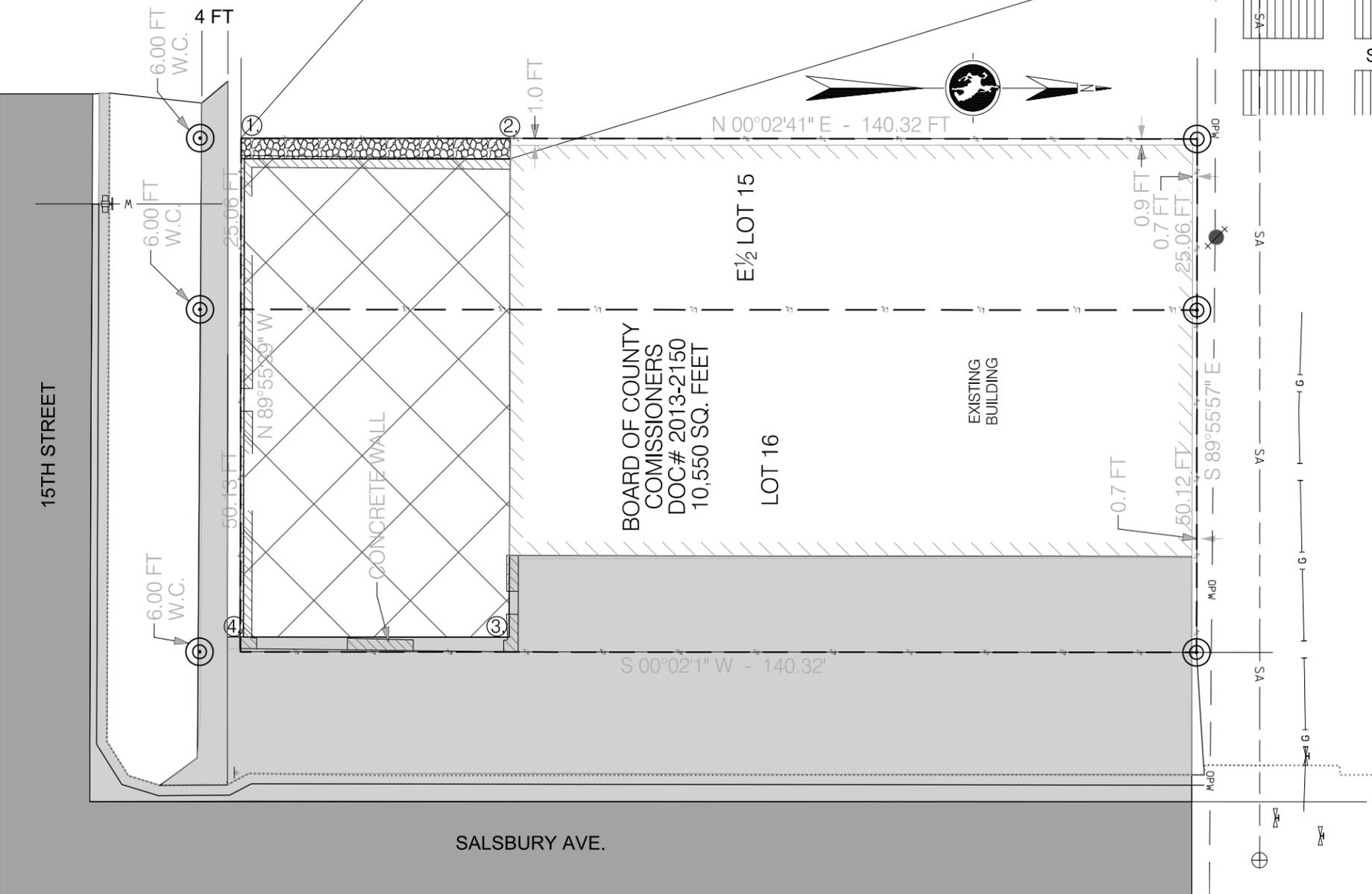
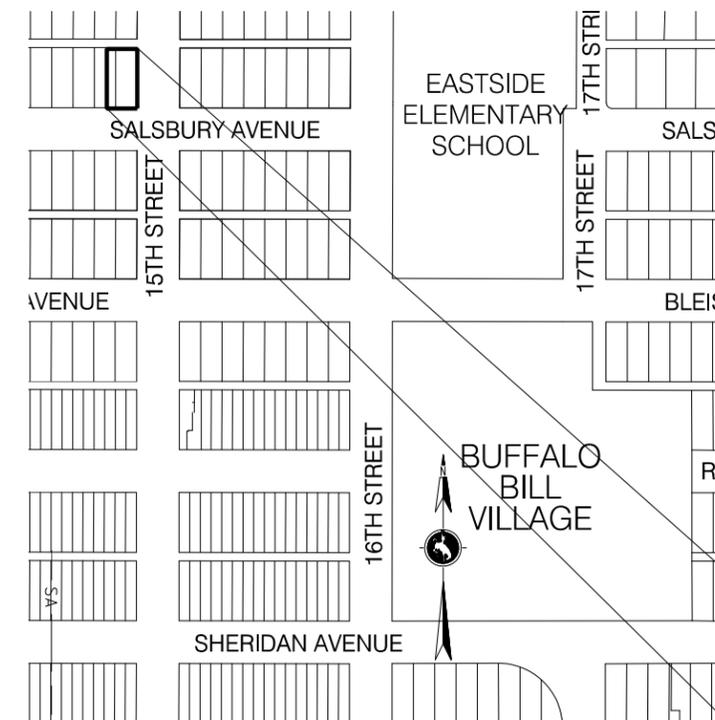
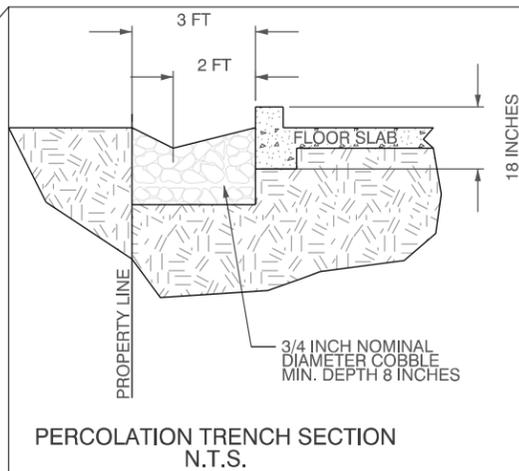
- b. All streetlight conduit sweeps shall be a minimum of 12" radius schedule 40 electrical grade PVC.
- 6) The City shall supply transformer box pads, sectionalizing vault ground sleeves, secondary service pedestals, ground rods with pigtails and streetlight bases to the developer's contractor to be installed by the contractor to City specifications. For further information on the placement and clearance requirements for such equipment, refer to the Electric Distribution Standards Policy available in the City of Cody Engineering Office.
 - a. All transformer box pads and sectionalizing vault ground sleeves shall be installed so that the top of the pad or sleeve is at least 3" above finished grade. In addition, the City supplied ground rod and pigtail shall be installed with the pad or ground sleeve with the free end of the pigtail wrapped around the conduit sweep for access by the utility for equipment installation.
 - b. Streetlight bases shall be installed so that the top of the pre-poured base is at least 2" above finished grade. The four bolt pattern shall be aligned with the street roadway, sidewalk or curb.
- 7) The developer's labor and equipment costs to install the electrical distribution conduit, box pads, ground sleeves, ground rods, secondary pedestals and streetlight bases shall be traded for the City's labor and equipment costs to install and connect the cable, transformers, sectionalizing vaults and streetlights for the project.

Easement Requirements:

- 1) The developer shall survey, describe and provide any easements necessary for the purposes of providing distribution service to the project. Easement dimensions shall be determined after the information above is obtained by the City Electrical Engineer.
- 2) Signed easement documents shall be provided to the City of Cody Engineering Office prior to start of construction.
- 3) No permanent structures, trees or large shrubs shall be placed on the utility easement by the developer or subsequent landowners. This information shall be conveyed to the buyers by the developer.

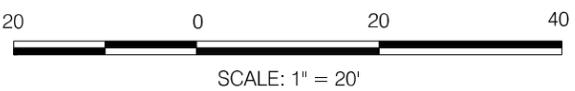
LEGEND

-  PROPERTY BOUNDARY
-  FIRST ADDN. LOT LINE
-  EXISTING PAVEMENT
-  EXISTING CONCRETE
-  PERCOLATION TRENCH
-  SET 2" ALUMINUM CAP ON 5/8" REBAR
-  PROJECT AREA



- SETBACKS**
- ① SOUTH - 0.50 FT
WEST - 3.00 FT
 - ② WEST - 3.00 FT
 - ③ EAST - 2.19 FT
 - ④ SOUTH - 0.45 FT
EAST - 2.19 FT

- NOTES**
1. EXISTING UTILITY SERVICES WILL BE USED.
 2. EXISTING DUMPSTER LOCATIONS WILL BE RETAINED.
 3. PARKING IS PROVIDED IN THE DRIVEWAY, STREET AND WITHIN THE BUILDING.



ENGINEER



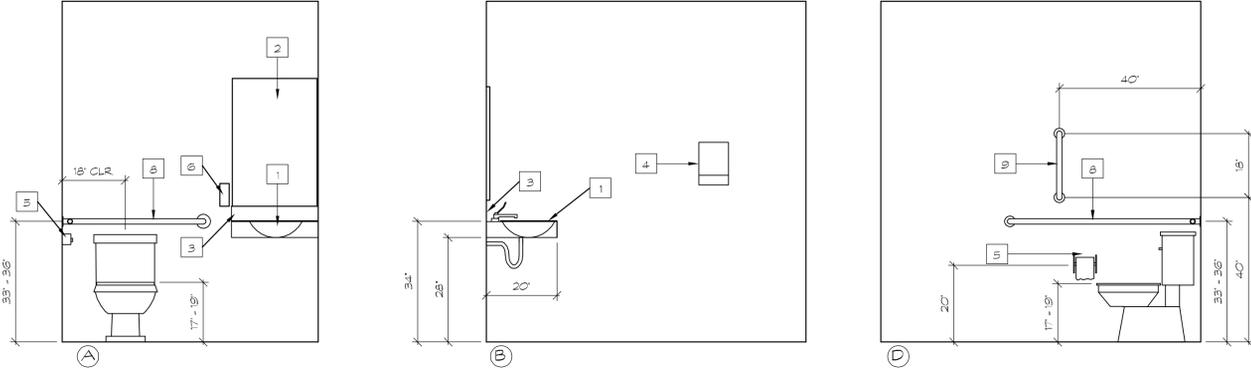
SAGE CIVIL ENGINEERING AND SURVEYING

2824 BIG HORN AVENUE
CODY, WY 82414
PHONE: (307) 527-0915 FAX: (307) 527-0916
sca@sagecivilengineering.com

PARK COUNTY
SEARCH AND RESCUE

MARCH 28, 2014

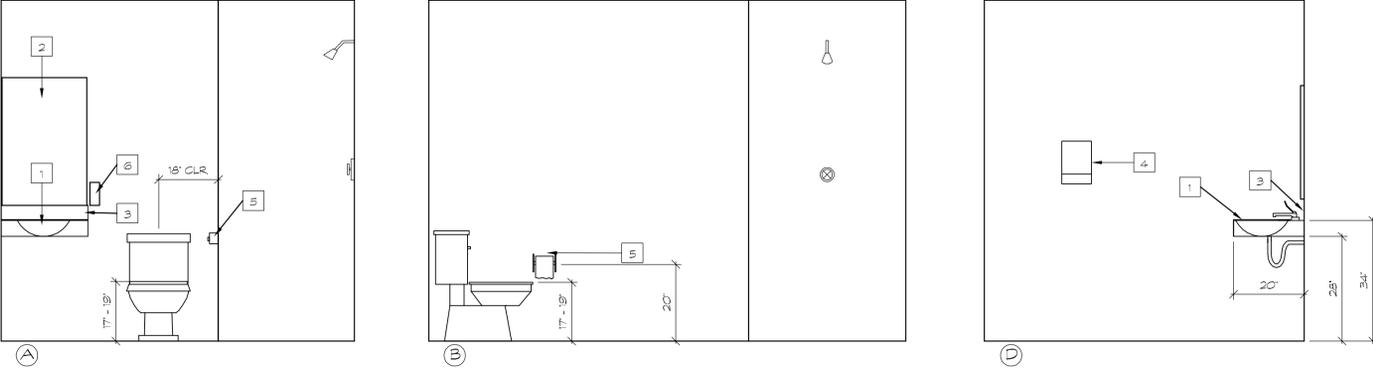
1 OF 1



1 ROOM 003 SCALE 1/2" = 1'-0"

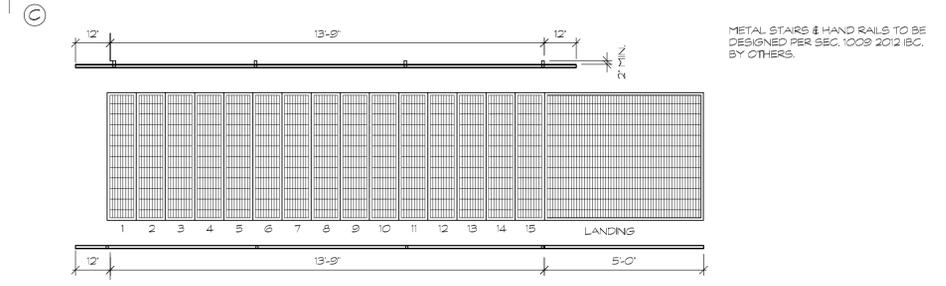
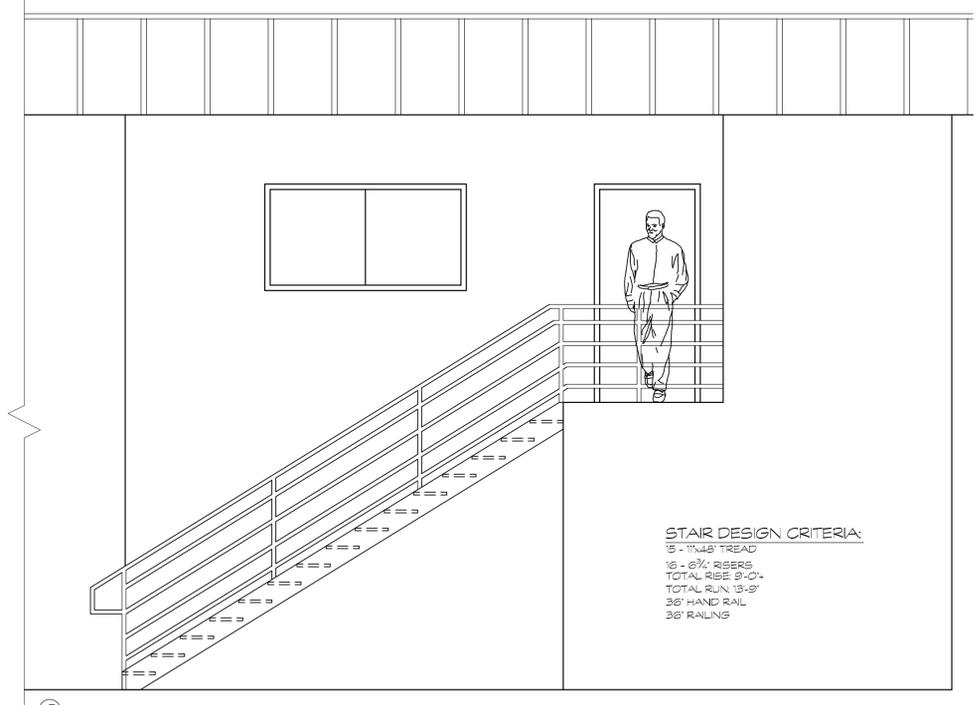
FC 18-00

FF2 09-00



2 ROOM 004 SCALE 1/2" = 1'-0"

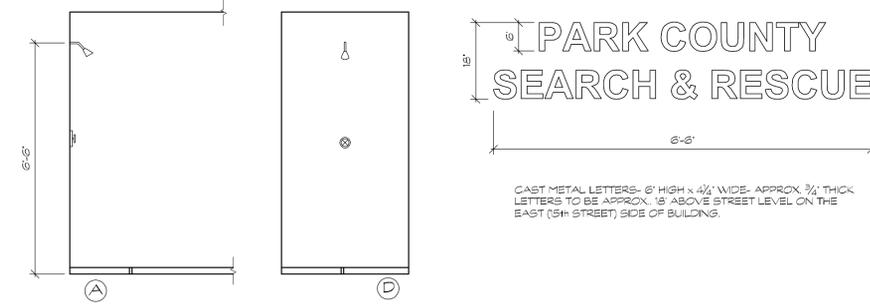
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5 STAIR SECTION SCALE 3/8" = 1'-0"

- INTERIOR ELEVATION KEYNOTES**
1. LAVATORY - INSULATE PIPES PER ADA REQUIREMENTS.
 2. MIRROR - MOUNT BOTTOM EDGE OF GLASS MAX. 40" A.F.F. PER ADA REQUIREMENTS.
 3. 8" BACK SPLASH T&G
 4. PAPER TOWEL DISPENSER OR HAND DRYER - SURFACE MOUNT SO THAT CONTROLS AND DISCHARGE HEIGHT NOT EXCEED 48"
 5. TOILET PAPER DISPENSER - SURFACE MOUNT.
 6. SOAP DISPENSER
 7. OAK CABINET BASE W/ FLAT PANEL DOORS.
 8. ADA CONTINUOUS GRAB BAR
 9. ANSI REQ. VERT. GRAB BAR

NOTE: PROVIDE IMPERVIOUS SURFACE TO 48" MIN. AFF. WITHIN 24" OF SINKS & TOILETS.



4 ROOM 002 SCALE 3/8" = 1'-0"

PARK COUNTY SEARCH & RESCUE

CAST METAL LETTERS- 6" HIGH x 4 1/2" WIDE- APPROX 3/4" THICK LETTERS TO BE APPROX. 18" ABOVE STREET LEVEL ON THE EAST (5th STREET) SIDE OF BUILDING.

DOOR AND FRAME SCHEDULE

MARK	SIZE		MATERIAL	FIRE RATING	HARDWARE		NOTES
	WD	HGT			SET NO	KEYSIDE	
001	3'-0"	6'-8"	H1 INSULATED	20 MIN.	--	EXT.	BY METAL BLDG. SUPPLIER
002	3'-0"	6'-8"	WOOD	--	--	--	PAINT
003	3'-0"	6'-8"	WOOD	--	--	--	PAINT
004	14'-0"	14'-0"	INSULATED	--	--	--	--
005	14'-0"	14'-0"	INSULATED	--	--	--	--
006	PR 3'-0"	6'-8"	--	20 MIN.	--	--	REPLACE EXISTING
007	3'-0"	6'-8"	WOOD	--	--	--	PAINT
008	3'-0"	6'-8"	H1 INSULATED	20 MIN.	--	EXT.	BY METAL BLDG. SUPPLIER

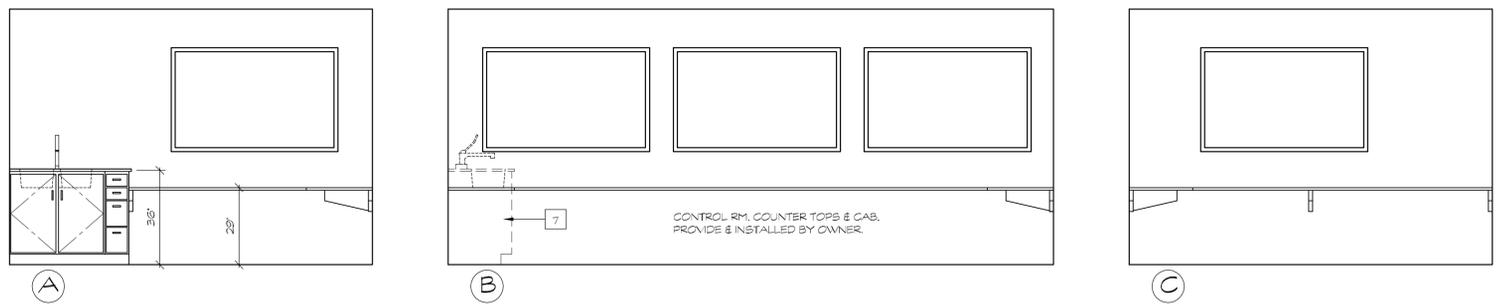
ROOM FINISH SCHEDULE

ROOM NO	ROOM NAME	FLOOR	BASE	WALLS				MATERIAL	HEIGHT	NOTES
				N	S	E	W			
001	VEHICLE STORAGE BAY	C1	RB	GWB1	GWB1	GWB1	GWB1	V1	18'-0"	--
002	EQUIP. BAY	C1	RB	GWB2	GWB2	GWB2	GWB2	SR	8'-0"	--
003	ADA RR	C2	RB	GWB1	GWB1	GWB1	GWB1	SR	8'-0"	*
004	RR SHWR	C2	RB	GWB1	GWB1	GWB1	GWB1	SR	8'-0"	*
005	STAIRWAY	--	--	GWB1	--	GWB1	--	V1	18'-0"	--
006	COMMUNICATIONS CTR	C3	RB	GWB1	GWB1	GWB1	GWB1	SC	8'-0"	--

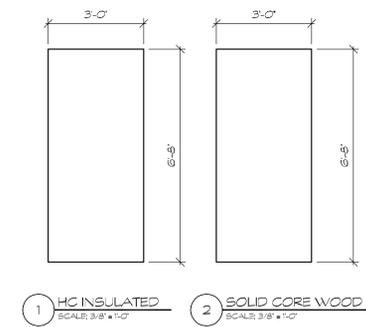
INTERIOR FINISH LEGEND

DESCRIPTION	NOTES
FLOOR COVERING	
CONCRETE	15000
CONCRETE PAINTED	
CARPET	
LINOLEUM	
TILE	
WALLS	
3/8" GWB PAINTED LATEX ENAMEL SATIN WASHABLE	GWB1
3/8" GWB PAINTED LATEX ENAMEL SATIN WASHABLE TO 8' W/ EXPOSED VINYL FACED INSULATION TO CLG.	GWB2
3/8" GWB 8' W/ METAL SIDING TO 8'	GWB3
TILE	T1
METAL SIDING	
CEILING	
SUSPENDED GRID CEILING	≤ 8'0"
3/8" TYPE 'X' GWB PAINTED LATEX WASHABLE EXPOSED VINYL FACED INSULATION	≤ 8'0"
BASE	
4" WOOD	RB
4" RUBBER BASE	RB

NOTES:
 1. PROVIDE IMPERVIOUS SURFACE TO 48" MIN. AFF. WITHIN 24" OF SINKS & TOILETS.
 2. PROVIDE BLOCKING IN WALL FOR HOOKS, SOAP DISP., TP HOLDERS, ETC.
 3. CABINET BASE BY CABINET SUPPLIER.



3 ROOM 007 SCALE 3/8" = 1'-0"



Issue Date: **5-24-14**

Revisions

No.	Date	Description

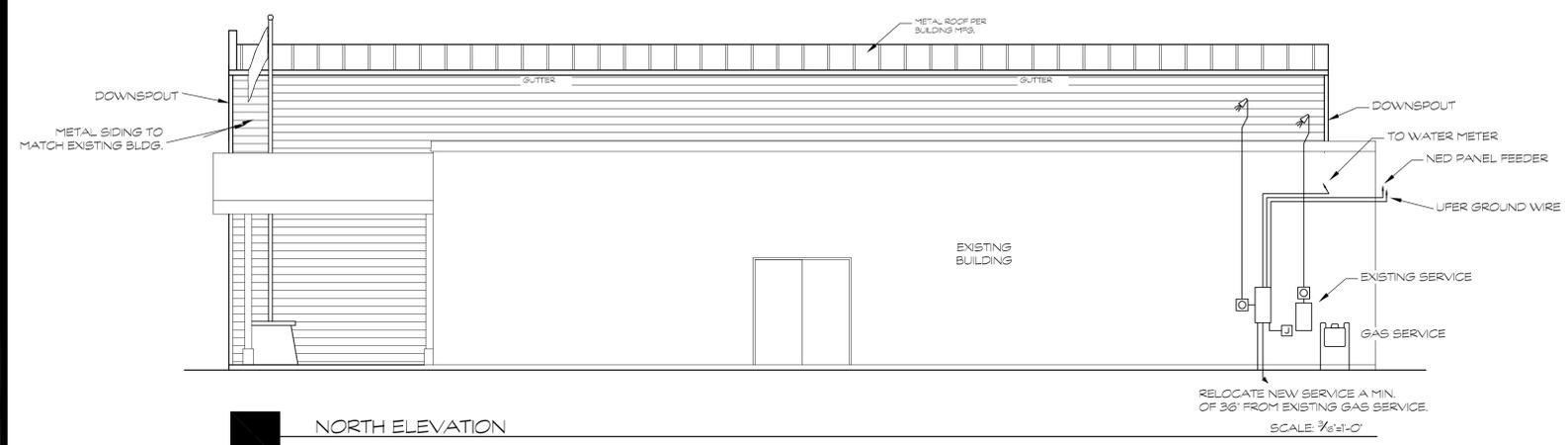
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Mountain States Consulting

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 Dsgn. By: Chkd By:

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SCHEDULES

Sheet Number:
A2
 Page: **5** of **10**

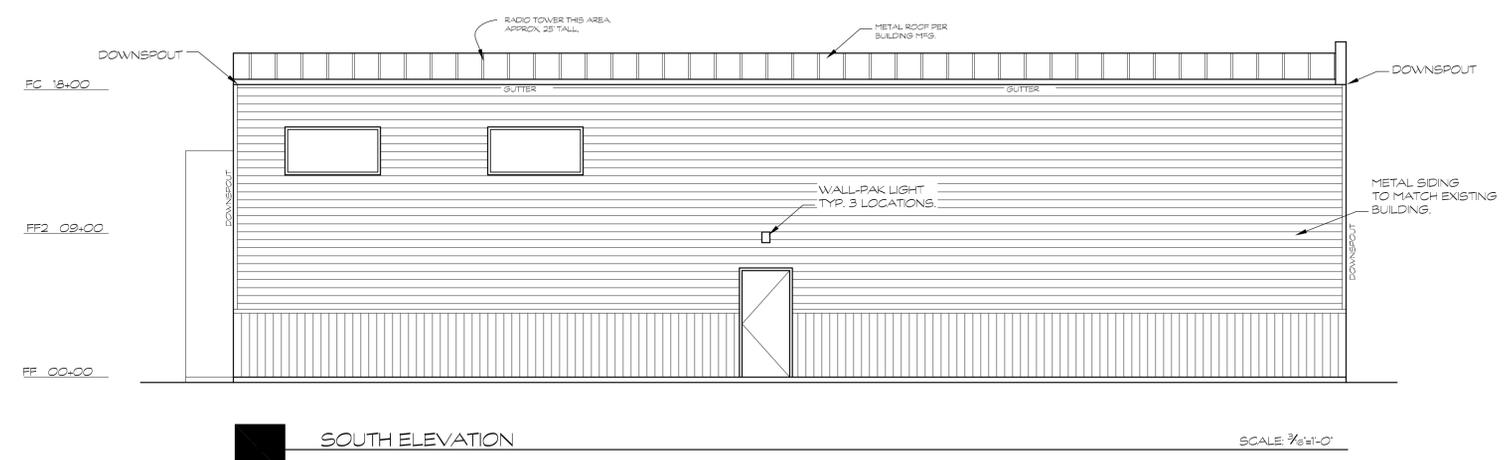
PARK COUNTY S&R
 BOARD OF COUNTY COMMISSIONERS
 721 15th Street, Cody, WY 82414



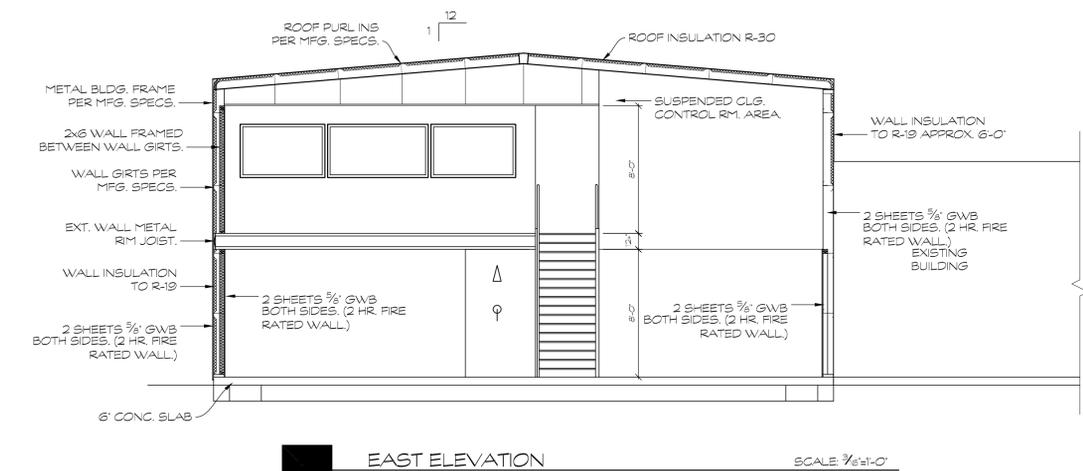
NORTH ELEVATION



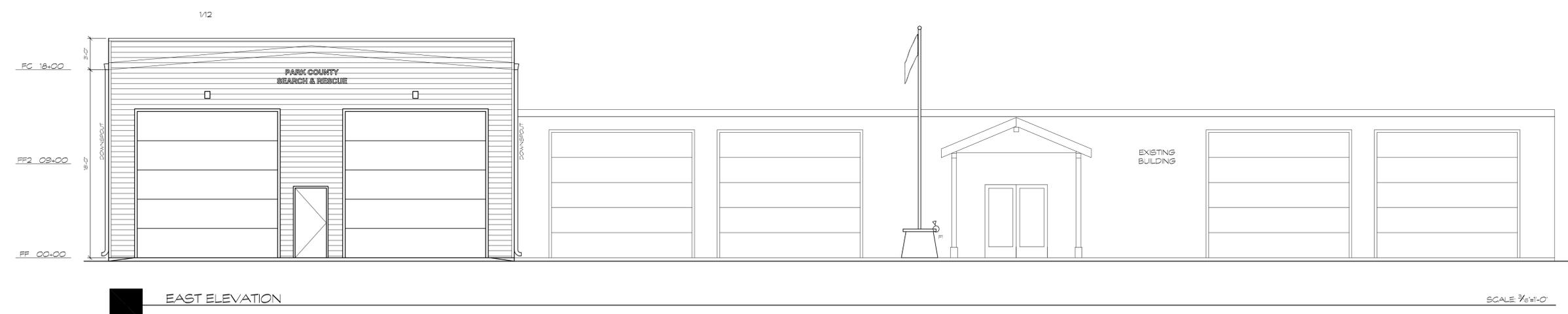
WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION



EAST ELEVATION

Issue Date: 5-24-14

No.	Date	Description

Drawings by
Mountain States Consulting

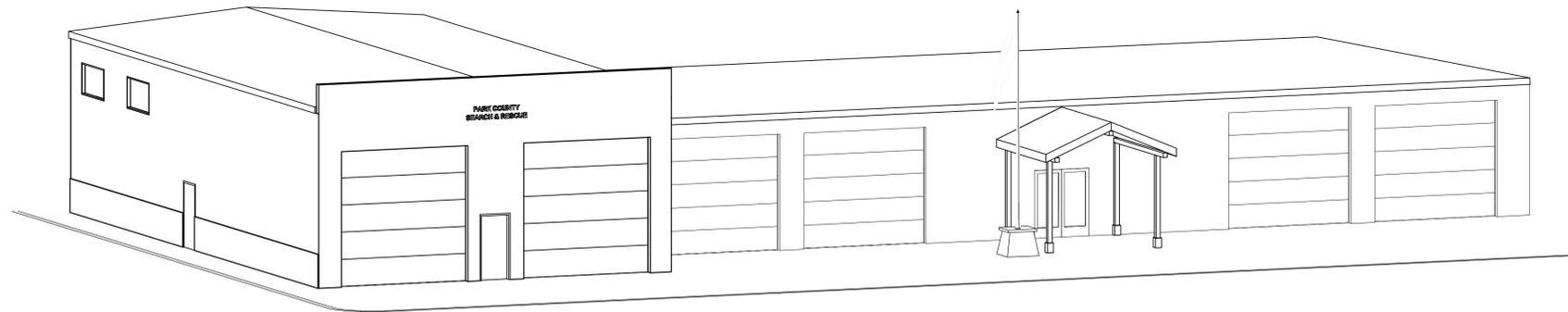
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ELEVATIONS

Sheet Number:
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 Page: **6** of **10**

PARK COUNTY SEARCH & RESCUE

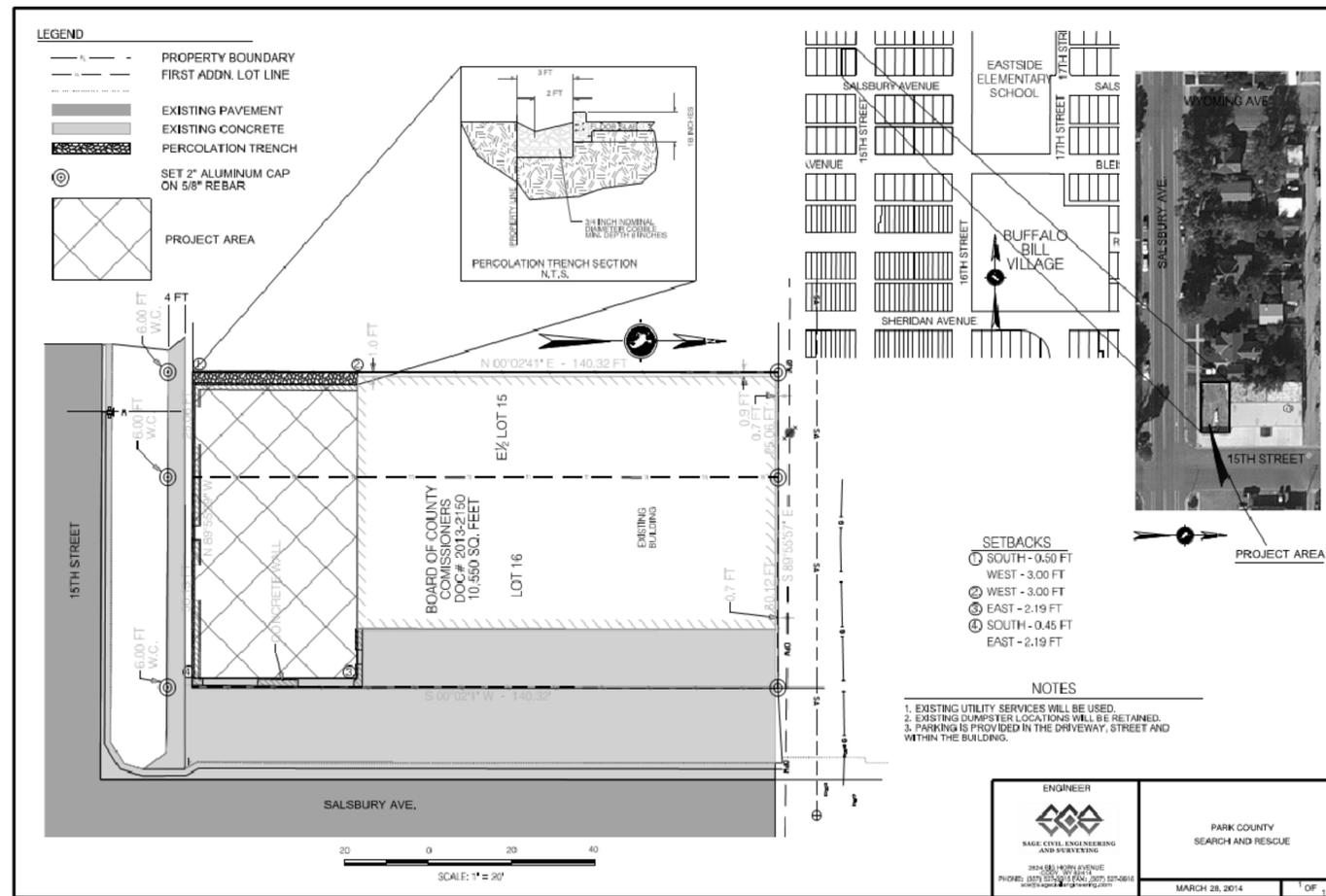
BOARD OF COMMISSIONERS
721 15th Street, Cody, WY 82414



Drawings
by
Mountain States Consulting
2831 Hwy 120
Cody, Wyoming 82414
(307) 899-6400

PARK COUNTY S&R
BOARD OF COMMISSIONERS
721 15th Street, Cody, WY 82414

GREAT CARE AND EFFORT HAVE GONE INTO THIS PLAN TO CREATE A PRECISE INTERPRETATION OF THE FINISHED PROJECT. IT IS IMPOSSIBLE TO GUARANTEE THAT THIS PLAN IS WITHOUT MISTAKE. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY PROJECT CONSTRUCTION FROM THIS PLAN. BUILDER OWNER SHALL BE RESPONSIBLE TO VERIFY ALL DIMENSIONS, PLANS SUBJECT TO CHANGE PER ENGINEER OR LOCAL CODES.



Issue Date: 3-31-14

No.	Date	Description

Drawings by



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Dsgn. By: Chkd By:

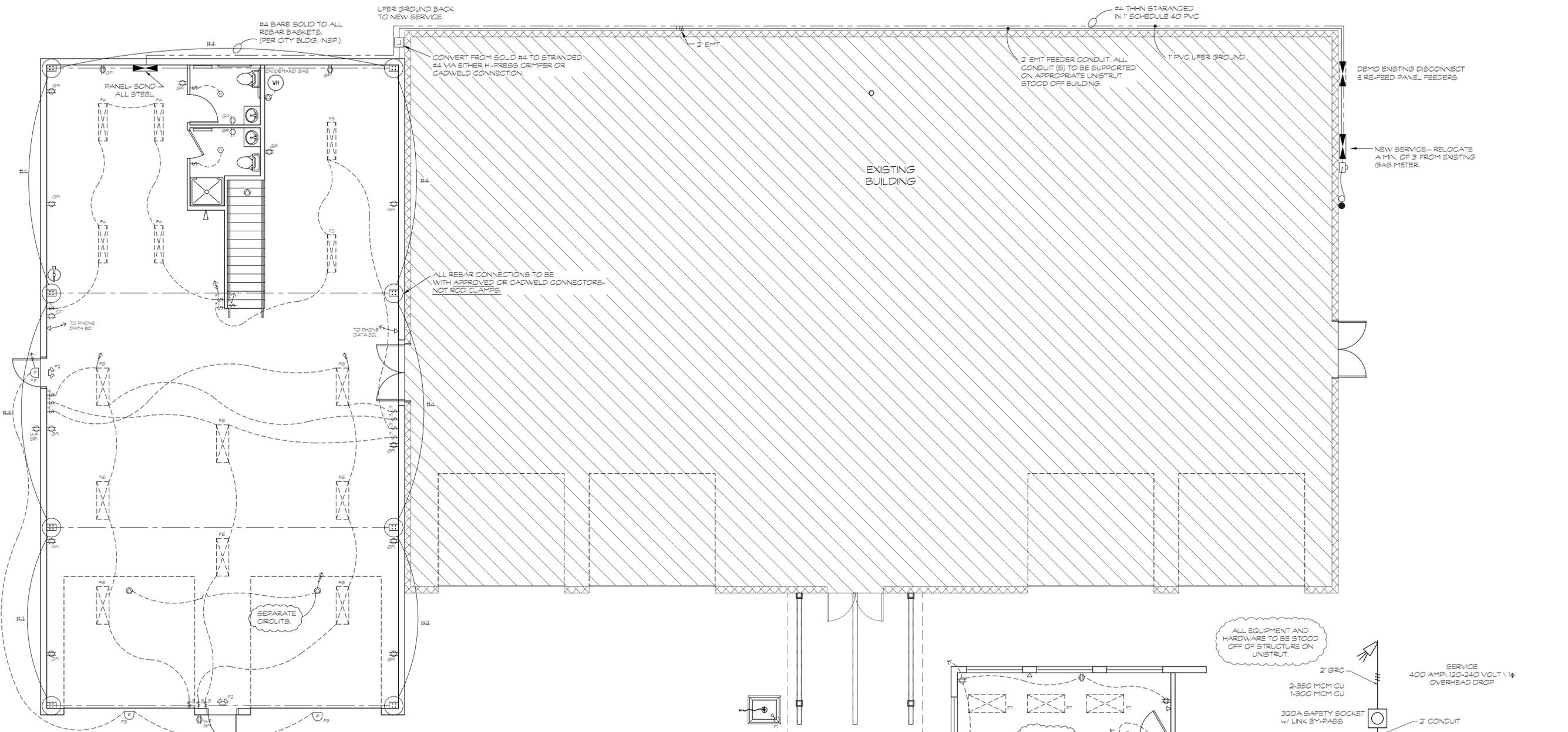
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Sheet Number: CV

Page: 1 of 10

ENGINEER
SAGE CIVIL ENGINEERING AND SURVEYING
2831 HWY 120, CODY, WY 82414
PHONE: (307) 899-6400 FAX: (307) 527-8710
www.mountainstatesconsulting.com

PARK COUNTY SEARCH AND RESCUE
MARCH 28, 2014 1 OF 1

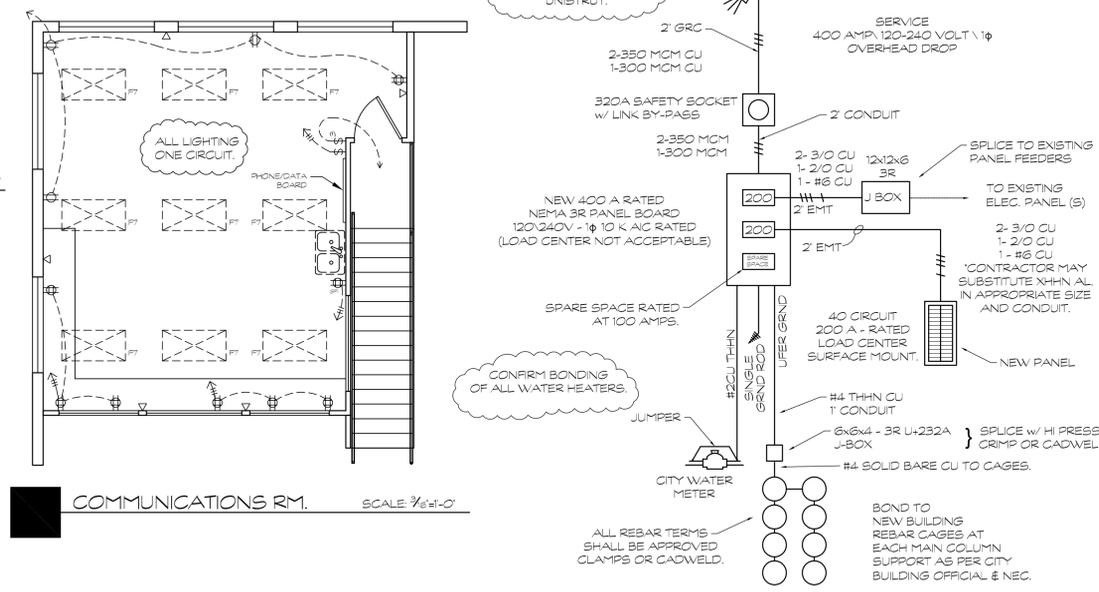


ELECTRICAL PLAN

SCALE: 3/16"=1'-0"

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> ○ SINGLE POLE SWITCH ○ 3 WAY SWITCH ○ 4 WAY SWITCH ○ SPECIAL PURPOSE OUTLET ○ DUPLEX OUTLET ○ GROUND FAULT NTR ○ WEATHERPROOF OUTLET ○ QUAD OUTLET REC. ○ LIGHT FAN COMBO--80 CFM VENT TO THE OUTSIDE. ○ PHONE/DATA IN 3/4" EMT CONDUIT MIN. ○ FIRE EXTINGUISHER ○ BASE BOARD HTR 500 WATT W/ UNIT STAT | <ul style="list-style-type: none"> ⊕ METAL HALIDE FLAG POLE LIGHT- 185 WATT W/ PHOTOCELL ⊕ EMERGENCY LIGHT CO2 SURBELITE ⊕ EXTERIOR LIGHT FIXTURE W/PSCH200PSQ LED RAB 200 W WALLPACK ON PHOTO CELL. ⊕ T-8 4 LAMP FIX. RAB RB4T8, 4 PHILLIPS 32 WATT TB LAMPS. W/ REFLECTORS. ⊕ T5-HO 4 LAMP FIX. RAB RB4T5, 4 PHILLIPS 54 WATT LAMPS. ⊕ T5-HO 6 LAMP FIX. RAB RB6T5, 6 PHILLIPS 54 WATT LAMPS. ⊕ PANEL 2x4-44YN RAB LAMP FIX W/ COVER. |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

- ELECTRICAL NOTES:**
1. ALL CONDUIT FITTINGS TO BE STEEL.
 2. ALL CONVENIENCE OUTLETS ON MAIN FLOOR TO BE GFCI, PROTECTED.
 3. OUTLETS IN VEHICLE BAY & STORAGE AREA TO BE 48" ABOVE FIN. FLR.
 4. OUTLETS & DATA IN COMMUNICATIONS ROOM TO BE 40" ABOVE FIN. FLR.
 5. LIGHT FIXTURES IN VEHICLE BAY TO BE SUSPENDED FROM CLG. @ 16" ABOVE FINISHED FLOOR.
 6. SEE SPECIFICATION SHEETS FOR ALLOWABLE SUBSTITUTIONS FOR LIGHT FIXTURES AND FOR ADDITIONAL ELECTRICAL NOTES.



COMMUNICATIONS RM.

SCALE: 3/16"=1'-0"

RISER DIAGRAM

SCALE: NTS

Issue Date: **3-24-14**

No.	Date	Description

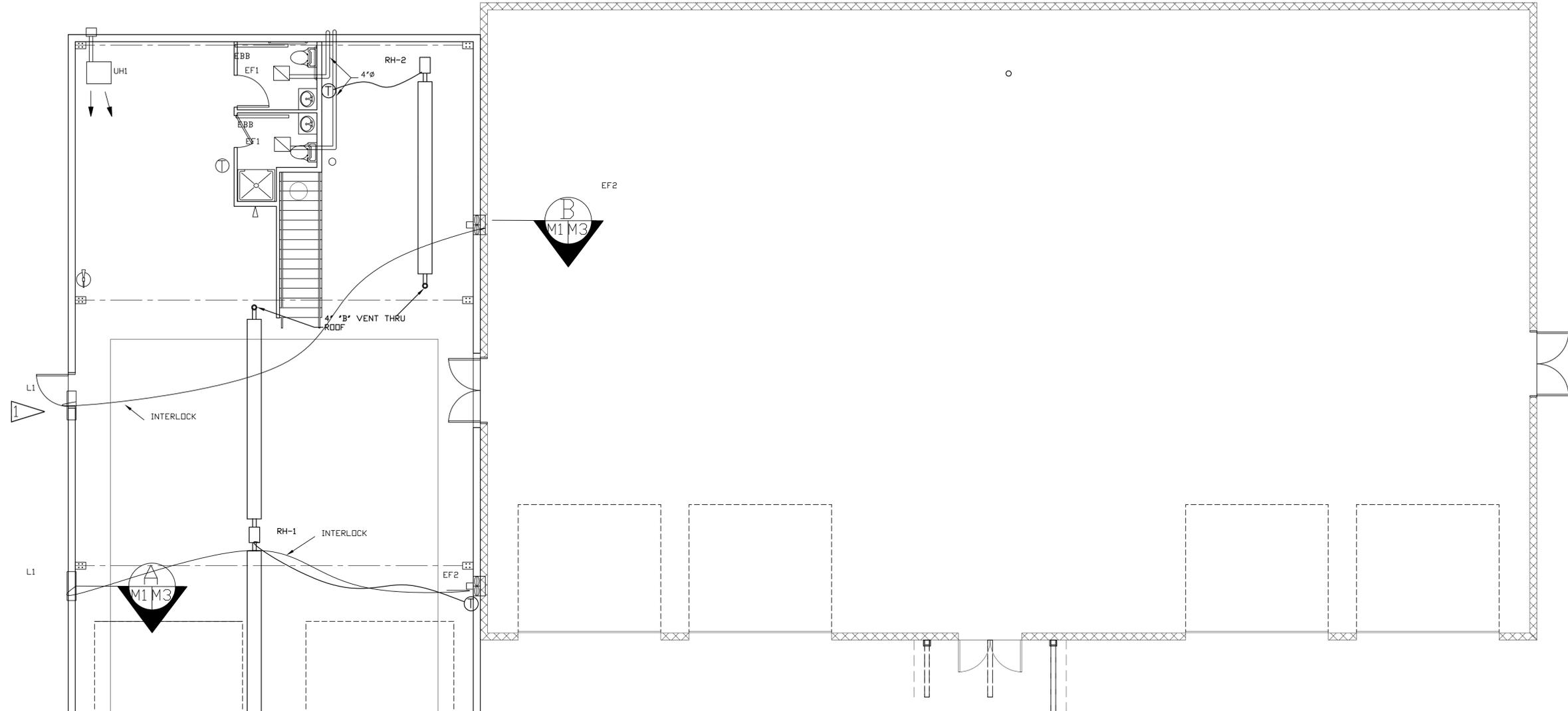
Drawings by
Mountain States Consulting

Proj. # 1306 Drwn. By: GPG

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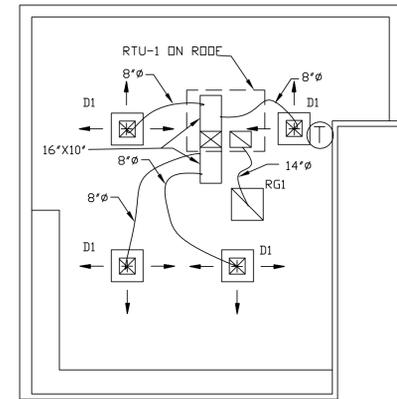
Sheet Number:
E1



- RADIANT HEAT NOTES**
- SUSPEND SYSTEM WITH BOTTOM OF REFLECTOR 16' ABOVE FINISH FLOOR.
 - INSTALL IN ACCORDANCE WITH MANUFACTURER'S INSTRUCTIONS.
 - COORDINATE WITH LIGHTS AND STRUCTURE TO MAINTAIN REQUIRED CLEARANCES.
 - PROVIDE HEAT SHIELDS WHERE NECESSARY.
 - PROVIDE FLEXIBLE GAS CONNECTOR WITH SHUT-OFF VALVE, CONTROL PANEL, THERMOSTATS AND ALL OTHER COMPONENTS NECESSARY TO ACHIEVE A COMPLETE FUNCTIONING SYSTEM.

UNIT	ROBERTS GORDON *	ELEC. SERVICE	COMMENTS
RH-1	VANTAGE TF160 160 MBH NAT. GAS	120/1/60 1A 5A START	LINE VOLTAGE T-STAT
RH-2	CTH2-4D 40MBH NAT. GAS	120/60/1 1A 5A START	24V T-STAT

*EQUIPMENT CALLED OUT ESTABLISHES THE STANDARD FOR QUALITY AND PERFORMANCE. FOR APPROVAL OF EQUAL PRODUCTS AND SYSTEMS SUBMIT MANUFACTURERS' DATA PRIOR TO BID OPENING.



SECOND FLOOR PLAN
NTS

RADIANT HEAT & HVAC

SCALE: 3/8"=1'-0"

Issue Date: 3-27-14

No.	Date	Description

Drawings by



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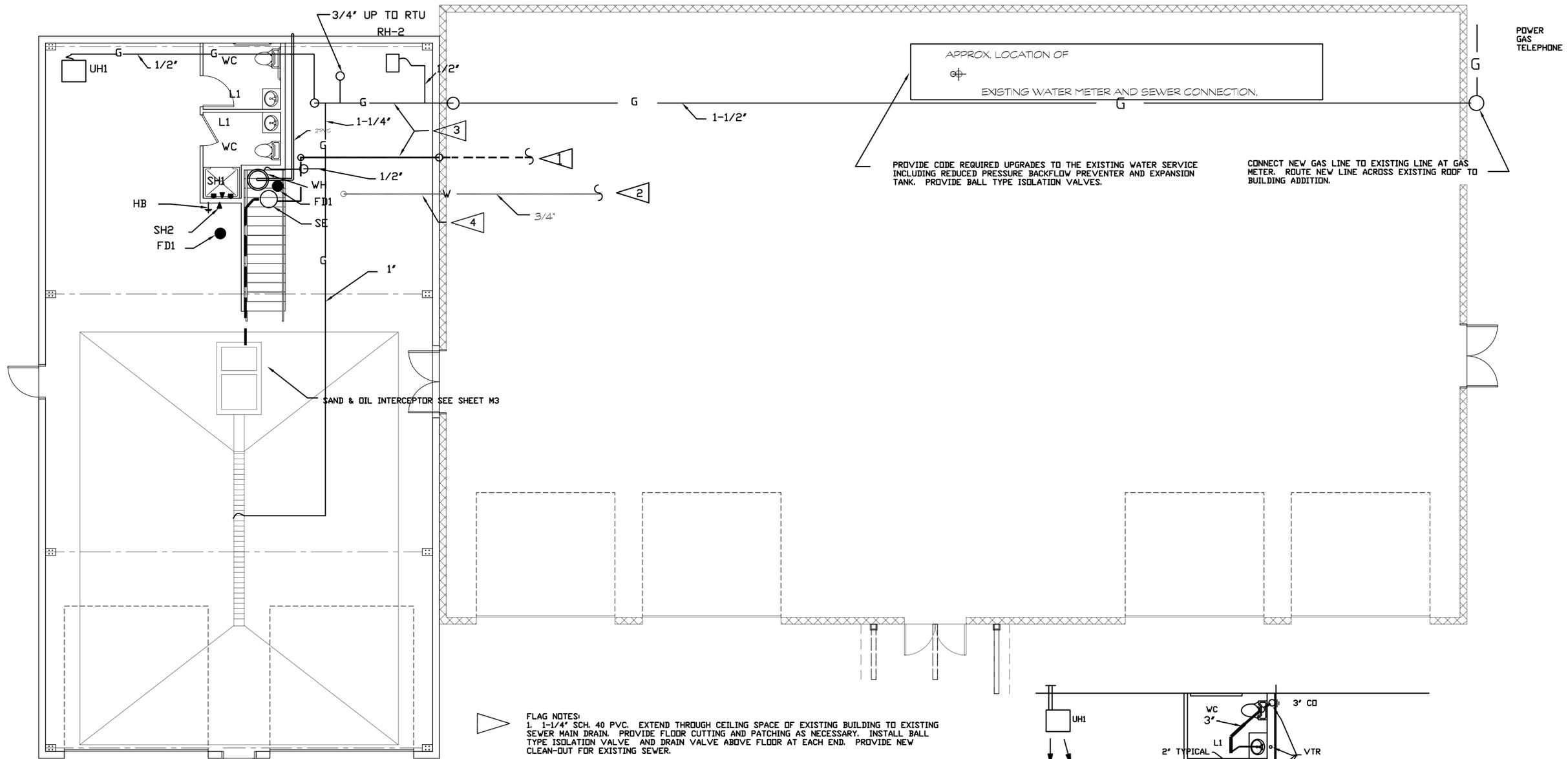
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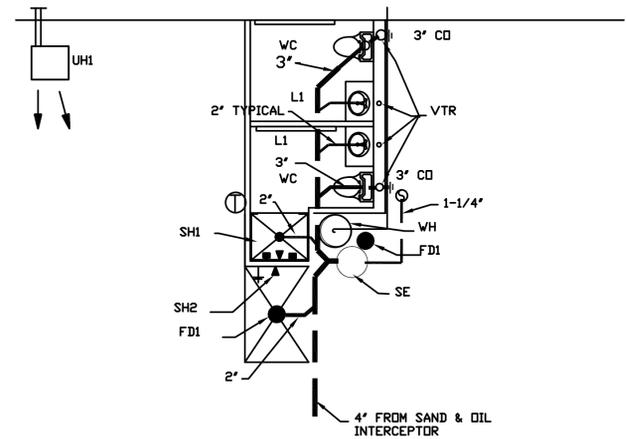
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M1

Page: 8 of 10



- FLAG NOTES:**
- 1-1/4" SCH. 40 PVC. EXTEND THROUGH CEILING SPACE OF EXISTING BUILDING TO EXISTING SEWER MAIN DRAIN. PROVIDE FLOOR CUTTING AND PATCHING AS NECESSARY. INSTALL BALL TYPE ISOLATION VALVE AND DRAIN VALVE ABOVE FLOOR AT EACH END. PROVIDE NEW CLEAN-OUT FOR EXISTING SEWER.
 - 3/4" WATER FROM METER LOCATION IN THE EXISTING BUILDING.
 - RUN PRESSURE WASTE, WATER AND GAS PIPING AS HIGH AS POSSIBLE ALONG CEILING OF THE ADDITION. RUN GAS LINE TO UNIT HEATER BELOW CEILING OF LOWER LEVEL.
 - 3/4" WATER LINE DOWN TO WATER HEATER AND FIXTURES. PROVIDE SHUT-OFF VALVE. PROVIDE HOT AND COLD SUPPLIES TO LAVATORIES, UPSTAIRS SINK AND SHOWERS. PROVIDE COLD WATER SUPPLIES TO TOILETS AND HOSE BIB.



PLUMBING PLAN

SCALE 3/8"=1'-0"

Issue Date: 3-27-14

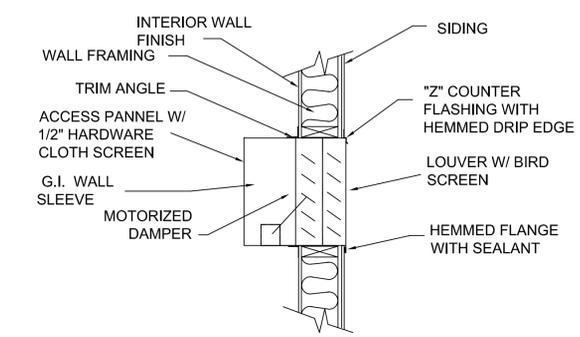
Revisions	Description	No.	Date

Drawings by
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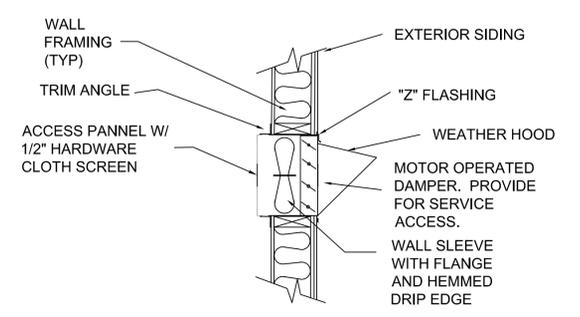
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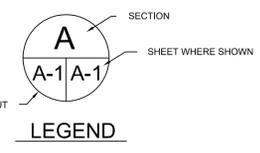
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M2
 Page: 9 of 10



SECTION A
 M1 M3



SECTION B-B
 NO SCALE
 M1 M3

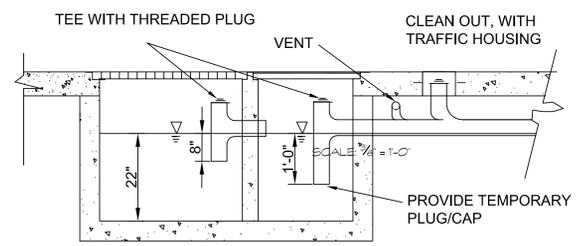
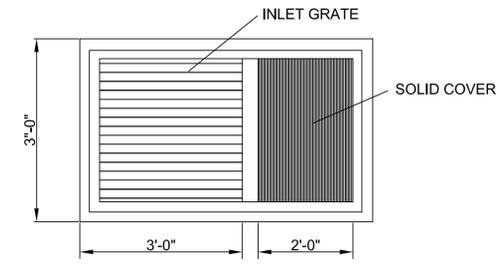


ITEM	DESCRIPTION - MODEL	ELEC. SERVICE	COMMENTS - ACCESSORIES	SEQUENCE OF CONTROL			
RTU1	ROOFTOP HVAC UNIT TRANE 4YCY4024A1064B COOLING- 23400BTUH HEATING- 2 STG 48000/64000 BTUH 907CFM AT .5" ESP. LOCK OUT HIGH FIRE HEAT	208-230/1/60 16.5A min. 25A fuse	FULL PERIMETER CURB, TRANE BAYCURB050A WITH 1.5" MIN. INSULATION OR EQUAL SHOP FABRICATED CURB. ECONOMIZER- BAYCON200A FACTORY 2" FILTER RACK W/ MERV-8 OR BETTER PLEATED FILTER. 24V T-STAT	MANUAL HEAT/OFF/COOL THERMOSTAT CONTROLS TEMPERATURE. ECONOMIZER ENTHALPY CONTROL PROVIDES OUTDOOR AIR FOR COOLING WHEN AVAILABLE.	L1	AMERICAN STANDARD LUCERNE WALL HUNG LAVATORY #0355.012	MOEN BRADBURY 4" CENTER SET 2 HANDLE, HIGH-ARC BATH FAUCET. CHROME FINISH ADA TRAP & STOP INSULATION KIT, SUPPLY STOPS, 17 GA. P-TRAP
UH1	REZNOR UNIT HEATER MODEL UDAS - 30 30,000 BTUH INPUT	120/1/60 3A	CATEGORY III SIDEWALL VENT 24V T-STAT RESNOR VENT CAP	WALL MOUNTED THERMOSTAT	SH1	STERLING ENSEMBLE 42" SHOWER BASE & SURROUND #72210106 WITH BACKER BOARDS	AMERICAN STANDARD PORTSMOUTH FloWise PRESSURE BALANCE FAUCET & TRIM SET. CHROME PLATED BRASS DRAIN & STRAINER
EBB	ELECTRIC BASEBOARD HEATER DAYTON MODEL 3UG85	240/1/60 1250W	UNIT MOUNTED T-STAT #3UG32	UNIT MOUNTED THERMOSTAT	SH2	SHOWER VALVE & TRIM	AMERICAN STANDARD PORTSMOUTH FloWise PRESSURE BALANCE FAUCET & TRIM SET. CHROME PLATED BRASS DRAIN & STRAINER
EF1	CEILING EXHAUST FAN ACME MODEL VQ-100 93 CFM @.25" ESP, 1.8 SONES	115V/1/60 1.1A	PROVIDE #641 WALL CAP W/ BDD PAINT CAP TO MATCH SIDING	MANUAL WALL SWITCH	SE	SEWAGE LIFT STATION - LIBERTY 2448LSG202 OMNIVORE SIMPLEX GRINDER PACKAGE	2HP 208-230/1/60 15 FLA, 53 LRA FIBERGLASS COVER, STANDARD GALVANIZED GUIDE RAIL CONTROL PANEL & ALARM
EF2	DIRECT DRIVE WALL EXHAUST FAN - ACME MODEL FQ18E6 9 SONES, 2500 CFM @.25" ESP	1/4 HP 115/1/60	MOTORIZED EXHAUST LOUVER - RUSKIN #LM6811 WITH INVENSYS #MA418-500 SPRING RETURN OPERATOR WITH END SWITCH	MANUAL WALL SWITCH TO OPEN LOUVER. END SWITCH IN LOUVER OPERATOR TO START FAN WHEN LOUVER IS OPEN.	WC	TOILET - AMERICAN STANDARD CHAMPION 4 RIGHT HEIGHT ELONGATED, COMPLETE, 1.6 GPF	PROVIDE CHROME PLATED SUPPLY STOP & BOLT CAPS. ELONGATED SEAT W/ SLOW CLOSE SNAP-OFF HINGES
L1	INTAKE AIR LOUVER - RUSKIN L375D	120/1/60 1.5A DAMPER OPERATOR	WITH RUSKIN DAMPER CD356 FACTORY BAKED ENAMEL FINISH TO MATCH SIDING.	INTERLOCK WITH EF2 TO OPEN WHEN FAN IS ON.	S1	DOUBLE BOWL STAINLESS STEEL SINK KOHLER TOCCATA #K-3346-4. 19GA SS	MOEN BRADBURY CHROME FINISH 2 HANDLE FAUCET W/ SPRAYER #CA87553
D1	METALAIRE SUPPLY AIR DIFFUSER #9000-6 ADJUSTABLE CORE		8"x8" FOR T-BAR LAY-IN CEILING PROVIDE BALANCE DAMPER		WH	BRADFORD-WHITE WATER HEATER #M-I-TW-50S6FBN 50 GAL. DIRECT VENT 40MBH INPUT, NAT. GAS	120/1/60 3.1 A
RG1	METALAIRE RETURN GRILLE #SRH-6		20"x20" FOR T-BAR CEILING		FD1	FLOOR DRAIN JAY R. SMITH 2005-A	NA SATIN BRONZE STRAINER & DEEP SEAL TRAP - 2" OUTLET
					FD2	FLOOR DRAIN JAY R. SMITH 2005-A	SATIN BRONZE TOP AND DEEP SEAL TRAP - 3" OUTLET

- NOTES:
1. MANUFACTURER & MODEL INFORMATION ESTABLISHES A STANDARD FOR QUALITY, FEATURES, CAPACITY, ETC.
 2. EQUAL PRODUCTS MAY BE SUBMITTED FOR APPROVAL PRIOR TO BIDDING.
 3. DERATE GAS FIRED HEATING EQUIPMENT FOR ALTITUDE IN ACCORDANCE WITH MANUFACTURER'S INSTRUCTIONS.
 4. VERIFY CEILING TYPE BEFORE ORDERING EQUIPMENT.
 - 5.

FLAG NOTES:

1. L-1: INTAKE AIR ASSEMBLY, INSTALL HIGH AS POSSIBLE. PROVIDE WALL SLEEVE, SUPPORT AND FLASHING. SEE DETAIL THIS SHEET.



SAND INTERCEPTOR DETAIL
 NTS

Issue Date: 3-27-14

No.	Date	Description

Drawings by
Mountain States Consulting

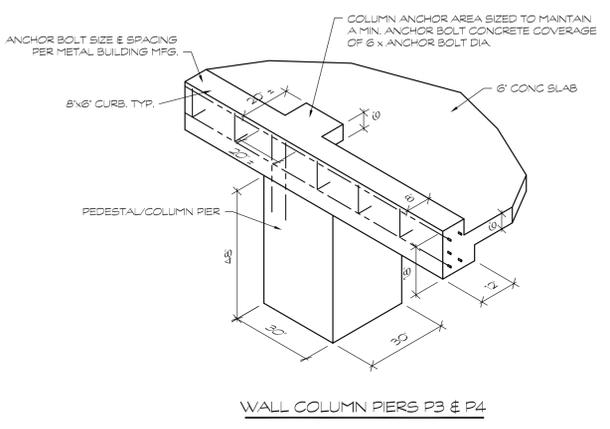
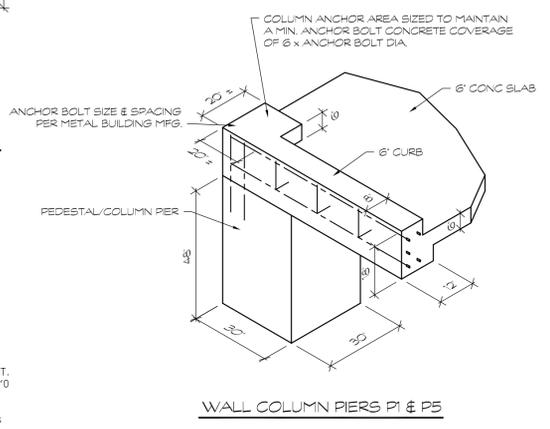
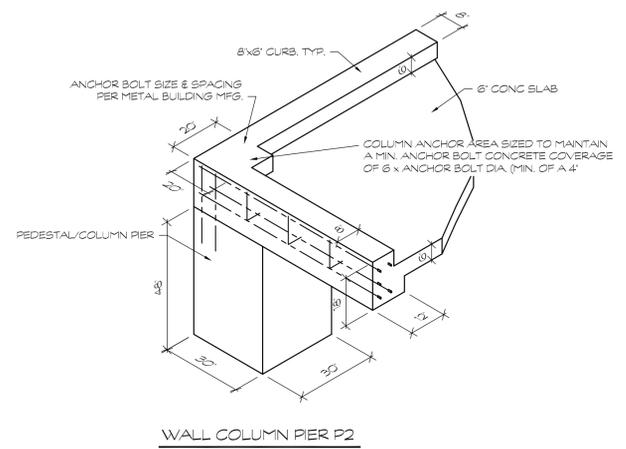
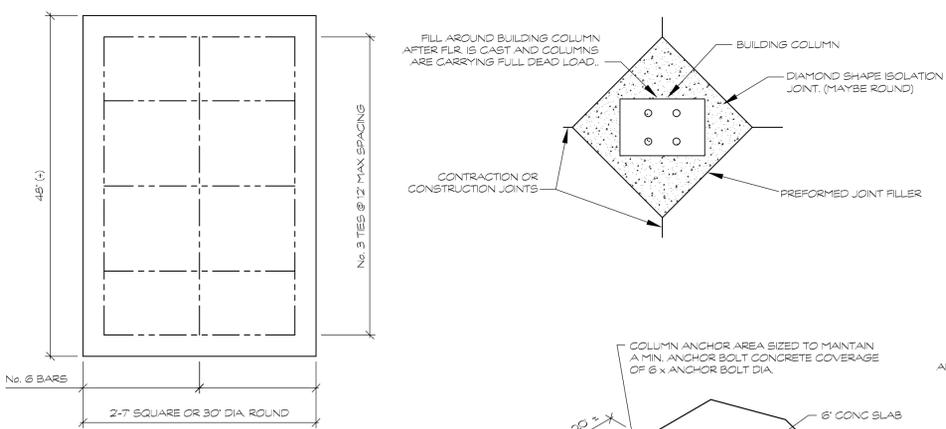
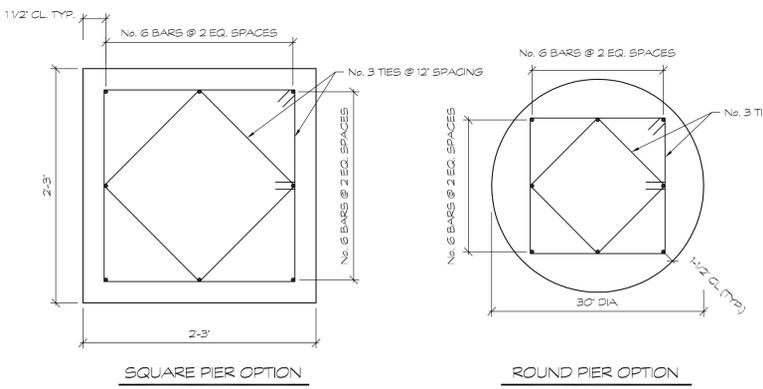
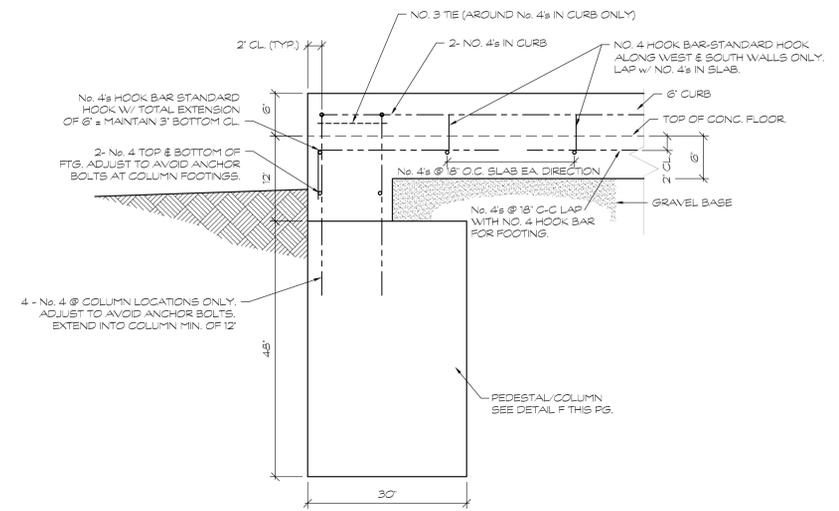
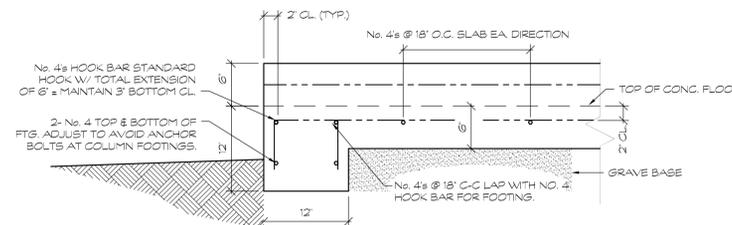
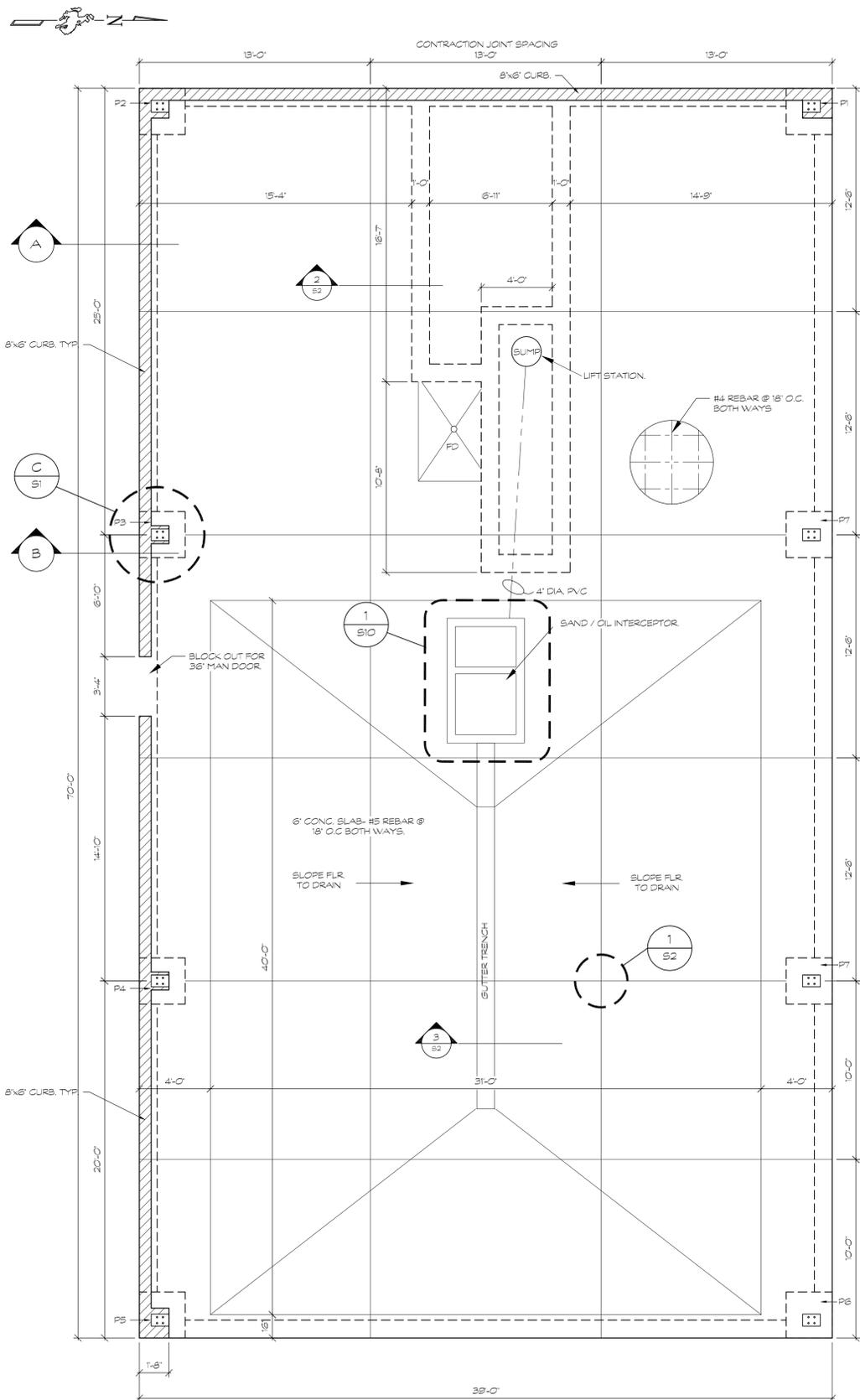
Proj. # 1306 Drwn. By: GPG

Dsgn. By: Chkd By:

Sheet Title:
MECHANICAL

Sheet Number:
M3

Page: 10 of 10



- NOTES:**
- JL ENGINEERING, LLC MAKES NO GUARANTEES OR WARRANTIES ABOUT EXISTING SOIL CONDITIONS.
 - EMBED ANCHOR BOLTS A MINIMUM OF 8" INTO CONCRETE FOOTINGS.
 - ALL FOOTINGS AND SLABS SHALL BEAR ON NATURAL UNDISTURBED SOIL (FREE DRAINING GRAVEL LAYER ACCEPTABLE).
 - UNLESS NOTED OTHERWISE CONCRETE COVER TO FACE OF REINFORCING STEEL SHALL BE A MIN. OF 3" FROM THE GROUND SURFACE/ BOTTOM OF STRUCTURAL ELEMENT.
 - SLOPE GRADE AWAY FROM FOUNDATION MIN. OF 6' IN 10'
 - CONTRACTOR TO VERIFY WITH OWNER ALL DIMENSIONS BEFORE CONSTRUCTION.
 - COLUMNS DESIGNED FOR A FACTORED LOAD OF 18.6 kips (LRF), IF BUILDING MFG LOADS VARY SIGNIFICANTLY FROM DESIGN LOAD THE CONTRACTOR TO NOTIFY OWNER & ENGINEER BEFORE BEGINNING CONSTRUCTION.
 - REFER TO BUILDING MFG DRAWINGS FOR ANCHOR BOLT PLACEMENT, VERIFY ALL DIMENSIONS & BOLT SIZES W/ BUILDING MFG. FINAL ISSUE DRAWINGS.

DESIGN DATA

SPECIFICATIONS: IBC 2012, ACI 318-08, ACI 360R-06, UFC 3-200-06A (UNIFIED FACILITIES CRITERIA)
 FOOTING LOADINGS: COLUMN REACTIONS/LOADS PROVIDED BY BUILDING MFG. (SEE NOTE 7)
 SLAB LOADINGS: STATIONARY LIVE LOAD: 250 PSF (ESTIMATED)

REINFORCED CONCRETE: CONCRETE STRENGTH $f'_c = 3750$ psi FOR FLOOR. (COLUMNS MAY BE 3,000 psi)
 (MIN. 28 DAY COMPRESSIVE STRENGTH)
 REINFORCING STEEL: $f_y = 60$ ksi (Grade 60) (NO. 3 TIES = 40 ksi)
 LAP LENGTHS (CLASS B TENSION): NO. 4'S = 16" MIN.

BEARING CAPACITY: ALLOWABLE ASSUMED AT 2,500 PSF.

PIERS P1, P2, P3, P4, & P5 ARE RAISED 6" ABOVE FIN. FLR. ELEV. PIERS P6, P7, & P8 ARE @ FIN. FLOOR LEVEL.

Drawings by
Mountain States Consulting
 2831 Hwy 120
 Cody, Wyoming 82414
 (307) 555-6400

PARK COUNTY S&R
 BOARD OF COMMISSIONERS
 721 15th Street, Cody, WY 82414

Issue Date: **3-27-14**

No.	Date	Description

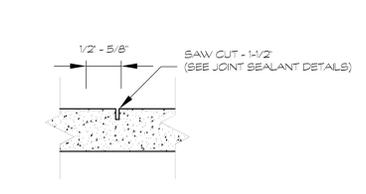
Drawings by
Mountain States Consulting

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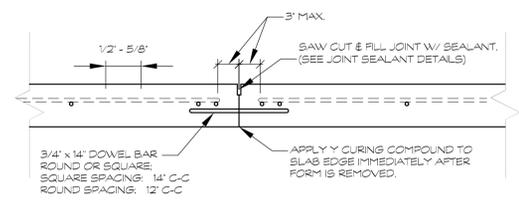
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Sheet Number:
S1

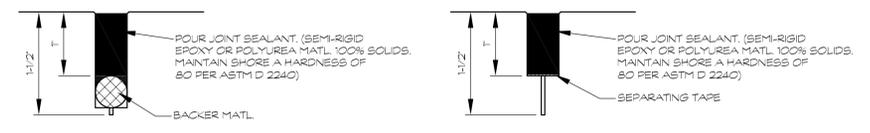
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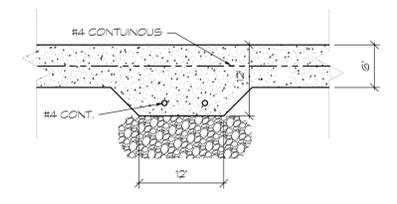
CONSTRUCTION JOINT
 SCALE: 1/4"=1'-0"



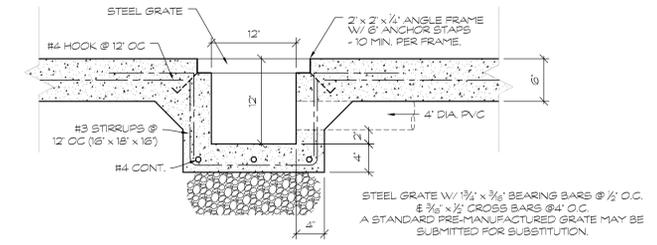
CONSTRUCTION JOINT DETAILS
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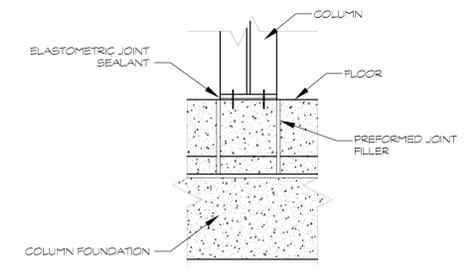
JOINT SEALANT DETAIL OPTIONS



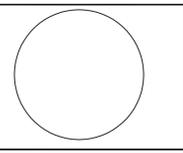
INTERIOR BRG. WALL FOOTING (TYP.)
 SCALE: 1/4"=1'-0"



GUTTER DRAIN DETAIL
 SCALE: 1/4"=1'-0"



COLUMN ISOLATION JOINT DETAIL



Issue Date: **3-27-14**

No.	Date	Description

Drawings by
Mountain States Consulting

Proj. # 1306 Dwn. By: GPG
 Dagn. By: Chkd By:

Sheet Title:
FOUNDATION

Sheet Number:
S2

Page: **3** of **10**

**CITY OF CODY
PLANNING, ZONING AND ADJUSTMENT BOARD
STAFF REPORT**

MEETING DATE:	MAY 13, 2014	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	PUBLIC TENNIS COURT COMPLEX AT CODY MIDDLE SCHOOL SPR 2014-1	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT DESCRIPTION:

The Park County School District #6 has submitted a request to construct a six-court tennis complex at the Cody Middle School, north of the school and parking lot. Due to the various funding sources for the tennis court complex construction, the courts will be open to the public when not utilized for school activities or tournaments. The courts will be used by the high school tennis team for practice as well. A ten-foot tall, black vinyl-coated mesh fence will enclose the perimeter of the courts, except where it is only 42" tall next to the 20-foot wide spectator areas between courts. Due to a slight slope of the property, there will be cutting and filling to produce level area for the courts. Resulting slopes to and from the court areas will be topped with crushed gravel. Disturbed area beyond the slopes will remain in grass. Plans for the facility are enclosed.

Existing Conditions



REVIEW CRITERIA:

The property is within the Residential B zoning district, which specifically lists schools and municipal recreation facilities as permitted uses. The tennis courts are effectively a combination of those uses.

Pursuant to City of Cody Code 9-2-3, the Planning and Zoning Board shall review the application and plans insofar as they pertain to the site plan conditions. In addition, pursuant to 10-12-1(F), no fence may exceed six feet in height without the approval of the Planning and Zoning Board.

STAFF COMMENTS:

The following components of the proposal have been reviewed.

Parking: The proposal is to utilize the existing parking lot on the east side of the middle school. Additional on-street parking is available along Freedom Street. The tennis courts are not expected to create parking demand beyond the capacity of the existing parking facilities, or in excess of what occurs with other sporting events. The existing parking lot seems to always have some capacity available during school hours and with other events. The middle school has about 20 more parking spaces than required by the current parking ordinance (approx. 122 on site). Additional parking does not seem to be needed for the tennis complex.

ADA Access: The four eastern tennis courts are designed to be ADA accessible. ADA parking exists in the school parking lot and a painted pathway connects the parking spaces with the sidewalk in front of the school building. The sidewalk in front of the school building connects to the concrete outdoor basketball courts, which will allow an ADA route to the tennis court sidewalk. The application mentions, but the plans forgot to show, the addition of a short segment of sidewalk connecting the basketball courts to the tennis court sidewalk. With that addition to the plans, the ADA pathway will be acceptable.

Fence Height: The 10-foot tall perimeter fence is typical for tennis courts. The section on the east end of the facility will also help prevent stray tennis balls from ending up in Freedom Street.

Setbacks: It is not clear that the 10-foot fence is subject to setback requirements, but if it is the 15-foot setback requirement is met. It is about twenty feet from the Freedom Street right-of-way.

Lighting: The application includes specifications for the light fixtures and a photometric plan showing illumination levels at the facility. Each of the six courts are proposed to have six, 1,000 watt metal halide luminaires, mounted on 20-foot poles (about 23' total height). The light fixtures are forward throw, full cut-off style, specifically designed for outdoor athletic courts. The illumination levels on the courts average 57 foot-candles, with highs of 89 near the luminaires. The illumination levels are consistent with recommendations of tennis and sports organizations for high school, college practice, and club facilities. Even higher levels are recommended for collegiate competition (75 foot-candle average).

Good points about the lighting include the cut-off design, a good color and spread of lighting, and relatively low light spillage beyond the site. Disadvantages include relatively intense lighting levels compared to other uses, long start-up time (10+ minutes to reach full brightness), poor energy efficiency compared to LED, and illumination levels at 2-3 foot-candles at the edge of Freedom Street where <1 foot-candle would be preferred.

There are a handful of neighboring residents to the north and east, within 350 to 650 feet. Notice to neighbors is not required, so we do not know their opinions. Planning staff is concerned that the undeveloped Residential B zoned area immediately across Freedom Street could have future conflicts with the tennis complex lighting once housing is developed. To minimize lighting impacts to the views from residential areas, the facility should maintain reasonable hours and prevent the opportunity for lights to be triggered or left on throughout the night. A shut off time of 11:00 p.m. is recommended at this point. Having a master timer on the system will allow that time to be adjusted if needed in the future.

Grading/Storm water:

The additional impervious surfaces create the potential for runoff. The grading of the site has been designed to direct runoff to the north, into existing grass areas. The drainage west of the crown of the old football field will flow to an existing swale. The drainage east of the crown of the old football field may end up in Freedom Street if additional grading is not done, based on the plan information. The applicant's engineer is still working with the city engineer to review the situation for the east end of the facility. A drainage report has otherwise been determined to meet the city's storm water management policy.

Restrooms:

No new restrooms are proposed as part of this project and apparently are not required under any section of existing city code. The middle school restrooms will be available to the public during tournaments, but otherwise will only be open for school-related use.

ATTACHMENTS:

Application materials.

ALTERNATIVES:

Approve or deny the project.

RECOMMENDATION:

Approve the tennis court complex subject to the following:

1. On the construction plans, add an ADA compliant sidewalk connecting the existing concrete basketball area to the tennis court sidewalk.

2. The lighting for the tennis courts must have a timer to automatically shut off the lighting at night. Shut off time is to be no later than 11:00 p.m. at this time and may be limited to as early as 10:00 p.m. if conflicts arise with future residential development in the area.
3. Informational signage of conservative size is recommended and authorized, to inform users of hours of operation, rules for use, etc.
4. Correct the drainage note on sheet P2 to refer to drainage flow from East to West instead of West to East, and resolve the outstanding question of drainage on the east end of the site with the City engineer.

PARK COUNTY SCHOOL DISTRICT #6

CONSTRUCTION DRAWINGS OF CODY MIDDLE SCHOOL TENNIS COURTS

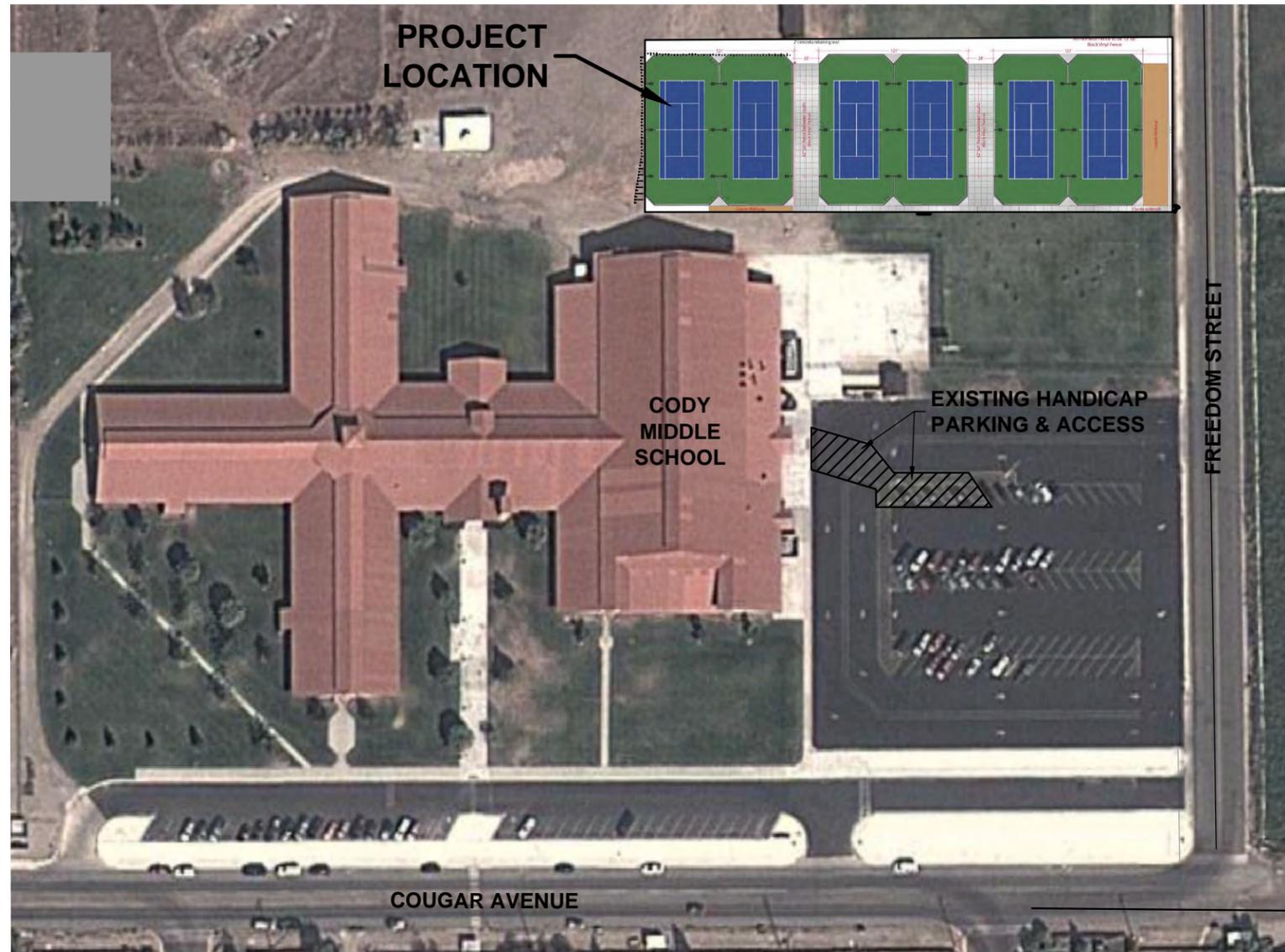
PREPARED BY

ENGINEERING ASSOCIATES
CONSULTING ENGINEERS & SURVEYORS
902 13th STREET
CODY, WYOMING 82414

DATE: MAY, 2014

INDEX TO DRAWINGS

TITLE	SHEET NO.
TITLE SHEET.....	T1
EXISTING SITE.....	P1
PROPOSED SITE GRADING PLAN.....	P2
TENNIS COURT PLAN.....	P3
DETAILS.....	D1



LOCATION MAP

P:\2014\14048 - CMS Tennis Courts\ACAD\C3D BASE.dwg 5/1/14 Ion

DATE	DRAWING LOG	BY	CHECKED	APPROVED	DRAWN BY: IKSM, CRA
04/14/14	ORIGINAL DRAWING	IKSM	BJR		JOB NO. 14048 FIELD BOOK NO. XXX



ENGINEERING ASSOCIATES – CODY, WYOMING
CONSULTING ENGINEERS & SURVEYORS

OWNER:

CODY MIDDLE SCHOOL

PROJECT:

CMS TENNIS COURTS

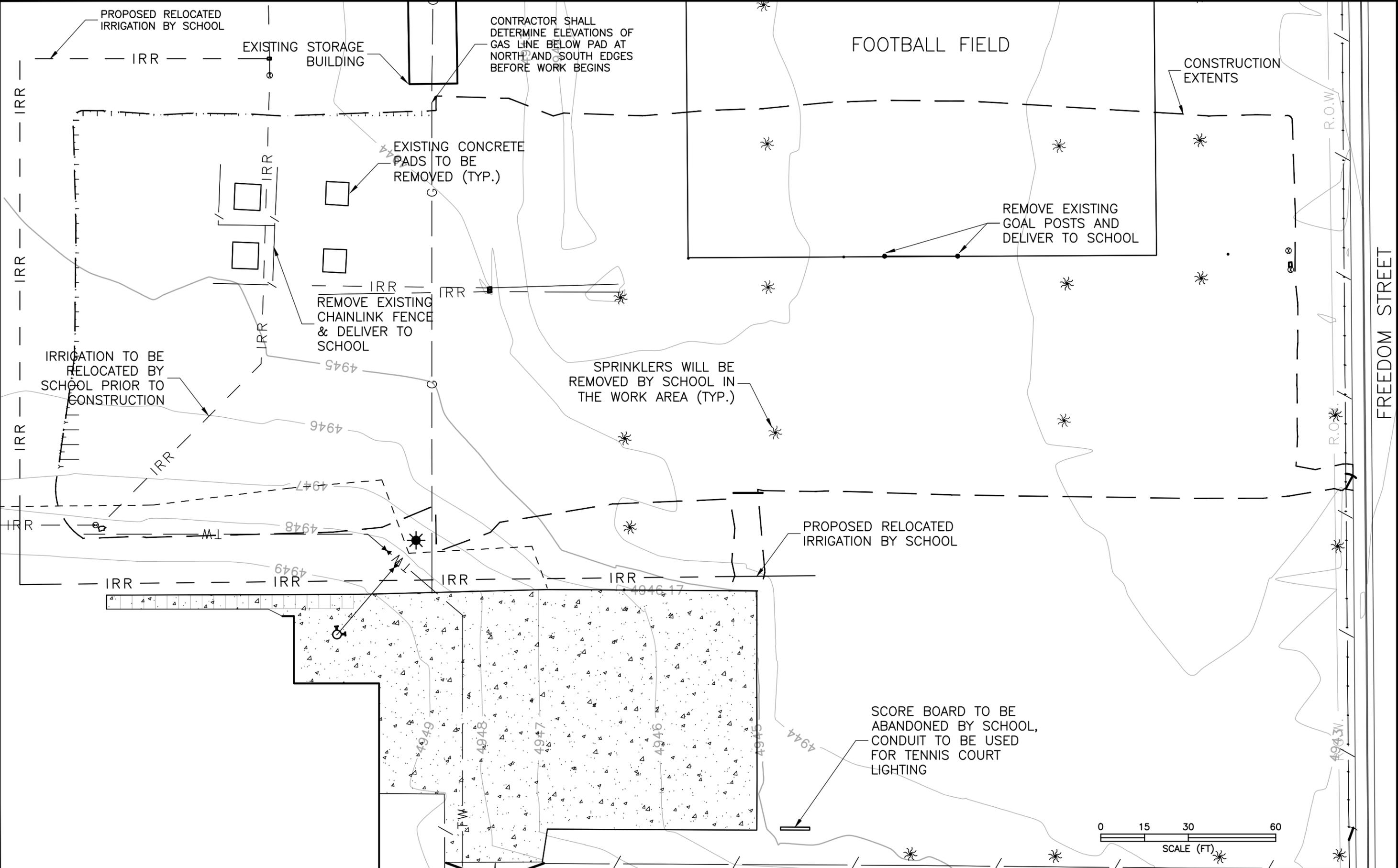
TITLE:

TITLE SHEET



SHEET
T1 OF 5

P:\2014\14048 - CMS Tennis Courts\CAD\C3D BASE.dwg 5/1/14 Ion



DATE	DRAWING LOG	BY	CHECKED	APPROVED
04/14/14	ORIGINAL DRAWING	IKSM	BJR	

DRAWN BY: IKSM, CRA
 JOB NO. 14048
 FIELD BOOK NO. XXX

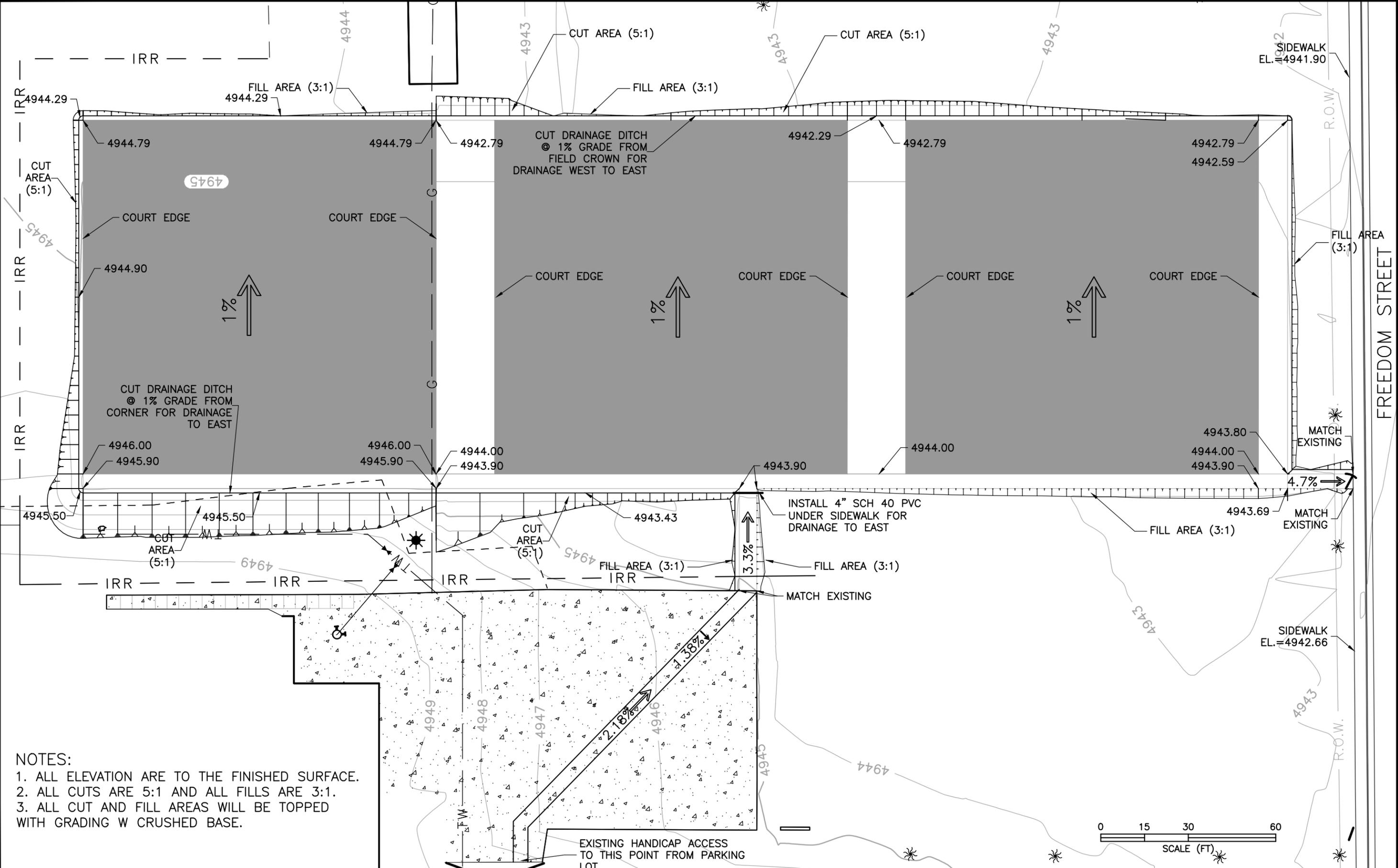
ENGINEERING ASSOCIATES - CODY, WYOMING
 CONSULTING ENGINEERS & SURVEYORS

OWNER: **CODY MIDDLE SCHOOL**

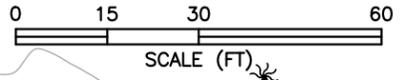
PROJECT: **CMS TENNIS COURTS**
 TITLE: **EXISTING SITE**

SHEET **P1** OF **5**

P:\2014\14048 - CMS Tennis Courts\ACAD\C3D BASE.dwg 5/1/14 Ion



NOTES:
 1. ALL ELEVATION ARE TO THE FINISHED SURFACE.
 2. ALL CUTS ARE 5:1 AND ALL FILLS ARE 3:1.
 3. ALL CUT AND FILL AREAS WILL BE TOPPED WITH GRADING W CRUSHED BASE.



DATE	DRAWING LOG	BY	CHECKED	APPROVED
04/14/14	ORIGINAL DRAWING	IKSM	BJR	

DRAWN BY: IKSM, CRA
 JOB NO. 14048
 FIELD BOOK NO. XXX

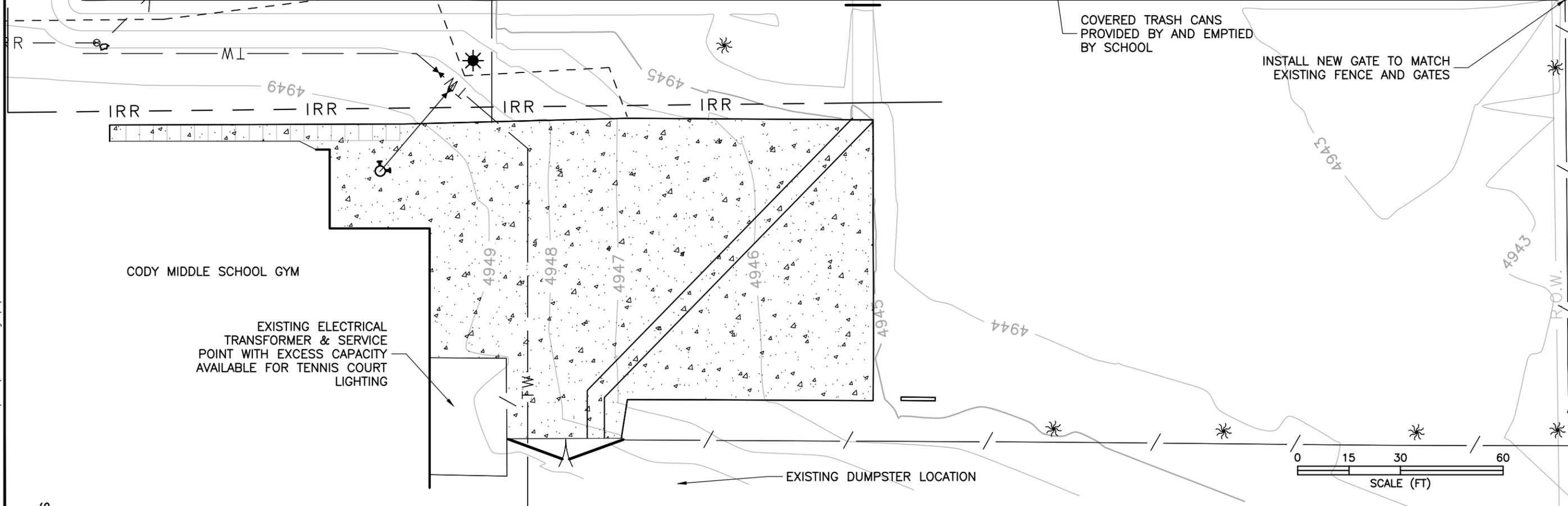
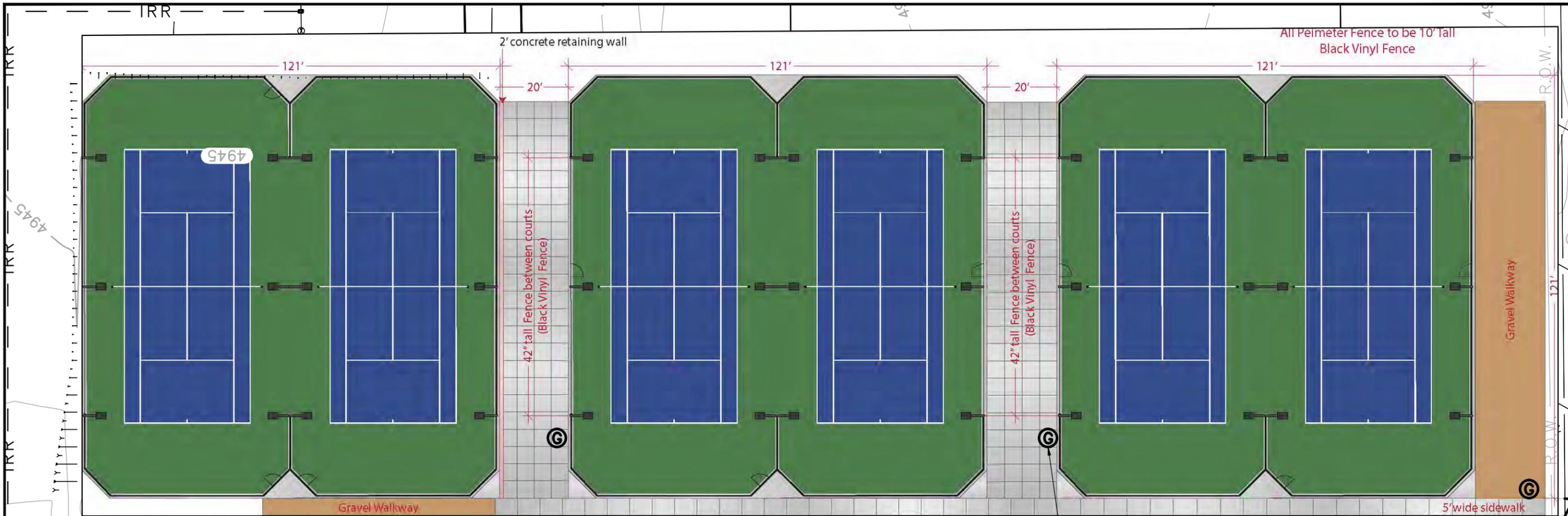


ENGINEERING ASSOCIATES - CODY, WYOMING
 CONSULTING ENGINEERS & SURVEYORS

OWNER:
CODY MIDDLE SCHOOL

PROJECT: **CMS TENNIS COURTS**
 TITLE: **PROPOSED SITE GRADING**

SHEET
P2 OF 5



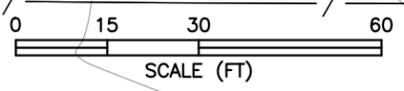
COVERED TRASH CANS PROVIDED BY AND EMPTIED BY SCHOOL

INSTALL NEW GATE TO MATCH EXISTING FENCE AND GATES

CODY MIDDLE SCHOOL GYM

EXISTING ELECTRICAL TRANSFORMER & SERVICE POINT WITH EXCESS CAPACITY AVAILABLE FOR TENNIS COURT LIGHTING

EXISTING DUMPSTER LOCATION



P:\2014\14048 - CMS Tennis Courts\ACAD\C3D BASE.dwg 5/1/14 Ion

DATE	DRAWING LOG	BY	CHECKED	APPROVED
04/14/14	ORIGINAL DRAWING	IKSM	BJR	

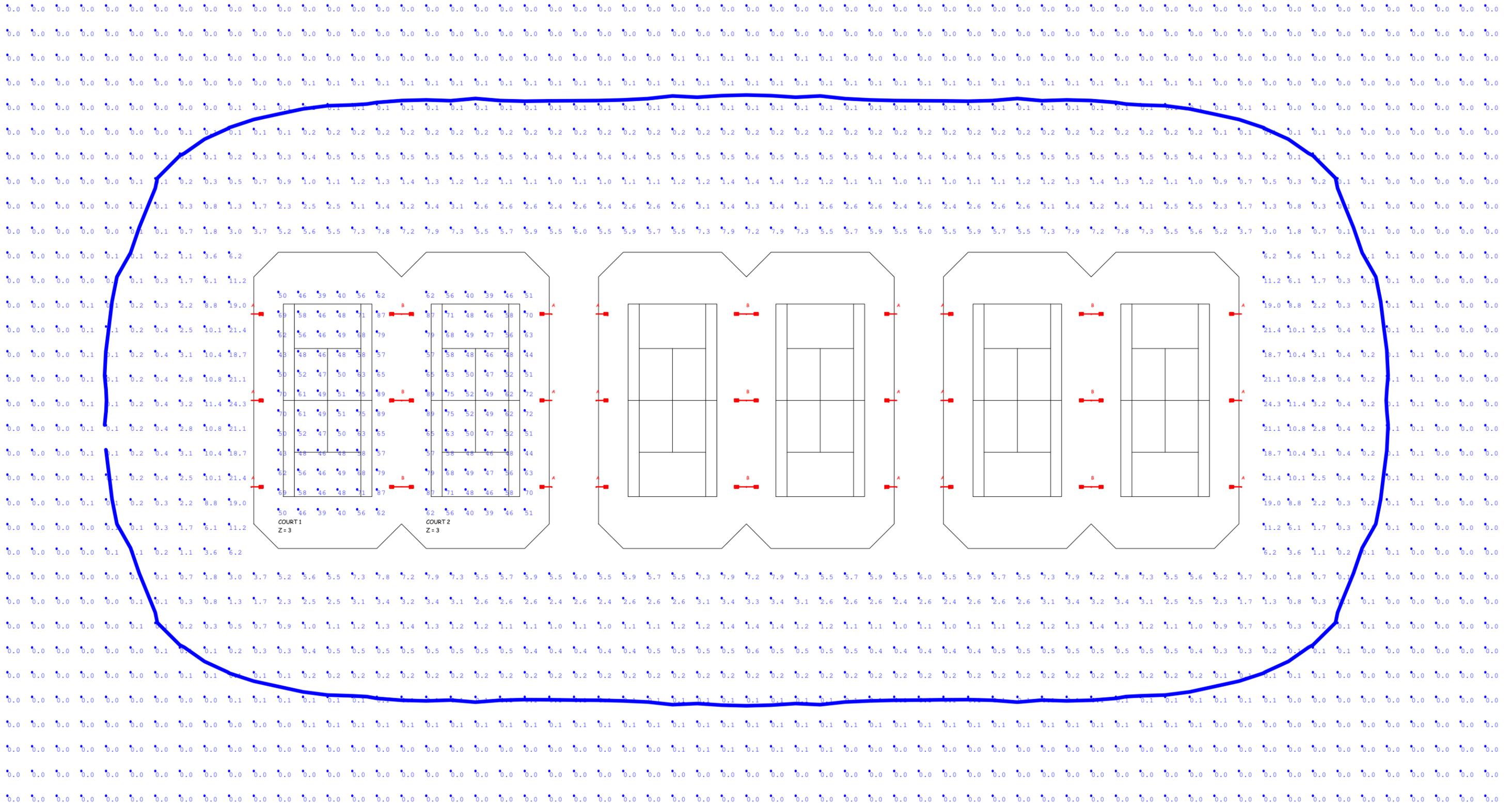
DRAWN BY: IKSM, CRA
 JOB NO. 14048
 FIELD BOOK NO. XXX

ENGINEERING ASSOCIATES - CODY, WYOMING
 CONSULTING ENGINEERS & SURVEYORS

OWNER: **CODY MIDDLE SCHOOL**

PROJECT: **CMS TENNIS COURTS**
 TITLE: **TENNIS COURT PLAN**

SHEET **P3** OF **5**



SPELL
Z=0

Luminaire Schedule						
Project	Qty	Label	Arrangement	Lumens/Lamp	LLF	Description
---	18	A	SINGLE	107800	0.900	COURTSIDER XL @ 22' MTS. HT.
---	9	B	TWIN 180	107800	0.900	COURTSIDER XL @ 22' MTS. HT.

Numeric Summary				
Project	Avg	Max	Min	Max/Min
COURT 1	57.06	89	39	2.28
COURT 2	57.33	89	39	2.28
SPELL	1.13	24.3	0.0	N/A

The light levels shown incorporate a light loss factor (LLF) of 0.90. Light loss factors are used to adjust the light output of a luminaire operating in a controlled laboratory environment to the output obtained under actual field conditions. The LLF used in these calculations includes non-recoverable factors such as optical system dirtiness, ballast factor, and variations in initial lamp lumen output. The LLF used in these calculations does not include voltage factor, or recoverable factors such as lamp lumen depreciation (LLD) over time, and luminaire dirt depreciation (LDD). Actual light levels measured in the field may vary from the calculated values, particularly in regards to light levels at individual locations.

Based on the information provided, all dimensions and luminaire locations shown represent recommended positions. The engineer and / or architect must determine applicability of the layout to existing or future field conditions.

Courtsider Sports Lighting
10000 Alliance Road
Cincinnati, OH 45242
Voice Number : 800-794-3448
Fax Number : 800-373-9998
Email Address : courtsider@tsi-industries.com

Date: 5/1/2014
Filename: CODY1.AGI



Blue numbers on the plan represent foot-candle levels

The blue line on the plan represents the 0.1 foot-candle level

**CITY OF CODY
PLANNING, ZONING AND ADJUSTMENT BOARD
STAFF REPORT**

MEETING DATE:	MAY 13, 2014	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	SITE PLAN REVIEW: NEW INDUSTRIAL SHOP AND OFFICE AT 178 BLACKBURN SPR 2014-12	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT DESCRIPTION:

Ed Higbie as owner of the subject property has submitted an application for a 50-foot by 100-foot shop building and 28-foot by 26-foot attached office area (5,728 sq. ft. total) to be constructed at 178 Blackburn Street. The property is Lot 15 of the Blackburn PUD, a .99 acre lot located on the right side of Blackburn Street immediately past the mini-storage facility under construction at the bottom of the hill. The user of the building is yet to be determined, but is anticipated to be industrial in nature, such as an oilfield related business. The property is zoned Industrial E.

Existing Situation (view from southwest corner):



REVIEW CRITERIA:

Section 10-10E-3 of the zoning regulations states:

All structures within the district shall be architecturally compatible. Architectural and landscaping plans shall be submitted to the planning and zoning commission for approval. Architectural and landscaping details shall be maintained as shown by the approved plans.

Section 9-2-3 is as follows:

Before the issuance of any permit under the international building code for commercial buildings situated within the city, the applicant, property owner and occupant shall meet with the planning, zoning and adjustment board to review the application and plans insofar as they pertain to the exterior of a commercial building and site plan conditions. The issuance of a permit shall be conditioned upon the applicant receiving an affirmative vote of a majority of the planning, zoning and adjustment board members in attendance at said meeting.

STAFF COMMENTS:

Architecture:

Elevations of the building are attached. The shop portion is a metal building with vertical metal siding and a low-pitched roof. Wall height is 14 feet. The only windows and doors on the shop will be two overhead doors and an entry door on the south side. The office area has architectural enhancements, including horizontal metal siding, a covered porch/entry way, and support pillars covered in manufactured stone. The buildings will have a gray color scheme with rusty red trim accents. The roof of the shop is planned to be plain galvanized metal, which the applicant indicates is a dull metal rather than the shiny kind. The roof on the office area will be a painted metal, likely in a brown color if it can be color coordinated.

The P&Z Board will need to determine if the proposed materials, colors, and architecture are suitable. The surrounding area is entirely industrial in nature, and primarily consists of buildings similar to the addition proposed.

Landscaping:

No landscaping exists or is proposed. In comparison, across the street, a few trees were planned, but have yet to be planted. Immediately south, at the mini-storage, cobble rock areas at the end of the building were approved. Due to the location on a dead end road and away from major streets and other highly visible sites, minimal, if any landscaping is needed for screening or aesthetic purposes. If landscaping is required, it could be used to help define the entry drive for safety purposes.

Parking:

The parking ordinance requires 1.1 spaces per 1,000 square feet of building area for general light industrial uses. The 5,728 square foot building requires 6.3 spaces. Seven spaces are shown. Staff is not excited about the parking lot layout—a commercial/industrial use backing directly into the street, but since it is not onto a major street the situation is not prohibited by the parking ordinance. The spaces are proposed to be gravel or crushed asphalt, which meets the requirements of the parking ordinance except for the ADA parking and load space, which will need to be at least 16 feet wide and hard surfaced with asphalt or concrete. Gravel parking requires parking blocks (or equivalent) to help delineate the individual parking spaces.

Lighting

Exterior lighting fixtures will be mounted over the entry doors. The fixtures have not been identified. Due to a residence in a neighboring building, it is recommended that they be down-lit style.

Neighborhood Compatibility, Setbacks and Buffers, and Height Requirements

The use of the facility will need to be identified and verified that such use is permitted in the Industrial E zone. If there are hazardous materials, scrap piles, or potential ground contamination issues with the use, it is recommended that those activities not be authorized without further Board review to verify sufficient precautions. Such activities may require screening, containment plans, etc.

There are no specified zoning setbacks or height limits for the Industrial E zone. No buffers are required for this proposal.

Storm Water Plan:

The PUD subdivision was designed in a manner that each lot is permitted to direct runoff from the equivalent of 10,000 square feet of impervious area into the street drainage system. Due to the topography of the existing and developed lot, some drainage will flow away from the street toward a drainage swale/pit on the east end of the property. The swale is currently an ungraded pit which the applicant plans to partially fill in and then grade with proper slopes. A formal drainage report was not prepared as capacity of the pit and street systems are adequate, provided the lot is graded to drain to those areas.

Utility Services

Existing sewer, water, power, and gas are available at the lot. Provided the existing transformer is used, all utility work is limited to extending the service lines to the building and installing a sewer grinder pump system to connect to the pressurized sewer system.

Signage

No signs are proposed at this time.

Snow Storage

The storage yard and drainage swale are available for snow storage.

Sidewalks

Based on the PUD approval, no sidewalks are required in this portion of the subdivision.

Oil/Sand Separator

Due to activities conducted in the shop, floor drains and an oil/sand separator may be needed. This issue will need to be addressed at the time of the building permit.

ATTACHMENTS:

Application materials.

ALTERNATIVES:

Approve or deny the site plan with or without changes.

RECOMMENDATION:

Approve the application subject to following:

1. Any use of the facility that will involve outside storage of scrap or junk materials, the handling of hazardous materials, or potential ground contamination issues is not authorized without further site plan review by the Planning and Zoning Board.
2. That the storm water facilities be coordinated with and approved by the city engineer prior to building occupancy.
3. That any exterior lighting be of a down-lit style.
4. That a hardsurfaced ADA parking space and loading area be provided in accordance with ADA standards.
5. That the project must otherwise comply with the submitted site plan and applicable building, fire, and electrical codes.
6. (Any landscaping?)



PLANNING, ZONING AND ADJUSTMENT BOARD
COMMERCIAL SITE DEVELOPMENT APPLICATION

STAFF USE
File #: SPR2014-12
P&Z Invoice: 424-19
Date Submitted: _____

Applicant's Name: Edwin Higbie Business Name: Higbie Family Trust
Applicant's Mailing Address: 213 Nth 44th St City: Cody State: WY Zip: 82414
Phone: 3078991403 Cell: 8991403 Email: edhigbie@tctwest.net
Project Address: 178 Blackburn St. Cody, WY Zoning: D3
Property Owner's Name: Higbie Family Trust Phone/Cell: 3078991403
Property Owner's Mailing Address: 213 Nth 44th St City: Cody State: WY Zip: 82414
Description of Proposal (attach additional sheets as necessary):
5000 sq ft Shop and 728 sq ft office Area

Legal Description of Property (or attach copy of deed):
LOT 15 BLACKBURN PUA

Estimated Construction Start Date: AS SOON AS POSSIBLE (May 20, 2014)

Representative Attending Planning and Zoning Meeting: Ed Higbie

Signature of Property Owner: Edwin Higbie April 30, 2014
Signature Date

APPLICATION MATERIALS:

Applicants are encouraged to arrange a pre-application meeting with staff to ensure a complete submittal. Re-submittal of an application may result in additional fees. The following items are to be submitted with the application.

- FEE:** Each application shall be accompanied by one of the following review fees as set forth by Resolution 2011-09. Payment may be made by cash, check, or credit card (Visa, MasterCard, Discover).

 - Site Plan Review (also includes Landscape, Architecture, and Sign Plan).
Size of Building/Addition: 5728 S.F. @\$0.05 per square foot \$250.00 minimum
 - Landscape, Architecture and Sign Plan only. (Typically modifications to existing development.) \$100.00
 - Minor Commercial Review. (Windows, doors, awnings, building access or exterior finish only.) \$50.00
- COPIES:**

 - Twelve (12) paper copies* of the application materials (plans, project description, sign plan, and other required information).
 - A digital copy (PDF) of each of the application documents.

*For complex projects, or if the applicant wishes, submit only two full-size paper copies and the electronic copy for staff review and wait until staff review is complete before providing the 12 copies for the Planning and Zoning meeting. This allows for corrections and changes to the plans before the 12 copies are printed. The 12 copies and an updated PDF will need to be submitted well before the Planning and Zoning meeting, as coordinated with staff.
- PLANS AND ADDITIONAL FORMS:** Commercial Site Plan Review requires all of the following, whereas minor commercial reviews and landscape/architectural plans need only include applicable items. All plans must be dimensioned, clearly legible, and to a standard scale.



ELECTRICAL DIVISION
REVIEW COMMENTS
Revised July 2013

STAFF USE	
File:	_____
P&Z Invoice:	_____
Approved:	_____
Date:	_____

Project Name: Higbie Family Trust Date: April 30, 2014
 Project Address: Blackburn Ave Developer/Contractor: CD Higbie

Distribution System Information Section: Please provide the following information to allow the City to determine whether system modifications will be necessary to accommodate the project's electrical service requirements. The completed form must be provided to the City Electrical Engineer prior to estimating the distribution system cost.

Project Electrical Service Requirements:

- 1) Three Phase Yes No
- 2) Voltage Needed 120/240 Volt Single Phase Yes No
 120/208Y Volt Three Phase Yes No
 277/480Y Volt Three Phase Yes No
- 3) Service Size (check one) 200 amp 800 amp
 400 amp 1200 amp
 600 amp Other _____ amp
- 4) Expected size and number of secondary service lateral conductors needed to supply project.
 Conductors per phase _____ Total conductors _____ Size of Conductors _____ MCM
 Conductor material Aluminum Copper
- 5) A copy of the site plan showing existing electrical lines and equipment on and adjacent to the project site.

Developer Instructions/Comments:

- 1) The developer shall provide and install electrical grade PVC schedule 40 conduit per the plans and specifications once the final plat is reviewed.
 - a. Invoices shall be provided to the City Electrical Engineer for all conduit and electrical material purchased for this project by the developer or contractor.
 - b. Any changes in the design of the electrical distribution system shall be discussed with and approved by the City of Cody Electrical Engineer.
- 2) All primary conduits (distribution voltage conduit) shall be installed at a depth of 48" and backfilled per City specifications as follows:
 - a. All primary conduits shall be schedule 40 electrical grade PVC, _____ inches in diameter.
 - b. A pull string is not required in 4" or larger primary conduit.
 - c. All conduit sweeps shall be 36" radius schedule 40 electrical grade PVC unless otherwise specified.
- 3) All secondary (service voltage) conduits shall be installed at a depth of 24" and backfilled per City specifications.
 - a. All secondary conduits shall be 3" schedule 40 electrical grade PVC.
 - b. A pull string is not required in 3" secondary conduit.
 - c. All conduit sweeps shall be 36" radius schedule 40 electrical grade PVC.
- 4) If a new commercial three phase service requires 12 or more conductors from the transformer to the service equipment (more than 3 per phase), then the developer shall provide a secondary connection cabinet. The City would then provide cables from the transformer to the secondary connection cabinet.
- 5) All streetlight conduits shall be installed at a depth of no less than 24" and backfilled per City specifications.
 - a. All streetlight conduits shall be 1-1/2" schedule 40 electrical grade PVC. A pull string shall be installed in the streetlight conduit run by the contractor.



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PURCHASE ORDER

PRODUCTION

APPROVAL

PERMIT

BUYER / OWNER INFORMATION

SALESPERSON: Stacy Spencer QUOTE #: 032414SS5
 BUYER: Ed Higbie SHIP TO: Ed Higbie
 COMPANY: Higbie Const. Co. ADDRESS: _____
 ADDRESS: 213 N 44th St. CITY, ST., ZIP: Cody, WY 82414
 CITY, ST., ZIP: Cody, WY 82414 COUNTY: Park
 PHONE: (307) 587-5584 FAX: (307) 587-5553 JOB SITE PHONE: _____
 CELL PH.: 307-587-2523 even CONTACT: _____
 EMAIL: ed@wavecom.net/ edhigbie@tctwest.net BLDG. END USE: 2A-Manufacturing Production

BUILDING SPECIFICATIONS

WIDTH: 50' LENGTH: 100' EAVE HEIGHT: 14'
 ROOF SLOPE: 1:12 RIDGE TO FRONT: W/2 FRAME TYPE: Clear Span
 INT. MODULE SPACING: _____ SW BAY SPACING: 4@25' COLUMN TYPE: TAPERED
 LEFT ENDWALL FRAME: Bearing Frame COLUMN SPACING: 16-18-16 LEW CONDITION: FULLY-SHEETED
 RIGHT ENDWALL FRAME: Bearing Frame COLUMN SPACING: 16-18-16 REW CONDITION: FULLY-SHEETED
 GIRT TYPE: FRONT SIDEWALL - BYPASS BRACING: FRONT SIDEWALL - PANEL SHEAR
 BACK SIDEWALL - BYPASS BACK SIDEWALL - PANEL SHEAR
 LEFT ENDWALL - FLUSH LEFT ENDWALL - PANEL SHEAR
 RIGHT ENDWALL - FLUSH RIGHT ENDWALL - PANEL SHEAR

DRAWINGS & DOCUMENTATION

____ Letters of Certification WITH Engineer's Seal _____ Sets of Design Calculations WITH Engineer's Seal
 ____ Sets of Permit Drawings WITH Engineer's Seal _____ Sets of Approval Drawings WITHOUT Engineer's Seal
3 ____ Sets of Final Drawings WITH Engineer's Seal _____ Sets of Final Drawings WITHOUT Engineer's Seal
 ____ Sets of Advance Anchor Bolt Plan WITHOUT Engineer's Seal

DESIGN LOADS

BLDG CODE: IBC YR/ED: 2012 OCCUPANCY: NORMAL/STD BUILDING ENCLOSURE: * ENCLOSED
 * ARE FRAMED OPENINGS & OPEN AREAS ENCLOSED WITH MATERIAL DESIGNED TO RESIST WIND LOAD? X YES NO
 COLLATERAL LOAD: 1 COLLATERAL TYPE: LIGHTS LIVE LOAD(PSF): 20# REDUCIBLE: yes
 GROUND SNOW(PSF): 43 ROOF SNOW(PSF): 30.1 SNOW EXPOSURE: PARTIALLY EXPOSED
 WIND LOAD(MPH): 115 EXP. C HURRICANE REGION: NO ADJACENT BLDG WITHIN 20': no | If YES, Submit Exist Bldg Form
 SEISMIC D.C. C SITE CLASS: D S_s/A_s : .323 S_1/A_v : .109 STD DEFLECTION LIMITS ACCEPTED? Yes | If NO,
 Please Submit The Required Limits DOES BUILDING INCLUDE A CRANE? no | If YES, Please Complete "Crane Information" Form
 THERMAL CONDITION: ALL OTHERS IMPORTANCE FACTORS: SNOW: 1.0 WIND: 1.0 SEISMIC: 1.0
 TOPOGRAPHIC FACTOR APPLICABLE: YES: _____ NO: X | If YES, Please Complete The "Topographic Factor Supplemental Form"

ROOF & WALL COVERING

ROOF PANEL PROFILE: "PBR" 26ga. COLOR: Unpainted Galvme INSULATION THICK: 6"VRR BY HBS: yes
 WALL PANEL PROFILE: "PBR" 26ga. COLOR: Color / Sig 200 INSULATION THICK: 6"VRR BY HBS: yes

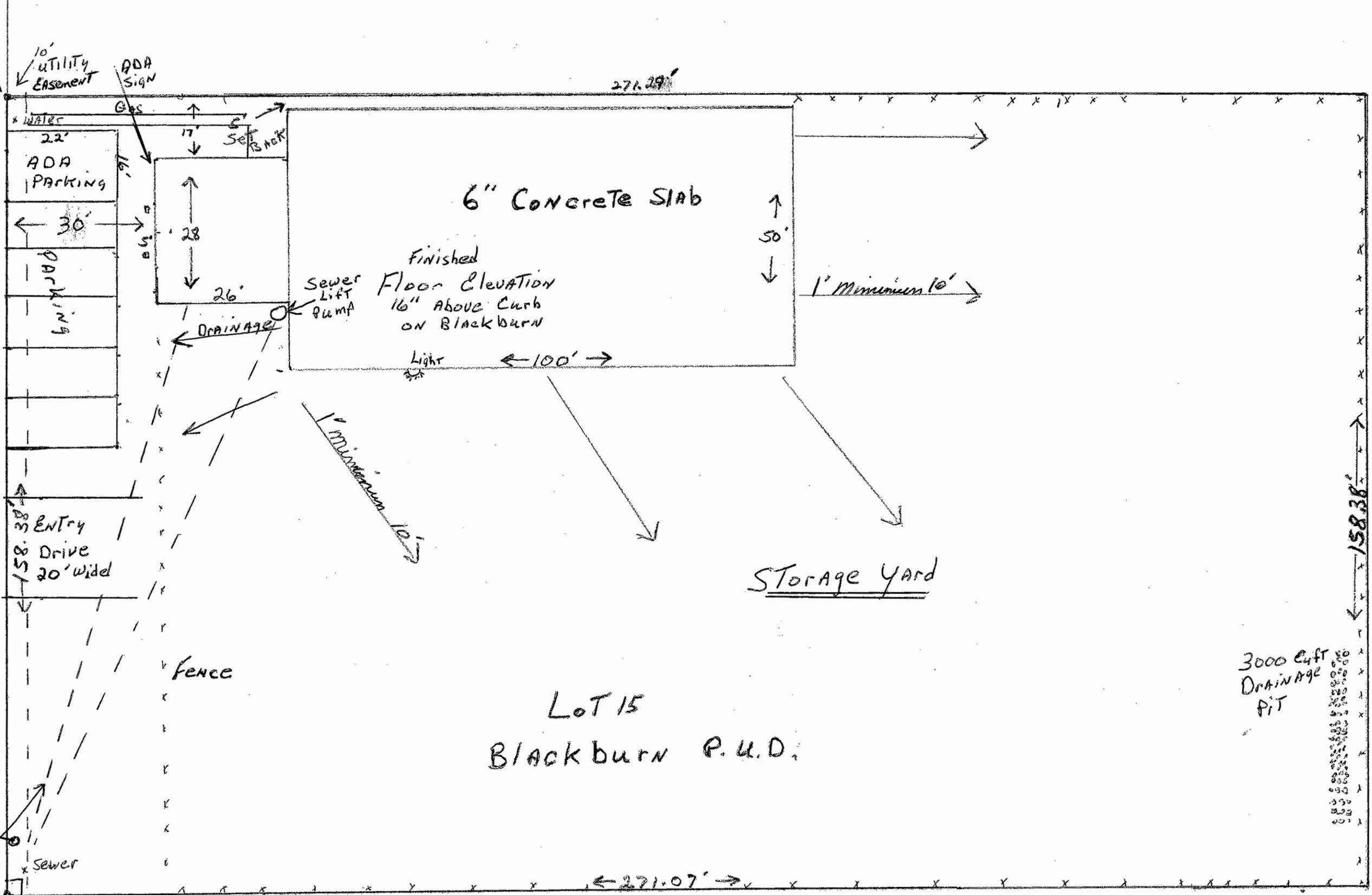
GENERAL NOTES

PLEASE REVIEW THE "HELP TOPICS" @ www.heritagebuildings.com FOR CLARIFICATION TO SPECIFICATIONS, LOADS AND DEFLECTIONS.

- * ULTIMATE EXTENDED LIFETIME ROOF SCREWS
- * 20 YEAR PAINT SYSTEM
- * 20 YEAR WARRANTY ON ROOF AND WALL PANELS
- * Quote Valid For 7 Days.
- * ENGINEERED STAMPED DRAWINGS
- * ANCHOR BOLTS BY OTHERS
- * CUSTOMER TO CHECK LOCAL CODES

Ed Higbie - Design Criteria okay?

Blackburn Street



LOT 15
Blackburn P.U.D.

No Landscaping proposed
6' Chainlink fence
Parking Compacted Gravel or recycled Asphalt
exterior lighting mounted on building over Entry doors

Site Plan
New Building
Developer
Ed Higbie
Cody Wy
LOT 15 Blackburn P4D

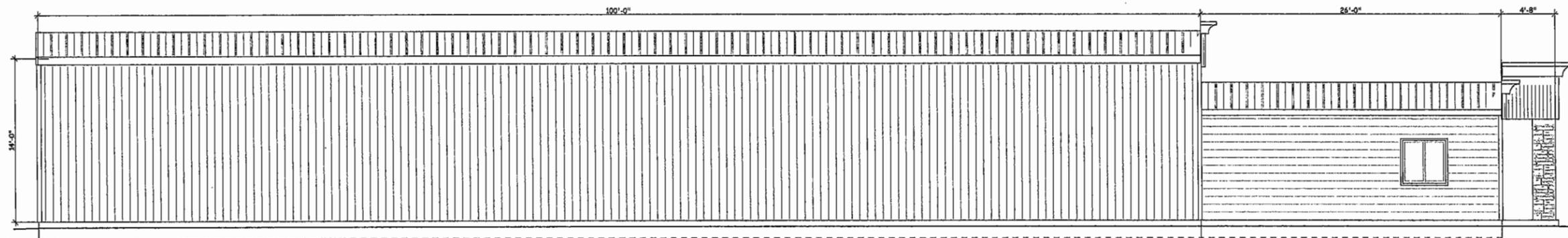
Fire Hydrant
Electric Service

Sewer

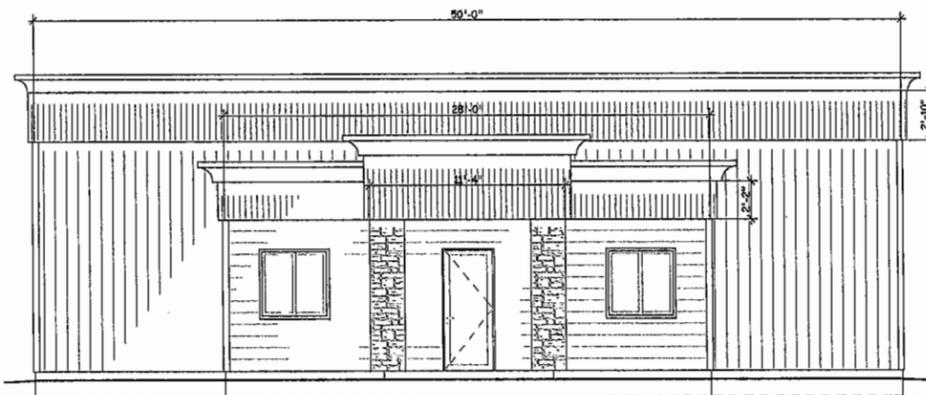
fence

Storage Yard

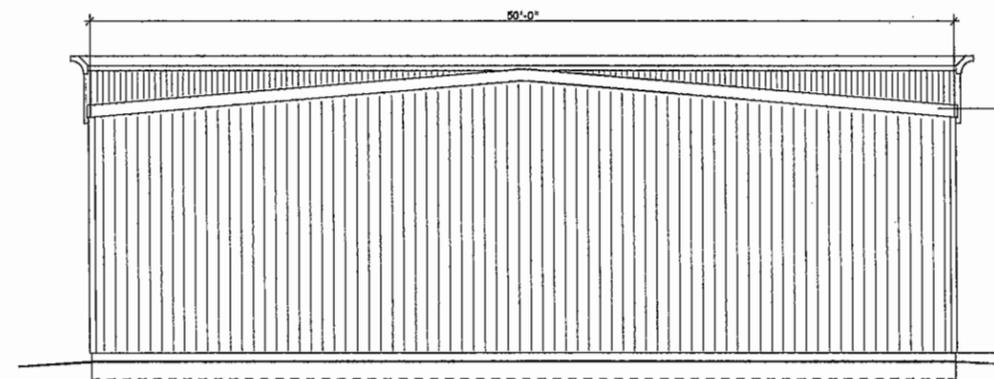
3000 cuft
Drainage
Pit



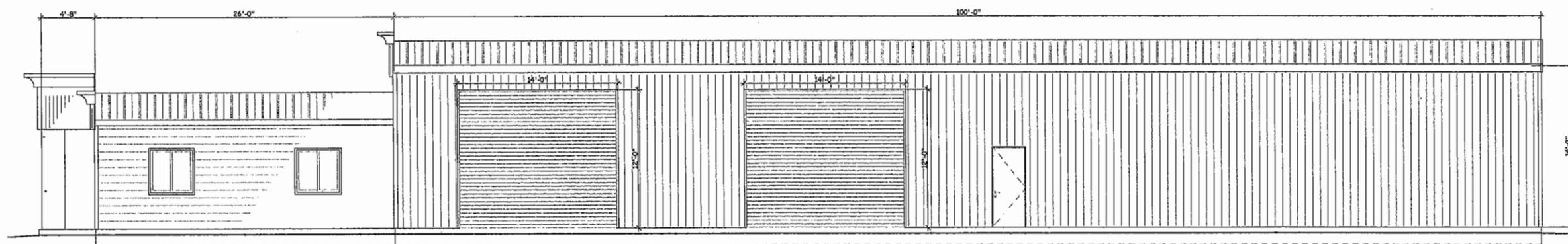
SIDE ELEVATION
SCALE 1/4" = 1'-0"



FRONT ELEVATION
SCALE 1/4" = 1'-0"



BACK ELEVATION
SCALE 1/4" = 1'-0"



SIDE ELEVATION
SCALE 1/4" = 1'-0"

Office
Building
Project # 1019

Ed Higbie
213 North 44th Street
Cody, Wyoming 82414
(307) 899-1403 edhigbie@attwest.net

NOTE: MUCH GREAT CARE AND EFFORT HAVE GONE INTO THIS PLAN TO CREATE A PRECISE INTERPRETATION OF THE FINISHED PROJECT. IT IS IMPOSSIBLE TO GUARANTEE THAT THIS PLAN IS WITHOUT IMPERFECTIONS. THEREFORE THE ARCHITECT ASSUMES NO LIABILITY FOR ANY PROJECT CONSTRUCTED FROM THIS PLAN. BUILDER / OWNER VERIFY ALL DIMENSIONS. PLANS SUBJECT TO CHANGE PER ENGINEER OR LOCAL CODES.

**PRELIMINARY PLANS
NOT FOR CONSTRUCTION**

PRECISION PLANS DESIGN INC.
CUSTOM PLAN SERVICE
(307) 897-6227 (307) 273-6708
Rick Lambert
Member
LEA No. 1271
1414 17th Street Suite # 3
Cody, Wyoming 82414

SHEET #
A2
ELEVATIONS
SCALE: AS NOTED
04-10-2014
REVISED ()

**CITY OF CODY
PLANNING, ZONING AND ADJUSTMENT BOARD
STAFF REPORT**

MEETING DATE:	MAY 13, 2014	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	SPECIAL EXEMPTION PUBLIC HEARING AND DOWNTOWN ARCHITECTURAL REVIEW FOR WYOMING FIREARMS EXPERIENCE INDOOR SHOOTING RANGE SUP 2014-01	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT DESCRIPTION:

Wyoming Firearms Experience, LLC., represented by Paul Brock, has submitted a Special Exemption application for permission to operate an indoor shooting range at 1138 12th Street. In addition, an application for architectural review has been submitted for exterior modifications to the back of the building. The exterior work would include enclosing the south 30 feet of the open carport with masonry block. A garage door may also be framed into the remaining carport opening in order to maintain compliance with required noise limitations for the gun range.

The shooting range is planned to be marketed towards tourists desiring to shoot replica vintage guns or modern guns, as well as to local clubs and law enforcement. Supervision of the customers would be by qualified instructors. The proposal is for one instructor per two untrained shooters, such as with the tourist customers. Gun clubs or law enforcement personnel using the facility may have less of an instructor to shooter ratio, such as one instructor per four shooters. Ammunition sales and the rental of guns for use in the shooting gallery would be included activities.

Shooting would occur within a seven or eight lane shooting gallery consisting of a concrete enclosure to be constructed within the existing masonry building. Initial plans include an 8-inch thick, concrete-filled block wall and a 4-inch thick concrete ceiling for the shooting range enclosure. A rubber trap system will be utilized to capture the bullets. The design of the trap system is based on the ammunition sizes and loads/velocities planned to be fired. Current design would accommodate ammunition up to .45 caliber for use in modern weapons and ammunition for a couple of replica black power rifles shooting .54 caliber and .58 caliber bullets. Observation windows would be located behind the shooter positions. The lobby area would include an exhibition area, the "Story of Guns in the American West", an old-time photo area, and the retail counter. A classroom and ammunition/gun safe are also included. See the attached preliminary layout plan.

The ventilation system is yet to be fully designed but conceptually includes a recirculating ventilation system (as opposed to a once-through type system), that recirculates and filters the majority of the air (primarily for reducing heating/cooling costs), and also discharges some of the air to the outside after it has been filtered. HEPA (High-efficiency particulate absorption) filters would be used, which by definition filter at least 99.97% of airborne particles measuring 0.3 micrometers. This is adequate to filter lead (Pb) particulates and is considered a "best practice" for controlling air emissions from indoor gun ranges. The heating and ventilation equipment is planned to be located on a mezzanine level above the shooting range enclosure, but within the building. Cooling equipment would likely include roof-mounted swamp coolers. The Wyoming Dept. of Environmental Quality, Air Quality Division indicated that they do not require any permits for indoor gun ranges, as the emissions are below regulatory limits- although they did recommend the use of filters. It is not known if the applicant plans to utilize charcoal filters, which would reduce odor potential.

Hours of operation would likely vary seasonally, with summer hours planned to be 8 AM to 8 PM.

The existing building was constructed in 2002 and measures 50 feet wide, 130 feet long (6,500 sq. ft.), and occupies the entire subject property. The surrounding properties are as follows:

	CURRENT USE	ZONING
NORTH	Wine establishment, offices, 2 nd floor dwelling, retail.	D-2
EAST	Dairy product distribution building, Forest Service storage building beyond.	D-2
SOUTH	McCue automotive repair business.	D-2
WEST	Traditions West Antiques, retail stores, Irma Hotel across 12 th Street.	D-2

The site and all properties within at least 320 feet of the site are zoned General Business (D-2). The property is also in the downtown architectural district, which regulates architectural changes, and the downtown parking district, which exempts this business from on-site parking requirements.

PROCEDURE:

Authorization to operate an indoor shooting range requires zoning approval as well as City Council approval pursuant to section 5-4-1 of the City code relating to the discharge of firearms within the city limits. The City Council granted their permission for the indoor shooting range at their April 15, 2014 meeting, subject to conditions relating to noise limitations, air filtration, and safety practices. The approved motion was to "approve the request from Wyoming Firearms Experience, LLC to operate an indoor shooting range at 1138 12th Street with staff recommendations as outlined with 45dBA at the property line on the west side of the building, 35dBA at the property line

on the east side of the building and not plainly audible at the property line on the south and north side of the building." The complete conditions are listed at the end of this report.

The City zoning ordinance regulates the location of land uses within the city limits. Unfortunately, the zoning ordinance is silent on the topic of shooting ranges. Nevertheless, a process is outlined in the zoning ordinance for the consideration of uses not listed, which process is called "Special Exemptions". Special Exemptions are outlined in Section 10-14-2 of the City code, which includes the following guidance language.

"Certain activities, structures and uses that are essential or desirable for the welfare of the city and not incompatible with other uses in the zoning district or neighborhood are eligible for special exemptions. Special exemptions may be entirely appropriate but not at every location or without conditions being imposed by reason of special problems the use presents. The planning and zoning board may grant those special exceptions that are reasonable and harmless deviations from the zoning ordinance as determined by the following standards and procedures:"

And,

2. Exemption for Use Similar to Permitted Uses: Special exemptions may be granted to allow uses not listed in the zoning ordinance when the planning and zoning board determines that such use is similar to a permitted use within the zoning district of the subject property. The determination on similarity shall be made in consideration of the size, intensity, noise, traffic, burden on infrastructure, and purposes of the use in question.

In addition, the city code sets forth six specific approval standards for Special Exemptions, which are also addressed below. If the special exemption is approved, the board *"may impose any reasonable conditions or modifications pertaining to operation or physical features of the proposal to ensure conformance with the approval standards."*

It is also being interpreted that the special exemption review is for the specific proposal being presented—not for any type of firearm facility. Quite often zoning ordinances will restrict uses to different zones based on performance standards. Staff recommends treating the special exemption determination in that manner. For example, rather than dealing with a general category of "Indoor Shooting Range", the use can be further defined as an "Indoor Shooting Range, complying with the performance standards outlined in the City Council authorization for Wyoming Firearm Experience, LLC."

Notice of the special exemption request was provided as required, including publication in the newspaper at least 10 days before the public hearing (May 1) and by certified mail to all landowners within 140 feet (April 30, 2014).

REVIEW CRITERIA:

SIMILAR:

"Similar" is defined as, "*showing resemblance in qualities, characteristics, or appearance; alike but not identical.*" (Dictionary.com. *Collins English Dictionary - Complete & Unabridged 10th Edition*. HarperCollins Publishers. <http://dictionary.reference.com/browse/similar> (accessed: May 02, 2014).)

In order to authorize the indoor shooting range, it must be demonstrated that the indoor shooting range is similar to other uses that are listed as permitted uses in the General Business (D-2) zoning district. It is noted that the required comparison is to uses permitted in the D-2 zone, not to uses that exist in the D-2 zone or that are found in the immediate area.

As per the ordinance, "*The determination on similarity shall be made in consideration of the size, intensity, noise, traffic, burden on infrastructure, and purposes of the use in question.*"

Size: The use will be operated entirely within an existing building (50' x 130') that is of similar size to other commercial buildings found in the D-2 zone. Customer use of the building is limited to one story—the ground level. A mezzanine level would hold mechanical equipment and perhaps storage but would not be accessed by the public.

Intensity: The D-2 zone has no height limit, so intensity is less than what could occur in a multi-story building. As far as number and frequency of customers or employees at the business, it is no more intensive than other uses in the D-2 zone, such as restaurants, grocery stores, stadiums, schools, and museums. The hours of operation likewise are not outside of the standard commercial hours. Intensity of use can also relate to lot coverage, yet 100% lot coverage is allowed in the D-2 zoning district—all of the lot may be covered with a building. If intensity is related to emissions, then it is noted that all emissions will be well within EPA standards. Emission concerns are addressed by the use of the HEPA filtration system. The City allows fireplaces, and one fireplace would produce much more particulate emissions and odors than the shooting range. Other measures of intensity, such as noise, traffic, and utility demand are covered below. In many ways the use is relatively clean in appearance—no outside storage and almost no external noise.

Noise: Noise is admittedly the most controversial aspect of the proposal. However, the City Council set the policy on noise for the project in their decision on the shooting range. In brief, they are not allowing any audible gunfire noise out the north or south sides of the building. Gunfire noise from the front of the building is limited to 45 dBA and gunfire noise out the back of the building is limited to 35 dBA. For reference,

normal conversation is 60-65 dBA, and each 10 decibel reduction is approximately half as loud. An exception for temporary exceedance due to customers going in and out of the entry doors is recognized. The noise restrictions were primarily justified by the fact that gun noise can be very disturbing to people, and at least two of the adjacent uses would be very sensitive to noise impacts. Any other sound from the shooting range facility would be typical for a commercial area, including the swamp coolers and air handlers, and was not limited by the City Council decision.

As a matter of comparison, the D-2 zone allows some uses that are noise intensive, in both overall level and/or duration, including bars and lounges (outdoor bars with music), rodeo arenas (announcers), warehouses (trucks, forklifts, and refrigeration equipment), high schools (sports events), and amusement parks. Due to the noise restrictions placed on the indoor shooting range, the range is similar to the high school gymnasium, in that noise levels are often quite loud inside the gym, but minimal outside.

It is also noted that on the same street as this proposal the Cody Gunfighters put on a mock gunfight six nights a week during the tourist season, which results is authorized gunfire noise that is shorter in duration but much louder. Technically under the special exemption process it cannot be claimed that the indoor gun range is similar to the Cody gunfighters as that use is also unlisted; yet the comparison is evident.

Based on the thresholds required by Council, only the loudest firearms are anticipated to be audible at the front and back of the building, and only at times when the background/ambient noise levels are quiet. According to the applicant's noise engineer, background noise more than about 10 decibels above the firearm noise will mask the firearm noise to the point that it should not be plainly audible.

Although the City Council imposed very low noise limits, some Council members noted that if the applicant found them unachievable, that the business owner would not be prohibited from resubmitting a request to Council. If the special exemption is approved and if by chance Council slightly relaxes the noise limits, I would think that the Planning and Zoning board could allow reconsideration of the special exemption limited to that specific topic.

Traffic: Due to the anticipated high level of tourist pedestrian traffic it is difficult to estimate traffic generation. However, any increase in pedestrian activity in the downtown area is likely welcome. This use is not anticipated to generate any more vehicle traffic than other successful businesses that are allowed in the D-2 Zone, such as restaurants, stadiums, rodeo arenas, or post offices.

Burden on infrastructure: Water and sewer impacts will be within the capacities of the systems. Power usage will not be beyond the capacity of the primary electrical infrastructure. It is still unknown if secondary electrical equipment upgrades are

needed, but they would be at the applicant's expense. D-2 uses that would have a much higher utility demand than the gun range include multi-story office buildings, bottling plants, and laundromats.

Purposes of the use: The indoor gun range is primarily a tourist and recreation-based business with educational and historic components. In some respects, it is an attempt to keep the story of the old west alive. Such activity is similar to other activities and uses found in the D-2 zone, such as museums, retail stores, and entertainment venues (roller skating rinks, bowling alleys, theaters, amusement parks). Some may argue that there is a safety concern with this use that does not exist with other uses—referring to persons carry weapons to and from the facility, or the potential for a shooting spree. The gun range operation is planning to strictly enforce firearm safety protocols and maintain sufficient supervision to prevent reckless behavior and injury. It is not clearly evident that this activity is any more dangerous to the general public than other firearm related activities permitted in the D-2 zone, including firearm and ammunition sales or the constitutional right to bear arms.

ADDITIONAL CRITERIA

10-14-2(C)(2) Approval Standards: No special exemption shall be approved unless the planning and zoning board finds:

- a. *The special exemption will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties;*

Comment: To determine the "character of the neighborhood", staff looked at the location and historical development of zoning for the area. The property and surrounding are zoned D-2. Most of the D-2 zoning district is generally located in the downtown, 8th Street, 16th Street, and 17th Street/Greybull Highway areas, which primarily represent the commercial areas along the state highways that are located in the older core of the city. In other words, the D-2 zone is where all commercial activity once occurred in the city—plus a few extensions thereof. Apparently because of that, when the D-2 zone was crafted, it was written to include quite an array of land uses—some of which were likely listed simply because they existed in that area (blacksmith shops, rodeo arenas, bottling plants, etc.). As a result, the "character of the neighborhood" has historically been one of very diverse uses and varied commerce. As far as determining in there is an "undesirable change", the wording should be interpreted to not refer to personal preferences independent of identified impacts (a western clothing store versus an urban clothing store), but to unique characteristics of the use.

Relating to determining any "detriment to neighboring properties", it is necessary to identify potential adverse impacts and determine whether those impacts can be sufficiently mitigated or minimized to the point of being insignificant, or avoided entirely. Unless additional impacts are identified in the public hearing, it appears that the discussion of the prior requirements has already identified the potential

impacts—noise, emissions, traffic, utility needs, and safety concerns. The methods of mitigating those potential impacts to avoid detriment to nearby properties are outlined as part of the proposal and identified as recommended conditions. The mitigating measures appear sufficient to avoid measurable detriment to neighboring properties and undesirable changes to the character of the commercial neighborhood.

- b. The special exemption is designed to be compatible with adjacent land uses and the area or neighborhood;*

Comment: This requirement is almost identical to 'a' above, but speaks to the actual design of the project. In this case, the project is designed to minimize impacts through the use of noise control, exhaust air filtration, limited hours of operation, and high levels of safety protocol.

- c. The special exemption is the minimum deviation from the specifications of the zoning ordinance necessary and adequate for the proposed activity, structure or use;*

Comment: The operation of the shooting range facility can only occur if the special exemption is granted. (Note: This provision is usually most pertinent when reviewing setback reduction requests.)

- d. The benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue other than a special exemption;*

Comment: The special exemption is the only option to establish a shooting range anywhere in the city at this time. The use is not listed in any other zone, so a rezone is not an option. Technically a code amendment could be considered, but that could be said for every other special exemption situation. The special exemption process is intended to avoid the need for the applicant to request a code amendment.

- e. Adequate services and infrastructure are or will be available to serve the proposed activity, structure or use; and*

Comment: Adequate utilities, streets, and sidewalks exist in the area. Some may argue that parking is inadequate, although no more so than if the building were used for other permitted uses. The issue of downtown parking is addressed by the downtown parking district exemption and need not be revisited in the context of this site-specific application. It is noted that on-street parking is available along both sides of 12th Street, Sheridan Avenue, and Beck Avenue in the immediate area. If a ¼ mile walking distance were used, which is often considered an acceptable walking distance for planning purposes, it would include much of downtown, (including two city parking lots—Bob Moore and behind Gambels within 1½ blocks) which area rarely is beyond capacity.

f. The special exemption is consistent with the goals, policies and future land use map of the master plan.

Comment: Applicable sections of the master plan are noted as follows.

Page 6, Economic Vitality Value: Maintaining downtown as the center of economic activity.

Page 21, Principle 2.1.a. Historic Attractions and Education. Support the Buffalo Bill Center of the West, Old Trail Town, and others in their efforts to celebrate and educate residents and visitors about Cody's history and culture...

Page 32, Objective 8.1: Support year-round entertainment and events for residents and visitors to maintain a high quality of life and encourage a sense of community.

Page 40, Principle 9.2.a. Downtown Vitality. Allow a concentration of visitor attractions, community amenities, and mixed use housing downtown to increase visitation and enhance the vitality of the downtown area.

Page 62, DESIRED FUTURE CHARACTER: Central Cody's character should represent the retail, service, governmental, social and cultural heart of Cody. Residential, office, retail, entertainment and civic uses should be balanced in a way that allows for easy access to destinations and services by all modes of transportation.

Downtown should be accessible and pedestrian-friendly, a welcoming place for both residents and visitors, and the central hub for shopping, dining, lodging, entertainment, gathering, and socializing. There should be abundant opportunities for outdoor dining, plazas, public art, cultural and special events, live entertainment, and places to congregate. Public investment and land use decisions should be consistent with the long-term economic health of the downtown core.

The Future Land Use Map identifies this location as within the Downtown Mixed Use area, which is described as follows: "The downtown mixed use designation is intended to provide abundant opportunities for retail, hospitality, personal service, and residential uses in a compact, pedestrian-friendly setting. This area should offer a range of things for both residents and visitors to do and see, both during the day and in the evening. Uses should include a diverse mix of office, finance, civic, government, entertainment, retail, restaurants and housing. Land use regulations for downtown should have a form-based component to help ensure compatibility of form, function, and design for a vibrant and busy environment."

These references from the master plan indicate the desire for a vibrant, year-round mixed use atmosphere in the area of the project. Provided the use is designed and operated to "fit in" with that atmosphere, it is supported by the language of the master plan. The year-round component is of particular importance to bringing more people (customers) downtown. Furthermore, the market area is well beyond the city limits and County boundary. It is expected to be a regional, national, and international draw.

Other:

Staff has identified a scenario where an indoor shooting range would be considered a permitted use in the D-2 zone. The University of Wyoming is an "institution of higher

learning", which would be a permitted use in Cody's D-2 zone (first listed in the Residential A zone). The University, like some other institutions of higher learning, has an indoor shooting range for their collegiate shooting program, which is located in the basement of Half Acre Gym. Therefore, it could be claimed that a shooting range operated by an institution of higher learning on their campus would be a permitted use in Cody's D-2 zone, subject to City council approval. This scenario could be applied to the overall "similar" determination.

Legal Limitations:

Noise concerns with the indoor shooting range are heightened by Section 16-11-102 of State law, in which civil suits pertaining to noise from gun ranges are precluded and jurisdictions are prohibited from imposing more restrictive noise requirements than established with the original approval. The specific language is as follows:

§ 16-11-102. Operation of shooting ranges; liability.

(a) Notwithstanding any other provision of law, any person who operates or uses a sport shooting range in this state shall not be subject to civil liability or criminal prosecution in any matter relating to noise or noise pollution resulting from the operation or use of the range if the range is in compliance with any noise control laws or ordinances that applied to the range and its operation at the time construction or operation of the range was approved by a local government.

(b) Any person who operates or uses a sport shooting range is not subject to an action for nuisance, and a court of this state shall not enjoin the use or operation of a range on the basis of noise or noise pollution, if the range is in compliance with any noise control laws or ordinances that applied to the range and its operation at the time construction or operation of the range was approved by a local government.

(c) Rules or regulations adopted by any state department or agency for limiting levels of noise in terms of decibel level which may occur in the outdoor atmosphere shall not apply to a sport shooting range exempted from liability under this act.

ARCHITECTURAL REVIEW:

Section 10-10B-4 of the zoning regulations states:

All structures within the district shall be architecturally compatible. Architectural and landscaping plans shall be submitted to the planning and zoning commission for approval. Architectural and landscaping details shall be maintained as shown by the approved plans.

The project is also within the Downtown Architectural District established by Section 9-2-2 of the Cody City Code. Pursuant to Subsection B of 9-2-2, *"The planning, zoning and adjustment board shall examine and evaluate applications and plans involved in building and sign permits insofar as they pertain to the exterior of commercial buildings*

within the downtown district as herein described and shall make recommendations and suggestions to the applicants, property owners or occupants.

The proposed exterior changes to the building include enclosing the rear of the building with masonry block and installing a garage door. The block would match the existing walls. The existing photo and proposed rendering are shown below:

Existing:



Proposed (without garage door):



The modifications are at the rear of the building, are designed to match the existing materials and colors, and are not highly visible. The backs of buildings have not been highly regulated for architectural compatibility, although it is noted that the proposed architecture is clean and neat compared to what is typically seen in an alley. Staff has no concerns with the architectural compatibility of the exterior work to the back of the building.

ALTERNATIVES:

Approve or deny all or part of the special exemption application. The Board is authorized to attach conditions to the granting of the special exemption.

If the special exemption is approved, a decision is also needed for the architectural review.

ATTACHMENTS:

- Application materials.
- 140-foot notice list and receipts.
- Comments received for Special Exemption.

RECOMMENDATION:

That the Planning and Zoning Board make the following findings:
(Draft, subject to information received at public hearing.)

Findings:

1. That the requested indoor gun range represents a use not listed in the zoning ordinance, and that the special exemption process is the most appropriate method to determine whether such use should be permitted.

2. That proper notice of the special exemption public hearing was provided by advertising in the Cody Enterprise and by certified mail to all property owners within 140 feet at least ten days before the hearing.
3. That the Planning and Zoning Board may grant special exemptions that are reasonable and harmless deviations from the zoning ordinance as determined by the standards outlined in Section 10-14-2, City of Cody Code.
4. That the Planning and Zoning Board has held a public hearing as required and has considered all comments pertaining to the specific application.
5. That the Planning and Zoning Board has reviewed the standards of 10-14-2 City of Cody Code and finds that the proposal can be sufficiently conditioned to meet the requirements thereof, including finding that an indoor shooting range complying with the City Council restrictions imposed at their April 15, 2014 meeting, is similar to other land uses listed in the General Business (D-2) zoning district, when considering the criteria of 10-14-2(B)(2). Such similar uses are listed in the staff report discussion.
6. That the points identified in the staff report and at the Board meeting are adequate to set forth the reasoning why the criteria of 10-14-2(B)(2), including similarity of size, intensity, noise, traffic, burden on infrastructure, and purpose of the use, are met.
7. That the requirements of 10-14-2(C)(2) have been sufficiently addressed in the staff report and at the Board meeting to confirm that they will be met, subject to the conditioning authority noted in 10-14-2(C)(3).

AND,

Approve the Special Exemption for the indoor shooting range subject to the following conditions, which include the four City Council conditions. *(Minor wording changes were necessary to incorporate the council motion into the draft conditions).*

Conditions of Approval:

For purposes of the following, the term "plainly audible" means any sound that is clearly heard by a person with unimpaired hearing using only his or her unaided hearing faculties.

1. Noise Restrictions:
Sound levels from the discharge of firearms within the facility shall not result in firearm noise being "plainly audible" out the south and north sides of the building; nor result in sound levels exceeding 35 dBA at the east end of the building or 45 dBA at the west end of the building. Any temporary exceedance of these sound level thresholds due to a person opening the building's doors to enter or exit shall not constitute a violation of these standards.

It shall not be a violation of the sound level thresholds noted unless the excessive sound can be measured by the City for a period of time not less than ten consecutive minutes in any one hour. Before a violation is enforced, the property owner, or the lessee operating the business, shall be given a written warning by the City Administrator, or the City Administrator's designee, of the violation. The property owner shall have five business days to cure the violation before the City begins enforcement.

2. Prior to opening the facility to the public, the applicant must demonstrate compliance with required sound level thresholds to the city building official, city attorney, and city planner. For verification of compliance with the decibel thresholds the applicant must utilize the services of a qualified professional with calibrated certified equipment if any noise from the loudest gunfire is plainly audible to the identified city staff at one meter outside the building. (Note: It is recognized that due to ambient noise, the actual gunshot decibel level may need to be measured at night, or calculated based on a higher noise scenario (e.g. doors open) and converted.)

If modifications to the building, gun range structure, or sound attenuating systems occur, the city may require the applicant to re-verify compliance with required sound level thresholds.

3. A HEPA filtration system must be used as contemplated, so that any air discharged from the shooting range is not discharged without HEPA filtration. (Carbon filter/pre-filter also?) The operator must conduct regular inspection and maintenance of the filters to prevent accidental discharge of unfiltered air.
4. For safety purposes:
 - a. Instructor ratios shall be consistent with national safety standards for situations with trained shooters, and at a ratio of approximately one instructor per two inexperienced shooters. If practice shows the one instructor per two inexperienced shooter ratio to be excessive, the number may be revisited by the City Council.
 - b. The operator shall strictly control the use of ammunition within the facility so that the loads do not exceed design standards. Reloaded ammunition is not authorized.
5. The facility must be designed, maintained and operated in such a manner that the discharge of any firearm within the designated shooting area will not produce a noise level exceeding 80(?) dBA, measured with a precision sound level meter using impulse mode, in any other portion of the building that is open to the public.
6. The operator of the business must hold all federal, state and local permits, licenses and approvals required for the lawful ownership and operation of the facility.

7. The business must maintain compliance with all applicable standards of the federal Environmental Protection Agency, Wyoming Department of Environmental Quality, OSHA, and other local, state and federal laws, regulations, rules and standards pertaining to applicable environmental health, emission, and workplace hazards.
8. The applicant's professional engineer must certify that the heating, cooling and ventilation system has been designed to operate in compliance with the requirements of Condition 6 prior to commencing operation of the facility.
9. The facility structure and systems must be designed and constructed to meet or exceed all applicable standards and practices set forth in the 2012 edition of *The Range Source Book*, published by the National Rifle Association, and in such a manner that no projectile discharged from an authorized firearm within the structure may escape from the shooting range area.
10. One or more signs clearly indicating the maximum permissible ammunition calibers and projectile velocities, and prohibiting the use of ammunition exceeding such maximums, shall be conspicuously posted so as to be readily visible to persons in the designated shooting area. Gas projectiles and incendiary devices shall not be used in the facility.
11. Hearing protectors, which fully cover the shooter's ears, shall be provided by the indoor shooting range, made available for all shooters or other persons in the firing area, and are required to be worn at all times in the firing area.
12. It shall be a violation of this permit for any operator or employee to endorse, condone, or knowingly permit any form of gambling or wagering on the premises.
13. It shall be a violation of this permit for any owner, manager, operator, or employee of an indoor shooting range to permit any person or persons to bring any intoxicating liquor, intoxicating substance, low point beer, controlled dangerous substance or other intoxicating compound or dangerous substance on the premises of the indoor shooting range; to permit the consumption of the same on the premises; or to permit them to be left at any place on the premises. It shall be a violation of this permit for any person operating the range to permit any intoxicated or chemically impaired person to remain on the premises.
14. The business owner and property owner shall maintain a commercial general liability insurance policy providing minimum premises/operations coverage of \$1,000,000 per occurrence at all times.

Planning and Zoning Application for Special Use Exemption

The idea for the Wyoming Firearms Experience (WFE) was born several years ago from the interest of our tourists and visitors. Our visitors come “out west” to be a cowboy; to ride a horse, camp, raft the river, hike and fish. And yes, they want to shoot guns too! They are especially interested in the historical guns of the old west. The WFE will introduce those visitors to the history of the west, especially as it ties to Cody. It will talk about Buffalo Bill, Lewis and Clark, Jeremiah Johnson, Butch Cassidy and the Sundance Kid, the Battle of the Little Big Horn, Old Trail Town and more. Then it will tie the evolution of the firearm to these unique points in history. The range will become the place they can experience that history by being able to touch and fire a replica firearm, under the close supervision of a trained instructor. Visitors will be able to shoot the “Guns that won the West” and live a part of history.

The WFE will work with the Dude Ranching industry as well as the hunting and outfitting industry. These both tie perfectly to the historical mission, but also to modern day hunting. Most dude ranchers will tell you they have visitors ask every year if there is a safe place to go shoot. Outfitters will love the opportunity to have their hunters check their rifles before the hunt. And it will give everyone something to do in downtown Cody when the weather is bad, or the hunt is over.

We will have “Hunter Safety” training, as well as help with 4H shooting. Our local kids will be able to practice here, in a well-ventilated and safe environment. Adults will be able to come in and enjoy the indoor comfort. Less people will be likely to go to Red Lake and shoot outdoors in an uncontrolled environment. We will offer a range of classes and instruction from Basic Pistol, to Concealed Carry, etc. The range will be designed to be comfortable for everyone.

A great deal of time and research has gone into the design and concept. The first step that was identified was to get Council approval for a range within the city limits as per the City of Cody Code. That process was started in March by requesting to be on the agenda. After several weeks of research and discussion that approval was granted on April 15th, 2014, with special provisions for noise, emissions and safety.

Unfortunately there has been a lot of misinformation distributed about the range from those opposed to the business. These include comments like “Noise levels will often range from 150-170dB or more”, “Plagued by noise”, “Indoor gun ranges produce sporadic, sharp, intermittent, impulsive noise”, “Sound can carry for blocks”, “There are no soundproofing guarantees”, “lead will be discharged out into the air”, etc.. This misinformation obviously colored many of the complaints the city has received. It sounds like the gunfighter show all day every day. These statements are simply not true. This will be a state of the art range with modern acoustics and ventilation. The City Council has required that the gun noise be tightly controlled at the request of the adjacent property owners. All air discharged from the range will be required to have HEPA (high efficiency particulate air filter) filtration. This will eliminate lead and other airborne contaminants. They have also set a requirement for a minimum instructor ratio that is half of the national standard, and required the range not allow reloaded ammunition.

The complaints that were received centered on 4 primary issues; Noise, emissions, safety and location. Noise has been the focal point for the majority of the complaints. However, location was mentioned as well. There have been a few letters questioning the location of a firearms range in a downtown location. The main focus of the WFE is historical firearms and the western experience. Like most Cody businesses, it needs the tourist involvement as well as local business to survive. Other than signage, from the street the building will not change at all. **A survey conducted by a nationally recognized firm of over 900 visitors in and around the Cody area showed a 68% interest in a firearms experience like this.** It will be an addition and attraction to the downtown area. While some of the family may choose to participate in the range, others family members may take the time to shop or dine at nearby establishments. The

same survey did show a small negative response of 4%, with the remaining 28% being indifferent. However, we have visitors every year that are animal rights activists and don't like the rodeo. We have visitors every year that abstain and don't approve of the use of alcohol. None of that has stopped them from coming; they just don't approve of some of the things we do "out west"! In some ways it is this diversity that makes us American's.

Safety;

The range will be operated as a state of the art indoor range, with qualified NRA range instructors. It will be a complete concrete building inside a building, not allowing any bullet to escape. It will not only allow our visitors a safe place to experience firearms, but also allow our own children and neighbors a safe shooting environment. Classes will cover everything from Hunter Safety to Basic Pistol. The City Council placed requirements on the instructor to student ratio as well as banning the use of reloaded ammunition.

Emissions;

All air discharged from the range will be filtered by HEPA filtration. HEPA's filter 99.95% of particulates .3 microns or larger. This will contain the lead, and powder byproducts from the range. It will comply with all EPA, OSHA and NIOSH requirements. Lead emissions will be less than .0015 pounds per year (at 6M rounds fired with all fragments becoming airborne). This is actually less than burning 2 gallons of "unleaded" gasoline.

Noise;

This obviously was the toughest issue. I worked hard to address the concerns of the neighboring properties. We demonstrated noise levels on two different dates. The pertinent information from the sound tests is covered in Todd Stowell's staff report. I also contracted an acoustical engineering firm to review the situation and come up with their recommendations. Wave Acoustics recommendations and summary report were forwarded to the council as well. The City Council has placed sound limits on the range and established a testing criterion to insure the range meets those standards before operations can begin.

This location, and the proposed business, will not produce any appreciable change in the neighborhood. It will be look like any other business in downtown. There will be no disruptive noise coming from the building. The street is rich with history and boasts the gunfighters every night all summer. The WFE will fit in with the history of the Irma, the antiques and pawn stores, the wild horse adventures and the gunfighters. Indoor ranges are not specifically listed in the D-2 zoning, however it is similar to several approved uses and less intrusive than others might be. These other intrusive uses could include welding shops and automotive garages. The requested use follows the "Cody 2020" community values by "developing year round indoor recreation", "maintaining a neighborly, hospitable, and safe community", "valuing western heritage", "pursuing balanced economic growth in retail business", "developing small and mid-sized retail business", and "supporting educational initiatives and opportunities".

Paul Brock

General Manager

Wyoming Firearms Experience, LLC



PLANNING, ZONING AND ADJUSTMENT BOARD
APPLICATION FOR SPECIAL EXEMPTION

STAFF USE
File #: SUP2014-____
P&Z Invoice: _____

Applicant's Name: Paul Brock, Wyoming Firearms Experience LLC
Applicant's Mailing Address: 139 Road 20 City: Cody State: WY Zip: 82414
Phone: 307-899-7719 Cell: Email: paulb@tritel.net
Project Address: Cody, WY Zoning: D-2
Property Owner's Name: Bob and Barbara Carter (under contract to WFE) Phone/Cell: 307-272-0821
Property Owner's Mailing Address: 2364 Meadowlark Court City: Cody State: WY Zip: 82414

- Special Exemption Category: [] Setback/yard requirements [] Height limits [] Hours of operation in D-1 Zone
[] Sign Standards [] Limitation on # of employees [] Lot Area [] Lot Coverage
[] Other numerical specifications not listed above, provided approval would not be tantamount to rezoning.

Brief Description of Proposal: We request an Exemption for Use Similar to Permitted Uses for operation of an ondoor firearms range as approved by the Cody City Council April 15, 2014.

Representative attending Planning and Zoning Board meeting: Paul Brock

Signature of Property Owner: Paul Brock
Signature Date

Optional Pre-application Conference with the Planning, Zoning and Adjustment Board: The zoning ordinance allows an applicant to request a pre-application conference with the Planning and Zoning Board. This is optional and is only scheduled at the applicant's request. The conference allows the applicant to obtain information regarding the special exemption process and to identify likely concerns from the Board regarding the proposal. No application fee is required and the Planning and Zoning Board takes no formal action concerning the proposal.

Special Exemption Application Procedures:

Applicants are highly encouraged to arrange a pre-submittal meeting with staff to ensure a complete submittal and understanding of the notice procedures. Re-submittal of any application due to improper notices or procedures will result in processing delays and additional fees.

At submittal of the application, submit the \$300.00 application fee and provide twelve (12) paper copies and one electronic PDF copy of the following materials:

- [] LETTER TO BOARD: A letter to the Planning and Zoning Board describing the project and requesting the special exemption. It is also recommended that your address the standards for approval of special exemptions, as found in Section 10-14-2(C)(2) of the Cody City Code (available through the city website: www.cityofcody-wy.gov).
[] PLOT PLAN: A drawing/map showing the applicable details of the proposal (i.e. location of buildings and structures, parking areas, means of vehicular access, signs, landscaping, fencing, screening, easements, utilities, and pedestrian areas).
[] NEIGHBORING PROPERTY MAP: A map and list of property owners for all land within 140' of the perimeter of the subject property. (This is available through the MapServer Program on the Park County Website at http://mapserver.parkcounty.us/).
[] NOTICE TO NEIGHBORING PROPERTIES: Complete the top section of the attached notice template and submit it. Verify the dates with the Community Development Staff.

After submittal of the application, you must perform the following actions by the deadlines noted on the attached calendar:

- [] SEND LETTERS TO NEIGHBORING PROPERTY OWNERS: Send the notice letter to all property owners identified on the neighboring property map (140' from subject property), via certified mail, approximately 14 days before the hearing (10 days minimum). Before sending, make one copy of each letter.

- LEGAL NOTICE: Submit legal notice of the public hearing to the local newspaper (Cody Enterprise), so that it is published at least 10 days prior to the public hearing. Use the attached template for guidance. **The language of the legal notice must be approved by the Community Development Department before it is submitted to the newspaper.** The publication fee is the applicant's responsibility.
- SUBMIT VERIFICATION OF NOTICE: Submit the copies of the letters sent to the neighboring property owners, certified mail receipts (green slips), and the legal notice receipt from the newspaper to the Community Development Department no later than 7 days before the public hearing.

After Approval:

- Recording Special Exemption: If the Planning and Zoning Board approves the special exemption, we will provide you with a document that is to be recorded at the Park County Clerk's Office within 10 days of approval.

REMEMBER: Submit a total of twelve (12) copies of the application materials.
Submit a digital file containing PDFs of each document submitted.

Two Meetings Per Month Tuesdays, 12:00 p.m. City Hall Council Chambers	Application Submittal Deadline	Submit Legal Notice to Cody Enterprise Newspaper Before 10 a.m. on:	Newspaper Publication Date	Send Letter to Neighbors within 140' by Certified Mail (at least 10 Days Before Public Hearing)	P&Z Board Meeting
1st Meeting in January	--	--	--	--	1/14
2nd Meeting in January	1/7	1/13	1/16	1/17	1/28
1st Meeting in February	1/21	1/27	1/30	1/31	2/11
2nd Meeting in February	2/4	2/10	2/13	2/14	2/25
1st Meeting in March	2/18	2/24	2/27	2/28	3/11
2nd Meeting in March	3/4	3/10	3/13	3/14	3/25
1st Meeting in April	3/18	3/24	3/27	3/28	4/8
2nd Meeting in April	4/1	4/7	4/10	4/11	4/22
1st Meeting in May	4/22	4/28	5/1	5/2	5/13
2nd Meeting in May	5/6	5/12	5/15	5/16	5/27
1st Meeting in June	5/20	5/23	5/29	5/30	6/10
2nd Meeting in June	6/3	6/9	6/12	6/13	6/24
1st Meeting in July	6/17	6/23	6/26	6/27	7/8
2nd Meeting in July	7/1	7/7	7/10	7/11	7/22
1st Meeting in August	7/22	7/28	7/31	8/1	8/12
2nd Meeting in August	8/5	8/11	8/14	8/15	8/26
1st Meeting in September	8/19	8/25	8/28	8/29	9/9
2nd Meeting in September	9/2	9/8	9/11	9/12	9/23
1st Meeting in October	9/23	9/29	10/2	10/3	10/14
2nd Meeting in October	10/7	10/6	10/9	10/10	10/28
1st Meeting in November	10/14	10/20	10/23	10/24	11/11
2nd Meeting in November	10/28	11/3	11/6	11/7	11/25
1st Meeting in December	11/18	11/24?	11/27?	11/28	12/9
2nd Meeting in December	12/2	12/8	12/11	12/12	12/23
1st Meeting in January 2014	12/16	12/22?	12/25?	12/26	1/13
2nd Meeting in January 2014	1/6	1/12	1/15	1/16	1/27

LEGAL NOTICE TEMPLATE

Publish Date: 5/1/14
(Publish one time at least ten (10) days prior to the public hearing.)

PUBLIC HEARING
SPECIAL EXEMPTION REQUEST

The City of Cody will hold a public hearing 5/13/2014 at 12:00 p.m. or as soon thereafter as practical at
(Date) *(Time)*
1338 Rumsey Avenue, in Cody City Council Chambers to consider a request from Paul Brock, Wyoming Firearms Experience LLC
(Applicant Name)
for a Special Exemption to *(Describe request)*
to allow operation of an indoor firearms range, as approved by the Cody City Council on April 15, 2014,
as a use similar to other permitted uses.

The project is located at 1138 12th Street, Cody, WY.
(Address & Legal Description)
within a D-2 zone. Information regarding the requested Special Exemption is available at the Community
(List Zoning District)
Development Department in City Hall or by calling (307) 527-7511.

Written comments may be directed to the Community Development Department, P.O. Box 2200, Cody, WY 82414 and must be received prior to the date and time of the public hearing. Everyone is welcome to comment. If hearing assistance is needed, please call 24 hours in advance: 527-7511.

Notice to Owners of Neighboring Properties:

Please return this letter by 5/12/2014 to:

Date: 5/2/2014

Cody City Planner
P.O. Box 2200
Cody, WY 82414

RE: **SPECIAL EXEMPTION REQUEST**

THE CITY OF CODY HAS RECEIVED THE FOLLOWING REQUEST FOR A SPECIAL EXEMPTION. YOUR COMMENTS WOULD BE APPRECIATED.

Applicant Name(s): Paul Brock, Wyoming Firearms Experience, LLC

Address or Location/Legal Description: 1138 12th Street, Cody

Description of Request: *(Please state the requirement, the amount of exemption, and why requested—e.g. reduce the front yard setback requirement from 25' to 22' to permit an enclosed front porch.)*

I am requesting the approval of an Exemption for Use Similar to Permitted Uses to allow operation of an indoor firearms range as approved by the Cody City Council April 15, 2014. Indoor ranges are not specifically listed in the zoning ordinances, necessitating the request.

This request will be considered by City of Cody Planning & Zoning Board at their regularly scheduled meeting on Tuesday, May 13, 2014, at 12:00 p.m. in the City Hall Council Chambers, at 1338 Rumsey Ave.

Response Letter from Owners of Neighboring Properties within 140 Feet of Subject Property:

(Responses may be submitted in any written format. The following form is provided for your convenience.)

Dear Planning and Zoning Board Members:

My name is David Smiley and I am familiar with the proposal by Paul Brock
(Printed name) *(Applicant name)*

for the special exemption described above. I am the legal owner of 1220 Shenden
(Address or property location)

I have **NO OBJECTION** to the Special Exemption Request.

Name: _____
Address: _____
Comments: _____

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: _____

I **OBJECT** to the Special Exemption Request:

Name: David Smiley

Address: PO Box 38 Cody

Reason for Objection: Probably Noise

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: _____

Notice to Owners of Neighboring Properties:

Please return this letter by 5/12/2014 to:

Date: 5/2/2014

Cody City Planner
P.O. Box 2200
Cody, WY 82414

RE: **SPECIAL EXEMPTION REQUEST**

THE CITY OF CODY HAS RECEIVED THE FOLLOWING REQUEST FOR A SPECIAL EXEMPTION. YOUR COMMENTS WOULD BE APPRECIATED.

Applicant Name(s): Paul Brock, Wyoming Firearms Experience, LLC

Address or Location/Legal Description: 1138 12th Street, Cody

Description of Request: *(Please state the requirement, the amount of exemption, and why requested—e.g. reduce the front yard setback requirement from 25' to 22' to permit an enclosed front porch.)*

I am requesting the approval of an Exemption for Use Similar to Permitted Uses to allow operation of an indoor firearms range as approved by the Cody City Council April 15, 2014. Indoor ranges are not specifically listed in the zoning ordinances, necessitating the request.

This request will be considered by City of Cody Planning & Zoning Board at their regularly scheduled meeting on Tuesday, May 13, 2014, at 12:00 p.m. in the City Hall Council Chambers, at 1338 Rumsey Ave.

Response Letter from Owners of Neighboring Properties within 140 Feet of Subject Property:

(Responses may be submitted in any written format. The following form is provided for your convenience.)

Dear Planning and Zoning Board Members:

My name is Shirley Smiley and I am familiar with the proposal by Paul Brock
(Printed name) *(Applicant name)*

for the special exemption described above. I am the legal owner of 1226 Sheridan
(Address or property location)

I have **NO OBJECTION** to the Special Exemption Request.

Name: _____

Address: _____

Comments: _____

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: _____

I **OBJECT** to the Special Exemption Request:

Name: Shirley Smiley

Address: PO Box 38 Cody

Reason for Objection: I see no need for a shooting range in town!

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: _____

Notice to Owners of Neighboring Properties:

Please return this letter by 5/12/2014 to:

Date: 5/2/2014

Cody City Planner
P.O. Box 2200
Cody, WY 82414

RE: **SPECIAL EXEMPTION REQUEST**

THE CITY OF CODY HAS RECEIVED THE FOLLOWING REQUEST FOR A SPECIAL EXEMPTION. YOUR COMMENTS WOULD BE APPRECIATED.

Applicant Name(s): Paul Brock, Wyoming Firearms Experience, LLC

Address or Location/Legal Description: 1138 12th Street, Cody

Description of Request: *(Please state the requirement, the amount of exemption, and why requested—e.g. reduce the front yard setback requirement from 25' to 22' to permit an enclosed front porch.)*

I am requesting the approval of an Exemption for Use Similar to Permitted Uses to allow operation of an indoor firearms range as approved by the Cody City Council April 15, 2014. Indoor ranges are not specifically listed in the zoning ordinances, necessitating the request.

This request will be considered by City of Cody Planning & Zoning Board at their regularly scheduled meeting on Tuesday, May 13, 2014, at 12:00 p.m. in the City Hall Council Chambers, at 1338 Rumsey Ave.

Response Letter from Owners of Neighboring Properties within 140 Feet of Subject Property:

(Responses may be submitted in any written format. The following form is provided for your convenience.)

Dear Planning and Zoning Board Members:

My name is Colleen Hodson and I am familiar with the proposal by Paul Brock
(Printed name) *(Applicant name)*

for the special exemption described above. I am the legal owner of 1122 12th Street
District *(Address or property location)*

I have **NO OBJECTION** to the Special Exemption Request.

Name: Colleen Hodson

Address: 1122 12th Street Cody WY

Comments:

As long as the noise level is up to code I am fine.

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: _____

I **OBJECT** to the Special Exemption Request:

Name: _____

Address: _____

Reason for Objection: _____

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: _____

March 28, 2014

Park County Planning & Zoning Commission
1002 Sheridan Avenue
Cody, WY 82414

Commission Members,

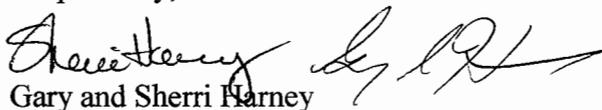
As long time Park County residents, my wife and I are deeply troubled that the Planning & Zoning Commission would consider the approval of a downtown gun range. I would argue that it does not in any way meet the Approval Standards set out in the Special Use Permit brochure and application. The impact from noise and air pollution in a confined downtown and residential area will adversely affect the surrounding businesses.

As a Federally trained and deputized Federal Law Enforcement Officer I must qualify (train) every six months. This has given me a unique perspective on gun ranges, as I have had the opportunity to visit and use several "state of the art" facilities throughout the country. These facilities have a few things in common. They are noisy. None are located anywhere near residential, retail or downtown areas. All are located in industrial park or isolated commercial areas.

No matter the good intentions of the developer, a gun range will adversely effect the surrounding businesses and Cody can ill-afford to loose any more existing or potential businesses that attract a wide variety of customers. There is an unlimited amount of potential sites in the surrounding area that a business of this type could use successfully.

One more thing, this issue comes down to an argument over appropriate use of a business location, period.

Respectfully,



Gary and Sherri Harney
614 Skyline Drive
Cody, WY 82414
307 587-2724
gharney@msn.com

Notice to Owners of Neighboring Properties:

Please return this letter by 5/12/2014 to:

Date: 5/2/2014

Cody City Planner
P.O. Box 2200
Cody, WY 82414

RE: **SPECIAL EXEMPTION REQUEST**

THE CITY OF CODY HAS RECEIVED THE FOLLOWING REQUEST FOR A SPECIAL EXEMPTION. YOUR COMMENTS WOULD BE APPRECIATED.

Applicant Name(s): Paul Brock, Wyoming Firearms Experience, LLC

Address or Location/Legal Description: 1138 12th Street, Cody

Description of Request: *(Please state the requirement, the amount of exemption, and why requested—e.g. reduce the front yard setback requirement from 25' to 22' to permit an enclosed front porch.)*

I am requesting the approval of an Exemption for Use Similar to Permitted Uses to allow operation of an indoor firearms range as approved by the Cody City Council April 15, 2014. Indoor ranges are not specifically listed in the zoning ordinances, necessitating the request.

This request will be considered by City of Cody Planning & Zoning Board at their regularly scheduled meeting on Tuesday, May 13, 2014, at 12:00 p.m. in the City Hall Council Chambers, at 1338 Rumsey Ave.

Response Letter from Owners of Neighboring Properties within 140 Feet of Subject Property:

(Responses may be submitted in any written format. The following form is provided for your convenience.)

Dear Planning and Zoning Board Members:

My name is Barbara Martin and I am familiar with the proposal by Paul Brock
(Printed name) *(Applicant name)*

for the special exemption described above. I am the legal owner of 1212 Sheridan Ave
(Address or property location)

I have **NO OBJECTION** to the Special Exemption Request.

Name: Fredie & Barbara Martin

Address: 5572 Greyhull Hwy Cody

Comments: we just got back in town we winter south so we don't know much about this but think it sounds OK

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: _____

I **OBJECT** to the Special Exemption Request:

Name: _____

Address: _____

Reason for Objection: _____

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: _____

Notice to Owners of Neighboring Properties:

Please return this letter by 5/12/2014 to:

Date: 5/2/2014

Cody City Planner
P.O. Box 2200
Cody, WY 82414

RE: **SPECIAL EXEMPTION REQUEST**

THE CITY OF CODY HAS RECEIVED THE FOLLOWING REQUEST FOR A SPECIAL EXEMPTION. YOUR COMMENTS WOULD BE APPRECIATED.

Applicant Name(s): Paul Brock, Wyoming Firearms Experience, LLC

Address or Location/Legal Description: 1138 12th Street, Cody

Description of Request: *(Please state the requirement, the amount of exemption, and why requested—e.g. reduce the front yard setback requirement from 25' to 22' to permit an enclosed front porch.)*

I am requesting the approval of an Exemption for Use Similar to Permitted Uses to allow operation of an indoor firearms range as approved by the Cody City Council April 15, 2014. Indoor ranges are not specifically listed in the zoning ordinances, necessitating the request.

This request will be considered by City of Cody Planning & Zoning Board at their regularly scheduled meeting on Tuesday, May 13, 2014, at 12:00 p.m. in the City Hall Council Chambers, at 1338 Rumsey Ave.

Response Letter from Owners of Neighboring Properties within 140 Feet of Subject Property:

(Responses may be submitted in any written format. The following form is provided for your convenience.)

Dear Planning and Zoning Board Members:

My name is _____ and I am familiar with the proposal by _____
(Printed name) *(Applicant name)*

for the special exemption described above. I am the legal owner of _____
(Address or property location)

I have NO OBJECTION to the Special Exemption Request.

Name: BOB CARTER

Address: 1138 12TH ST

Comments: 12TH STREET IS THE NOISEST STREET IN CODY. DOESNT MAKE SENCE TO DENY THIS RANGE. THIS WILL BE A GREAT ADDITION TO DOWNTOWN CODY.

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: _____

I OBJECT to the Special Exemption Request:

Name: _____

Address: _____

Reason for Objection: _____

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: BOBBARB@LIVE.COM

Notice to Owners of Neighboring Properties:

Please return this letter by 5/12/2014 to:

Date: 5/2/2014

Cody City Planner
P.O. Box 2200
Cody, WY 82414

RE: **SPECIAL EXEMPTION REQUEST**

THE CITY OF CODY HAS RECEIVED THE FOLLOWING REQUEST FOR A SPECIAL EXEMPTION. YOUR COMMENTS WOULD BE APPRECIATED.

Applicant Name(s): Paul Brock, Wyoming Firearms Experience, LLC

Address or Location/Legal Description: 1138 12th Street, Cody

Description of Request: *(Please state the requirement, the amount of exemption, and why requested—e.g. reduce the front yard setback requirement from 25' to 22' to permit an enclosed front porch.)*

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This request will be considered by City of Cody Planning & Zoning Board at their regularly scheduled meeting on Tuesday, May 13, 2014, at 12:00 p.m. in the City Hall Council Chambers, at 1338 Rumsey Ave.

Response Letter from Owners of Neighboring Properties within 140 Feet of Subject Property:

(Responses may be submitted in any written format. The following form is provided for your convenience.)

Dear Planning and Zoning Board Members:

My name is Ruffin Prevost and I am familiar with the proposal by Paul Brock/WFE
(Printed name) *(Applicant name)*

for the special exemption described above. I am the legal owner of 1128 12th St, Cody
(Address or property location)

I have **NO OBJECTION** to the Special Exemption Request.

Name: _____
Address: _____
Comments: _____

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: _____

I **OBJECT** to the Special Exemption Request:

Name: Ruffin Prevost, Hudson Partners LLC

Address: 1128 12th St, Cody

Reason for Objection: The definition as drafted by the city of noise violation is vague and poorly drafted, and it is unclear how enforcement will work.

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: ruffinprevost@gmail.com

Notice to Owners of Neighboring Properties:

Please return this letter by 5/12/2014 to:

Date: 5/2/2014

Cody City Planner
P.O. Box 2200
Cody, WY 82414

RE: **SPECIAL EXEMPTION REQUEST**

THE CITY OF CODY HAS RECEIVED THE FOLLOWING REQUEST FOR A SPECIAL EXEMPTION. YOUR COMMENTS WOULD BE APPRECIATED.

Applicant Name(s): Paul Brock, Wyoming Firearms Experience, LLC

Address or Location/Legal Description: 1138 12th Street, Cody

Description of Request: *(Please state the requirement, the amount of exemption, and why requested—e.g. reduce the front yard setback requirement from 25' to 22' to permit an enclosed front porch.)*

I am requesting the approval of an Exemption for Use Similar to Permitted Uses to allow operation of an indoor firearms range as approved by the Cody City Council April 15, 2014. Indoor ranges are not specifically listed in the zoning ordinances, necessitating the request.

This request will be considered by City of Cody Planning & Zoning Board at their regularly scheduled meeting on Tuesday, May 13, 2014, at 12:00 p.m. in the City Hall Council Chambers, at 1338 Rumsey Ave.

Response Letter from Owners of Neighboring Properties within 140 Feet of Subject Property:

(Responses may be submitted in any written format. The following form is provided for your convenience.)

Dear Planning and Zoning Board Members:

My name is Michael McCue and I am familiar with the proposal by Wyo Firearms Experience LLC
(Printed name) *(Applicant name)*

for the special exemption described above. I am the legal owner of 1201 Beck Ave
(Address or property location)

I have **NO OBJECTION** to the Special Exemption Request.

Name: _____

Address: _____

Comments: _____

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: _____

I **OBJECT** to the Special Exemption Request:

Name: Michael McCue, Stewart-McCue Prop, LLC

Address: 262 Road 6NS Cody WY 82414

Reason for Objection: _____

Please see Attachment

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: M5mccue@Tritel.net

May 7, 2014

Planning and Zoning Board
C/O City of Cody Planner
P.O. Box 2200
Cody, Wyoming 82414

Dear Board Members,

We are objecting to the issuance of a Special Exemption "as approved by the Cody City Council" for the planned indoor gun range to be located at 1138 12th street. We are the owners of the property (1201 Beck Ave) directly south of the proposed location and closest to the firing line of that proposed range. We believe any business that produces the extreme noise and air contamination that a gun range produces on its premises makes it at best a difficult fit in a zero setback D2 Zoned area. Our main areas of concern are as follows;

1. **Noise.** The City Council has imposed a noise standard, but the enforcement of those standards is vague and unworkable. The language in the enforcement section needs to be improved. We believe an annual recertification of the Exemption which requires the demonstration of meeting the noise standard, as the original permit requires, would protect against future problems due to changes in management, building modifications or the use of louder weapons. The recertification should also include a review of the number of noise violations and complaints similar to reissuance of liquor licenses.
2. **Air pollution.** We believe there should be some regulatory requirements and a means of monitoring the air quality exhausted by the gun range. This could be as simple as certified engineering data insuring the installed filtering system meets community health standards as it is installed. The annual recertification would insure this air filtering system is still functioning and properly maintained.
3. **Safety.** Due to the close proximity this gun range has with a number of businesses dispensing alcohol we believe there should be procedures in place and regulatory oversight to prevent impaired individuals from accessing the gun range.

These are our concerns and the concerns of many folks in the community. We don't believe they are insurmountable or unreasonable, but they do need to be addressed and rules set before issuing a Special Exemption. A gun range is unlike any business currently approved in D2 Zoning. Due to the special laws enjoyed by gun ranges, which make it impossible to revisit nuisance issues, a mistake made in this Special Exemption process could negatively impact all of the Historic Downtown District for many years to come.

Sincerely,



Michael and Char McCue
Stewart-McCue Properties, LLC

Notice to Owners of Neighboring Properties:

Please return this letter by 5/12/2014 to:

Date: 5/2/2014

Cody City Planner
P.O. Box 2200
Cody, WY 82414

RE: **SPECIAL EXEMPTION REQUEST**

THE CITY OF CODY HAS RECEIVED THE FOLLOWING REQUEST FOR A SPECIAL EXEMPTION. YOUR COMMENTS WOULD BE APPRECIATED.

Applicant Name(s): Paul Brock, Wyoming Firearms Experience, LLC

Address or Location/Legal Description: 1138 12th Street, Cody

Description of Request: *(Please state the requirement, the amount of exemption, and why requested—e.g. reduce the front yard setback requirement from 25' to 22' to permit an enclosed front porch.)*

I am requesting the approval of an Exemption for Use Similar to Permitted Uses to allow operation of an indoor firearms range as approved by the Cody City Council April 15, 2014. Indoor ranges are not specifically listed in the zoning ordinances, necessitating the request.

This request will be considered by City of Cody Planning & Zoning Board at their regularly scheduled meeting on Tuesday, May 13, 2014, at 12:00 p.m. in the City Hall Council Chambers, at 1338 Rumsey Ave.

Response Letter from Owners of Neighboring Properties within 140 Feet of Subject Property:

(Responses may be submitted in any written format. The following form is provided for your convenience.)

Dear Planning and Zoning Board Members:

My name is Wayne Lundvall and I am familiar with the proposal by Paul Brock

(Printed name)

(Applicant name)

for the special exemption described above. I am the legal owner of 1250 Sheridan ave
(Address or property location) Cody WY

I have **NO OBJECTION** to the Special Exemption Request.

Name: Wayne Lundvall

Address: 1420 29th St Cody WY

Comments: I think it will be an asset to the Cody Community. It should be allowed

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: _____

I **OBJECT** to the Special Exemption Request:

Name: _____

Address: _____

Reason for Objection: _____

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: _____

Notice to Owners of Neighboring Properties:

Please return this letter by 5/12/2014 to:

Date: 5/2/2014

Cody City Planner
P.O. Box 2200
Cody, WY 82414

RE: **SPECIAL EXEMPTION REQUEST**

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Applicant Name(s): Paul Brock, Wyoming Firearms Experience, LLC

Address or Location/Legal Description: 1138 12th Street, Cody

Description of Request: *(Please state the requirement, the amount of exemption, and why requested—e.g. reduce the front yard setback requirement from 25' to 22' to permit an enclosed front porch.)*

I am requesting the approval of an Exemption for Use Similar to Permitted Uses to allow operation of an indoor firearms range as approved by the Cody City Council April 15, 2014. Indoor ranges are not specifically listed in the zoning ordinances, necessitating the request.

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Response Letter from Owners of Neighboring Properties within 140 Feet of Subject Property:

(Responses may be submitted in any written format. The following form is provided for your convenience.)

Dear Planning and Zoning Board Members:

My name is KEVIN LUNDVALL and I am familiar with the proposal by Paul Brock WIFE, LLC

(Printed name)

(Applicant name)

for the special exemption described above. I am the legal owner of Wayne's Boot Shop

(Address or property location)

I have **NO OBJECTION** to the Special Exemption Request.

Name: Kevin Lundvall

Address: 1250 Sheridan

Comments: _____

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: Kevin @ waynesbootshop.com

I **OBJECT** to the Special Exemption Request:

Name: _____

Address: _____

Reason for Objection: _____

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: _____

Notice to Owners of Neighboring Properties:

Please return this letter by 5/12/2014 to:

Date: 5/2/2014

Cody City Planner
P.O. Box 2200
Cody, WY 82414

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Applicant Name(s): Paul Brock, Wyoming Firearms Experience, LLC

Address or Location/Legal Description: 1138 12th Street, Cody

Description of Request: *(Please state the requirement, the amount of exemption, and why requested—e.g. reduce the front yard setback requirement from 25' to 22' to permit an enclosed front porch.)*

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Response Letter from Owners of Neighboring Properties within 140 Feet of Subject Property:

(Responses may be submitted in any written format. The following form is provided for your convenience.)

Dear Planning and Zoning Board Members:

My name is _____ and I am familiar with the proposal by _____
(Printed name) (Applicant name)

for the special exemption described above. I am the legal owner of _____
(Address or property location)

I have **NO OBJECTION** to the Special Exemption Request.

Name: _____
Address: _____
Comments: _____

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: hdussell@tctwest.net

 I STRONGLY OBJECT to the Special Exemption Request:
Name: JOHN O. HDUSSEL, MANAGER JOPE BROTHERS
Address: 1100 RUMSEY AVENUE, CODY, WYOMING LLC
Reason for Objection: THE EXEMPTION REQUEST IS NOT CLEAR. THE EXEMPTION REQUEST SHOULD SPECIFY THE PRECISE LIMITATIONS AND CONSTRAINTS

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: hdussell@tctwest.net

PREVIOUSLY ESTABLISHED BY THE CODY CITY GOVERNING BOARD.

Notice to Owners of Neighboring Properties:

Please return this letter by 5/12/2014 to:

Date: 5/2/2014

Cody City Planner
P.O. Box 2200
Cody, WY 82414

RE: **SPECIAL EXEMPTION REQUEST**

THE CITY OF CODY HAS RECEIVED THE FOLLOWING REQUEST FOR A SPECIAL EXEMPTION. YOUR COMMENTS WOULD BE APPRECIATED.

Applicant Name(s): Paul Brock, Wyoming Firearms Experience, LLC

Address or Location/Legal Description: 1138 12th Street, Cody

Description of Request: *(Please state the requirement, the amount of exemption, and why requested—e.g. reduce the front yard setback requirement from 25' to 22' to permit an enclosed front porch.)*

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Response Letter from Owners of Neighboring Properties within 140 Feet of Subject Property:

(Responses may be submitted in any written format. The following form is provided for your convenience.)

Dear Planning and Zoning Board Members:

My name is Louis Koussoulos and I am familiar with the proposal by Paul Brock
(Printed name) *(Applicant name)*

for the special exemption described above. I am the legal owner of 1234 Sheridan Ave.
(Address or property location)

I have **NO OBJECTION** to the Special Exemption Request.

Name: Louis Koussoulos
Address: 508 17th St.
Comments: _____

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: _____

I **OBJECT** to the Special Exemption Request:

Name: _____
Address: _____
Reason for Objection: _____

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: _____

1555 9052 2000 0601 ET02

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CODY WY 82414 **OFFICIAL USE**

Postage	\$ 0.49	0479
Certified Fee	\$3.30	07
Return Receipt Fee (Endorsement Required)	\$0.00	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 3.79	04/30/2014

Sent To
 HUDSON PARTNERS LLC
 Street, Apt. No., or PO Box No. 104 BEAR CR ROAD
 City, State, ZIP+4 CODY WY 82414

PS Form 3800, August 2006 See Reverse for Instructions

1555 9052 2000 0601 ET02

U.S. Postal Service™
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AUSTIN TX 78709 **OFFICIAL USE**

Postage	\$ 0.49	0479
Certified Fee	\$3.30	07
Return Receipt Fee (Endorsement Required)	\$0.00	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 3.79	04/30/2014

Sent To
 SOUTHERN FOOD GROUPS
 Street, Apt. No., or PO Box No. PO BOX 91119
 City, State, ZIP+4 AUSTIN TX 78709

PS Form 3800, August 2006 See Reverse for Instructions

1555 9052 2000 0601 ET02

U.S. Postal Service™
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Certified Fee	\$3.30	07
Return Receipt Fee (Endorsement Required)	\$0.00	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 3.79	04/30/2014

Sent To
 DAVID AND SHIRLEY SMILEY
 Street, Apt. No., or PO Box No. PO BOX 38
 City, State, ZIP+4 CODY WY 82414

PS Form 3800, August 2006 See Reverse for Instructions

1555 9052 2000 0601 ET02

U.S. Postal Service™
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Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 3.79	04/30/2014

Sent To
 STEWART-MCCLUE PROPERTIES
 Street, Apt. No., or PO Box No. 262 ROAD 6 NS
 City, State, ZIP+4 CODY WY 82414

PS Form 3800, August 2006 See Reverse for Instructions

1555 9052 2000 0601 ET02

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Return Receipt Fee (Endorsement Required)	\$0.00	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 3.79	04/30/2014

Sent To
 KW LUNDVALL CO.
 Street, Apt. No., or PO Box No. 1420 29TH ST
 City, State, ZIP+4 CODY WY 82414

PS Form 3800, August 2006 See Reverse for Instructions

1555 9052 2000 0601 ET02

U.S. Postal Service™
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(Domestic Mail Only; No Insurance Coverage Provided)

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Return Receipt Fee (Endorsement Required)	\$0.00	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 3.79	04/30/2014

Sent To
 PATRICIA MCELROY
 Street, Apt. No., or PO Box No. 104 ROAD 3 CKS
 City, State, ZIP+4 CODY WY 82414

PS Form 3800, August 2006 See Reverse for Instructions

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1200 SHERIDAN AVE
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PO BOX 38
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Sent To
Street, Apt. No., or PO Box No. JOPE BROTHERS LLC
1100 RUMSEY AVE
City, State, ZIP+4 CODY WY 82414

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KOUSOULOS FAMILY TRUST
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KEITH + MARGARET NEVILLE
 Street, Apt. No., or PO Box No. **1225 MEADOWLAW COURT**
 City, State, ZIP+4 **CODY WY 82414**

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5555 9052 2000 0607

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Restricted Delivery Fee (Endorsement Required)	\$ 0.00	
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Sent To
BROWN PROPERTIES
 Street, Apt. No., or PO Box No. **1131 13TH ST #101**
 City, State, ZIP+4 **CODY WY 82414**

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 CODY WY 82414

Sent To
JOHN DARBY REVOCABLE TRUST
 Street, Apt. No., or PO Box No. **1192 SHERIDAN AVE**
 City, State, ZIP+4 **CODY WY 82414**

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Sent To
LUNDVALL LLC
 Street, Apt. No., or PO Box No. **1250 SHERIDAN AVE**
 City, State, ZIP+4 **CODY WY 82414**

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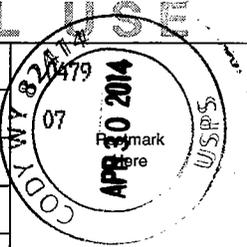
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Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$3.79



04/30/2014

Sent To **ROBERT + BARBARA CARTER**
Street, Apt. No.;
or PO Box No. **2364 MEADOW LARK CT**
City, State, ZIP+4 **CODY WY 82414**

PS Form 3800, August 2006

See Reverse for Instructions

E445 9052 2000 0607 ET07

Zoning issues with a downtown gun range in Cody, Wyoming

May 8, 2014

submitted by Ruffin Prevost, Hudson Partners and Michele Prevost, Juniper Wine & Spirits

We like guns, support 2nd amend.

- ❖ own multiple guns
- ❖ enjoy shooting
- ❖ mediocre at hunting

2012 Wyoming Game and Fish Department Resident Online License

Trans ID:	809281	DOB:	3/19/19
Issued:	10/12/2012 11:31:25 AM	Eyes:	GREEN
Name:	PREVOST, THOMAS R	Hair:	BROWN
Sports ID:	11942883477	Weight:	270
Resident:	11 YEARS	Height:	6-2
Res Proof:	WY DRIVER LIC 107535650	Gender:	MALE

Address: 104 BEAR CREEK ROAD
CODY, WY 82414 USA

Phone:

NOTICE

Under penalty of prosecution, I warrant that the information given by me is true and correct. I warrant that I am a resident of Wyoming as defined by W.S. 25-1-102(a)(2)(i) and (ii) and have domiciled in Wyoming for residency purposes for any purpose during the one year immediately preceding the purchase of this license.

THOMAS R PREVOST
Licensee (not valid until signed)

2012 RESIDENT GAME BIRD/SMALL GAME ANNUAL 10/12/2012
License #: 12400297247 \$24.00

This license cannot be transferred, cancelled, or any fee refunded after this date. Always carry this license with you when afield. It is unlawful to enter upon private land to hunt, trap or fish without first securing permission from the landowner. This license expires December 31 of the year issued.

Internet Transaction ID: 809281



BILLINGS GAZETTE 29°

News Sports Opinion Entertainment Outdoors Lifestyle Obituaries

Weekly Ads

Hot Topics: Drive-by shooting - Billings burn - Peaching problem - Spelling bee - Lightbulb

Study of bighorns across West includes Powell areas sheep Johnson County

Exotic egg hunt plans Wyoming governor's

Home / News / Bills and Politics / Wyoming News

Full-barreled love affair

Recommended Tweet 5



Terry Hixson, right, examines a rifle while Gav attended by about 85 people in Cody. Gav is billed as the most comprehensive collection to a super retail gun outlets where historic at PREVOST/Gasette staff Tom Chisler says the gun auction attended by about 85 people in and though it cannot be fired due to pitting because of its novel design.

October 10, 2012 11:00 am - BLUFFTON PRESS

CODY - Folks in Southern California are wild about it's crab, and Nashville loves cow gun.

NORTH CAROLINA
HUNTER SAFETY TRAINING COURSE

Graduation Certification

THOMAS R PREVOST

Has successfully completed the Hunter Safety Training Course

9213969 STUDENT GRADUATION NUMBER	11-01-83 COMPLETION DATE	BEAUFORD S GILLILAND INSTRUCTOR
-----------------------------------------	--------------------------------	------------------------------------

S. R. Johnson Jr.
S. R. JOHNSON, JR., MAJOR
INTEGRITY ENFORCEMENT
N. C. WILDLIFE RESOURCES COMMISSION

W. Vernon Davis
W. VERNON DAVIS, EXECUTIVE DIRECTOR
N. C. WILDLIFE RESOURCES COMMISSION

About Juniper Wine & Spirits

- ❖ Started in 2003 as a kitchen-table business
- ❖ Grew as a retailer and wedding planner on Beck Ave.
- ❖ Six years on Road 2AB
- ❖ Bought 12th Street building in December 2013

12th Street Location

- ❖ In the heart of downtown
- ❖ Flexible: large basement and 3 units on 2nd floor
- ❖ Cash flow from existing residential and office tenants
- ❖ Quiet, private, shady patio in rear (less street noise)

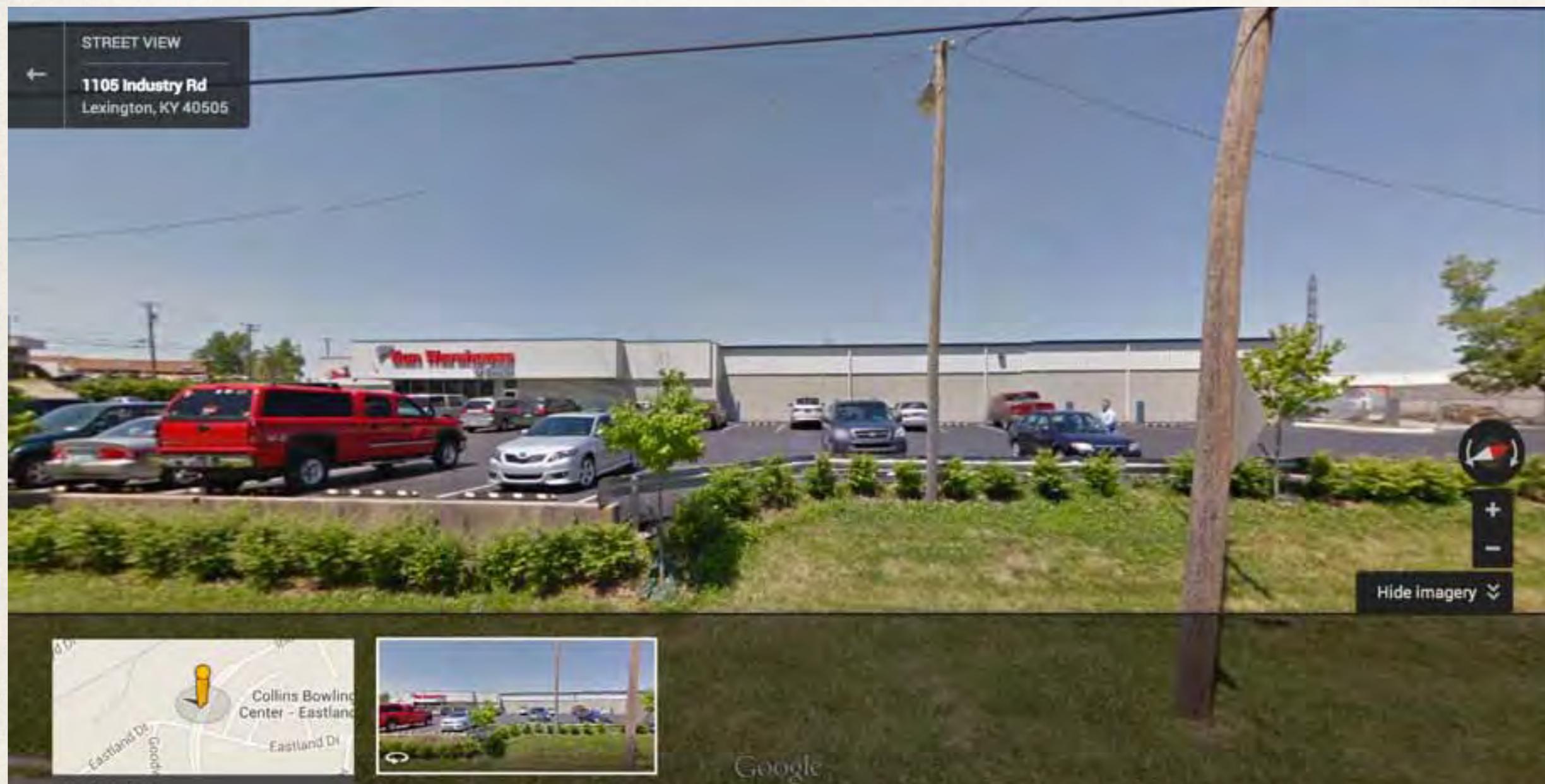
Drawbacks to downtown gun range

- ❖ Zoning
- ❖ Air Quality
- ❖ Safety
- ❖ Noise

Zoning

- ❖ Ordinances don't specifically address gun ranges.
- ❖ Opens D-2 to less qualified range operators.
- ❖ D-2 excludes animal boarding kennels, cabinet shops.
- ❖ Appears to contradict parts of city's master plan.
- ❖ Most gun ranges have setbacks allowing for ample parking and a buffer zone.

Gun Warehouse, Lexington KY



Sharp Shooters, Roswell GA



Top Gun, Houston TX



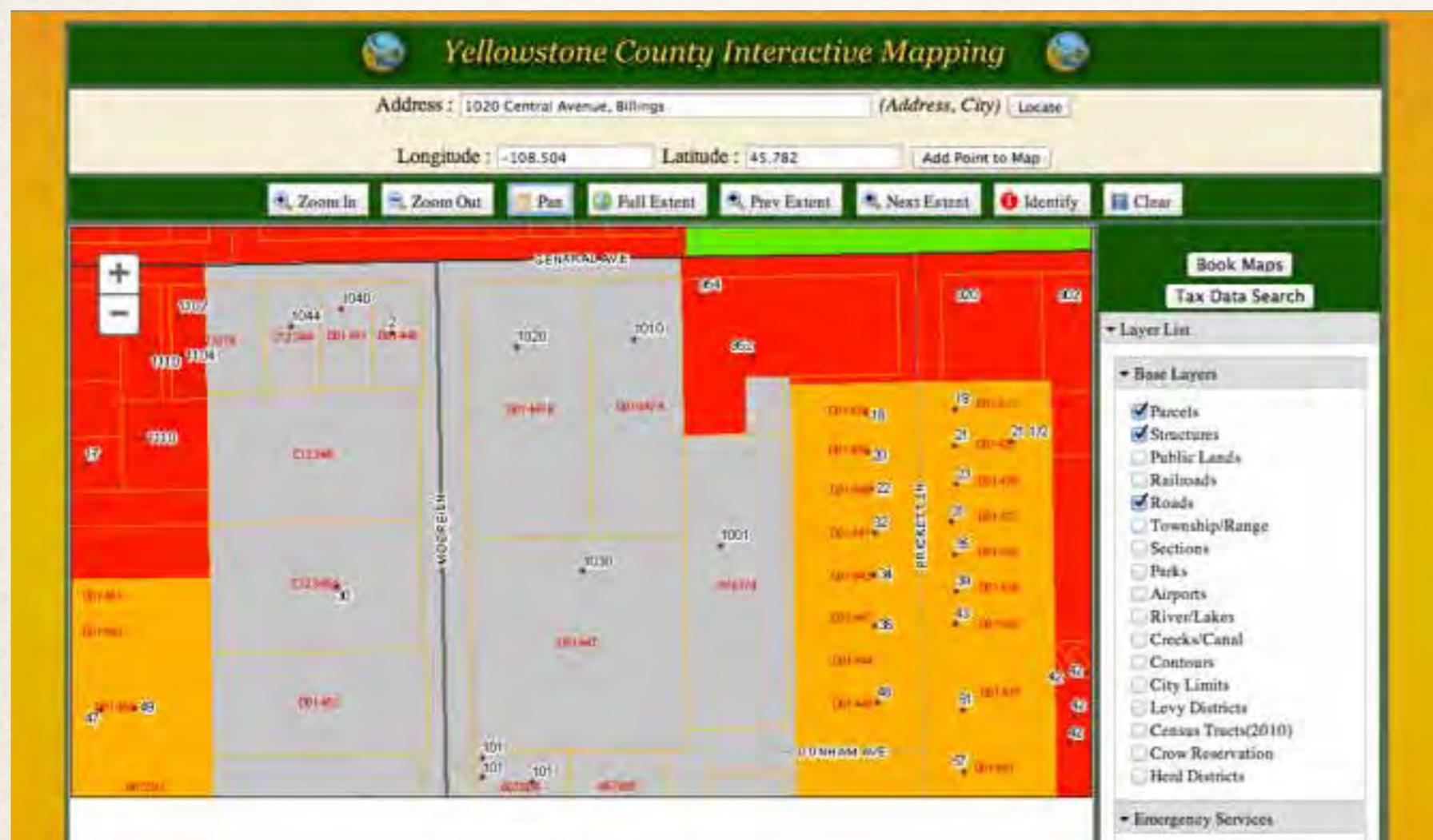
Common-sense questions

- ❖ Why so few other gun ranges in similar historic downtown locations on lots with no setbacks?
- ❖ Why so few other gun ranges in such small buildings?
- ❖ Why exclude dog kennels and carpentry shops if a gun range is allowed?
- ❖ If 94% of Cody visitors drive, why is a downtown location make-or-break for a gun range?

Case Study: Three Sights in Billings

- ❖ Billings indoor gun range at 1020 Central Ave.
- ❖ Zoned “controlled industrial”
- ❖ Cited on a 1.42-acre lot
- ❖ One of three lots totaling 4.7 acres developed by same owner over several years

Zoned “controlled industrial”



- ❖ “light industries not compatible with other commercial zones”

Almost 10 times the lot size

- ❖ Three Sights: 61,768 sq ft
- ❖ Three Sights: 1.418 acres

- ❖ 12th St.: 6,500 sq ft
- ❖ 12th St.: 0.15 acres

Yellowstone County
 Commercial | Residential

Orion Deed

Disclaimer: Not all fields are currently maintained. The accuracy of the data is not guaranteed. Please notify the Appraisal/Assessment Department if you have any corrections.
[Back to Search Form](#)

Owner Information

Primary Owner: 1020 CENTRAL AVENUE, LLC
 Tax ID: D01447B
 Geo Code: 03-0927-08-1 21-25-0000
 Property Address: 1020 CENTRAL AVE BILLINGS 59102
 Legal Description: FLANAGAN SUBD, S08, T01 S, R26 E, Lot 5C, AMD (10)
 Property Type: CU - Commercial Urban

To view recorded documents, please login to the [Clerk & Recorder Search](#), (will open in a new tab) and copy/paste the recording number into the search form.

Deed Documents	Recording #	Document type	Recorded Date	Document Date	Book	Page
	3589364	Quit Claim Deed	6/8/2011	6/8/2011		
	SP3509163		5/28/2009			

Site Data

Neighborhood Code: 03-0965-2
 400.C
 Parking type:
 Utilities:
 Lot Size: 1.418 Acres

Detail of R0006022

Parcel

Property Owner: CARTER, ROBERT & BARBARA
 Mailing Address: 2364 MEADOWLARK CT.
 CODY, WY 82414
 Street Address: 1138 12TH ST
 PIDN: 05000102919000 (Tax)
 Deed Book & Page: 1999 WD 03871
 Deed Date: 06/07/1999
 Tax District: 0605
 Legal Description: O.T. LOTS 19 & 20, BLK. 29 (3250 SF EA)
 2014 Market Value: \$ 701,394 (\$ 139,500 Land + \$ 561,894 Improvements)
 2014 Assessed Value: \$ 66,633 (\$ 13,253 Land + \$ 53,380 Improvements)

Land

Acres	Square Feet	Class
0.15	6,500	Commercial - Improved Land - All Inclusive
0.15	6,500	Total

Commercial 1	Stories	Sq Ft	Bedrooms	Year Built	Sketch(s)	Photo(s)
Commercial : Retail Store	1.0	5472	0	2002	#1	#1 #2
Mezzanine Display		2,450		0		

System by Greenwood Mapping, Inc.

More than 12 times the traffic

- ❖ Central Ave: 18,564 ADT

8/8/2010	CENTRAL AVENUE	7TH STREET WEST	E/W	Line	17:00	1065	12216
8/8/2010	CENTRAL AVENUE	15TH STREET WEST	E/W	Line	17:00	1471	17113
8/8/2010	CENTRAL AVENUE	11TH STREET WEST	E/W	Line	17:00	1635	18564
8/3/2010	MONAD ROAD	BERNARD STREET	E/W	Line	16:00	870	9827
8/3/2010	MONAD ROAD	MOORE LANE	E/W	Line	13:00	938	11787

- ❖ 12th St.: 1,457 ADT



source: Billings and Cody city websites

Huge parking lot and buffer area



Three Sights in downtown Cody

- ❖ 1.4 acres is large yellow area: 1/2 a Cody block



Master Plan for Cody's downtown

- ❖ page 22: New residential, office, commercial, or industrial development that is not in harmony with the existing or desired future character of these neighborhoods should be discouraged.
- ❖ page 63, downtown: On Sheridan Avenue, **second-story apartments and a mix of office and retail uses** should be encouraged to increase activity and vibrancy at all times of day and year-round. There should be little or no setbacks for buildings on Sheridan Avenue, and the architectural identity of historic commercial buildings and their facades should be preserved.
- ❖ page 28, Principle 5.2.b. Location of Affordable Housing. Allow for appropriate zoning for **affordable housing near employment centers** to facilitate convenient access to job opportunities for Cody's workforce.
- ❖ page 62, Desired Downtown Future Character: Residential, office, retail, entertainment and civic uses should be balanced in a way that allows for easy access to destinations and services by all modes of transportation. Downtown should be accessible and pedestrian-friendly, a welcoming place for both residents and visitors, and the central hub for shopping, dining, lodging, entertainment, gathering, and socializing. There should be abundant opportunities for **outdoor dining**, plazas, public art, cultural and special events, live entertainment, and **places to congregate**. Public investment and land use decisions should be consistent with the **longterm economic health of the downtown core**.

Master Plan for Cody's West Strip

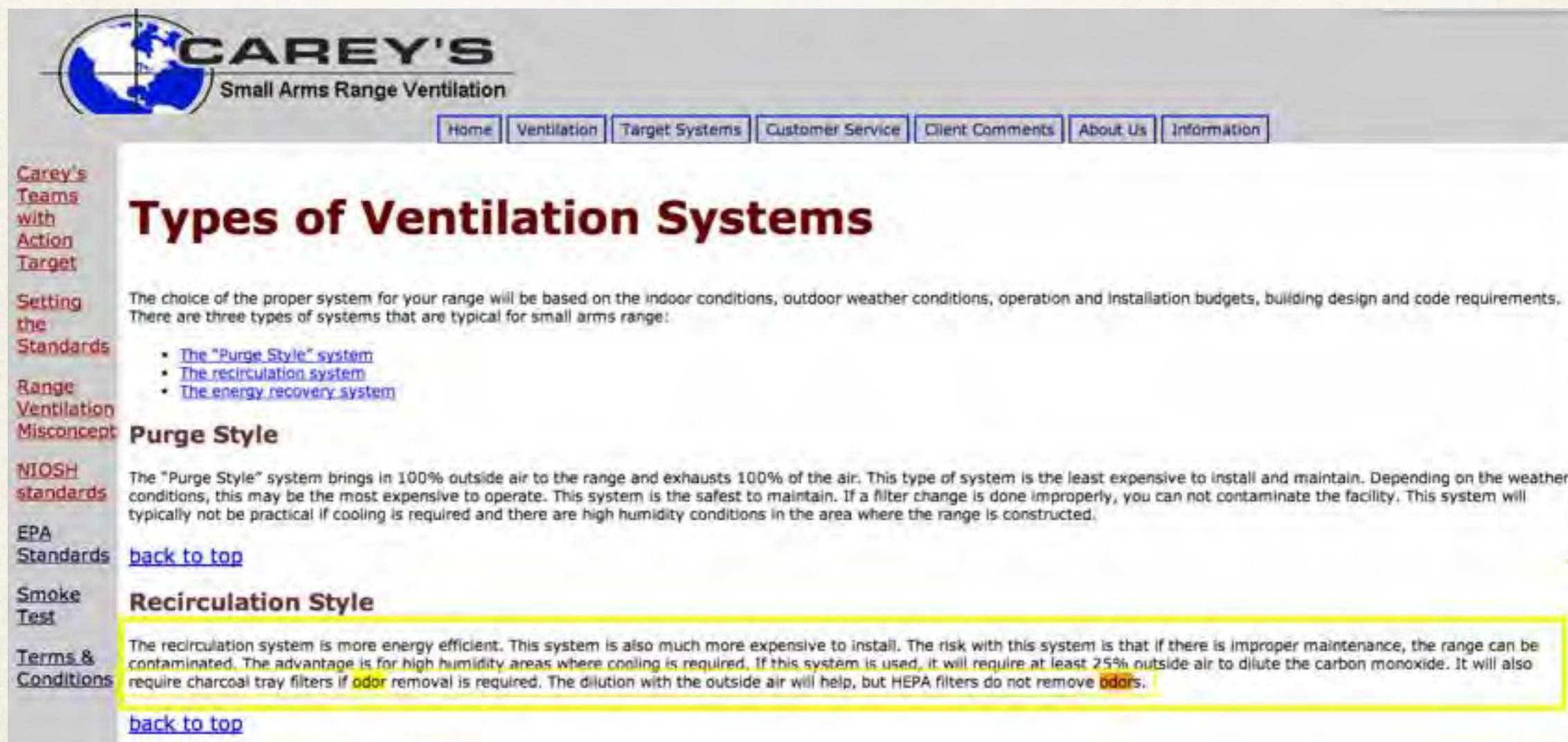
- ❖ page 72 District 4: Yellowstone District—EXISTING CHARACTER: The Yellowstone District links Cody's downtown to the rural lands and Yellowstone National Park to the west. The majority of development is concentrated on the "West Strip," **an important corridor for tourist attractions and activities – including the Buffalo Bill Cody Stampede Rodeo, Old Trail Town,** and a number of hotels and motels.
- ❖ DESIRED FUTURE CHARACTER: As the first or last impression of Cody for Yellowstone National Park tourists, the Yellowstone District should be exciting and memorable. Signage, lighting, fencing, landscaping, building form and architecture, and other design elements should reflect Cody's historic character and western culture in a way that is genuine and attractive. A balanced mix of retail, restaurant, **entertainment,** office, and artisan-type **light industrial** uses should be encouraged.

Air Quality

- ❖ Gunsmoke and lead don't mix with wine and milk.
- ❖ One mistake can ruin reputations, prove disastrous.
- ❖ Who has responsibility for oversight?
- ❖ Who has authority to ensure accountability?

Charcoal filter required for odors

- ❖ WFE's own contractor notes that HEPA does not filter odors. A charcoal filter is required for odor control



CAREY'S
Small Arms Range Ventilation

Home | Ventilation | Target Systems | Customer Service | Client Comments | About Us | Information

Types of Ventilation Systems

The choice of the proper system for your range will be based on the indoor conditions, outdoor weather conditions, operation and installation budgets, building design and code requirements. There are three types of systems that are typical for small arms range:

- [The "Purge Style" system](#)
- [The recirculation system](#)
- [The energy recovery system](#)

Purge Style

The "Purge Style" system brings in 100% outside air to the range and exhausts 100% of the air. This type of system is the least expensive to install and maintain. Depending on the weather conditions, this may be the most expensive to operate. This system is the safest to maintain. If a filter change is done improperly, you can not contaminate the facility. This system will typically not be practical if cooling is required and there are high humidity conditions in the area where the range is constructed.

[back to top](#)

Recirculation Style

The recirculation system is more energy efficient. This system is also much more expensive to install. The risk with this system is that if there is improper maintenance, the range can be contaminated. The advantage is for high humidity areas where cooling is required. If this system is used, it will require at least 25% outside air to dilute the carbon monoxide. It will also require charcoal tray filters if odor removal is required. The dilution with the outside air will help, but HEPA filters do not remove odors.

[back to top](#)

Carey's Teams with Action Target
Setting the Standards
Range Ventilation Misconcept
NIOSH standards
EPA Standards
Smoke Test
Terms & Conditions

Safety

- ❖ Multiple locations serving alcohol near range.
- ❖ City is not equipped to closely monitor.
- ❖ Consider annual compliance review similar to restaurants, liquor license holders, child and health care facilities.

Alcohol near a gun range

- ❖ What's an acceptable blood-alcohol level for shooters?
- ❖ Increased liability risk for city, range, alcohol servers.
- ❖ Alcohol impairs judgment, motor coordination.
- ❖ Some people tend to drink more on vacation.
- ❖ Many first-time shooters.

Noise

- ❖ Indoor gun ranges present undeniable noise concerns.
- ❖ Why gun noise is different than other sounds.
- ❖ Neighbors have almost no rights under state law.
- ❖ Who wants to fight over decibel levels?

Noise from ventilation system

- ❖ Gun ranges use much larger ventilation systems than similarly sized buildings or other typical structures.
- ❖ WFE's acoustic expert predicts 60 dB from ventilation system.
- ❖ Recent Cody Labs generator was raised as potential issue at P&Z for 65 dB on large heavy industrial lot.

Undeniable Noise Concerns

❖ Gunshots routinely range well over 150dB

chain saw	100 dB
police siren	120 dB
jet engine	140 dB
.45 ACP	157.0 dB
9mm	159.8 dB
.357 Magnum	164.3 dB
.375 rifle	170 dB

source: Specialized Hearing Systems, Boulder, Colo.

Communities hate gun noise

note: all headlines reference indoor ranges

Indoor gun range shatters neighborhood peace

Fresno Bee, Feb. 23, 2013

Noise complaints launch inquiry at gun range

Smithville Times, Oct. 27, 2010

Colonial Shooting Academy to address gunshot noise complaints

WWBT, April 12, 2012

Layton neighborhood complains about gun range noise

Standard-Examiner, September 20, 2012

Residents tired of the noise

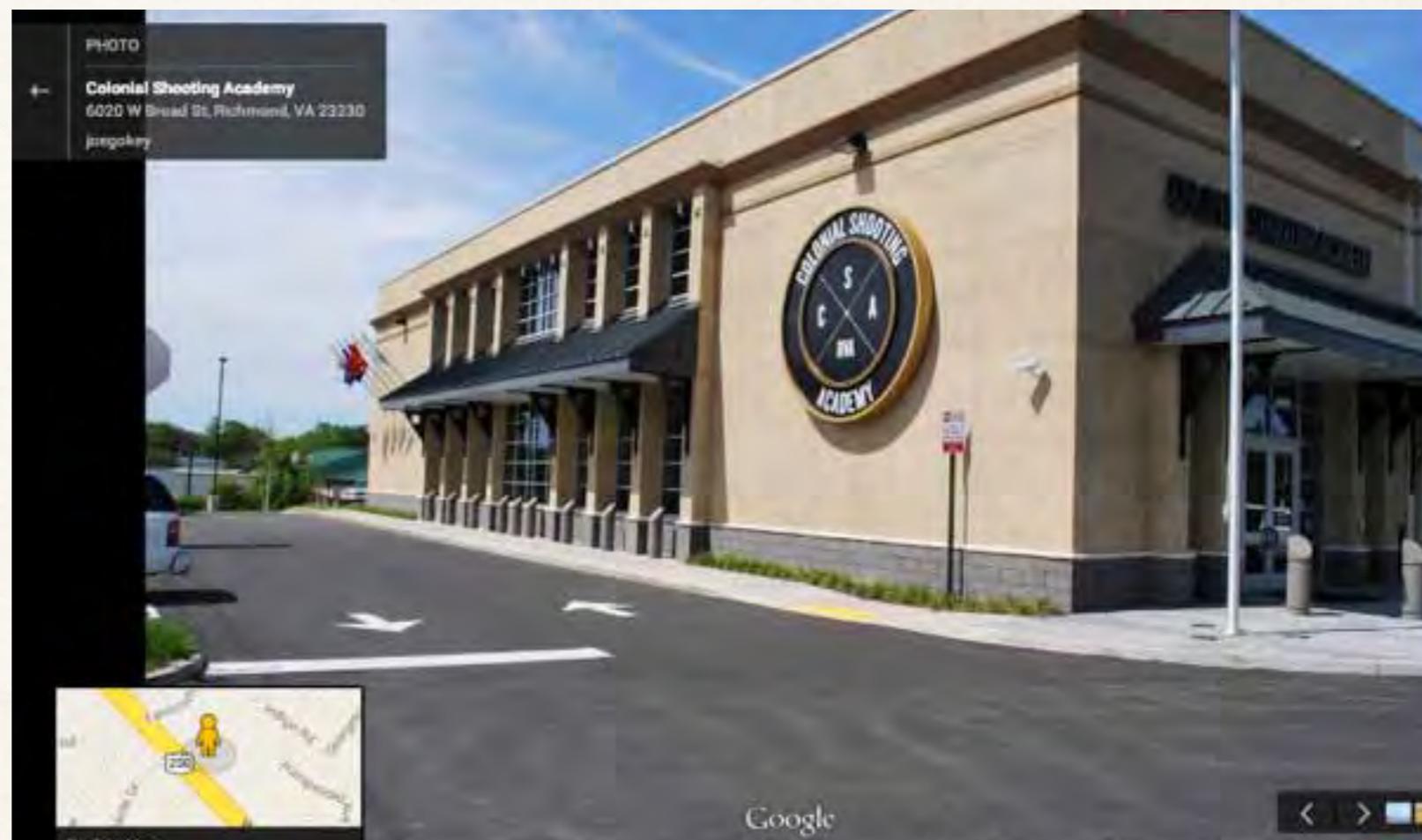
Imperial Valley Press, December 12, 2010

Colonial Shooting Academy

“State of the Art”
“Largest”
“Best”

opened in 2012

Henrico, VA.



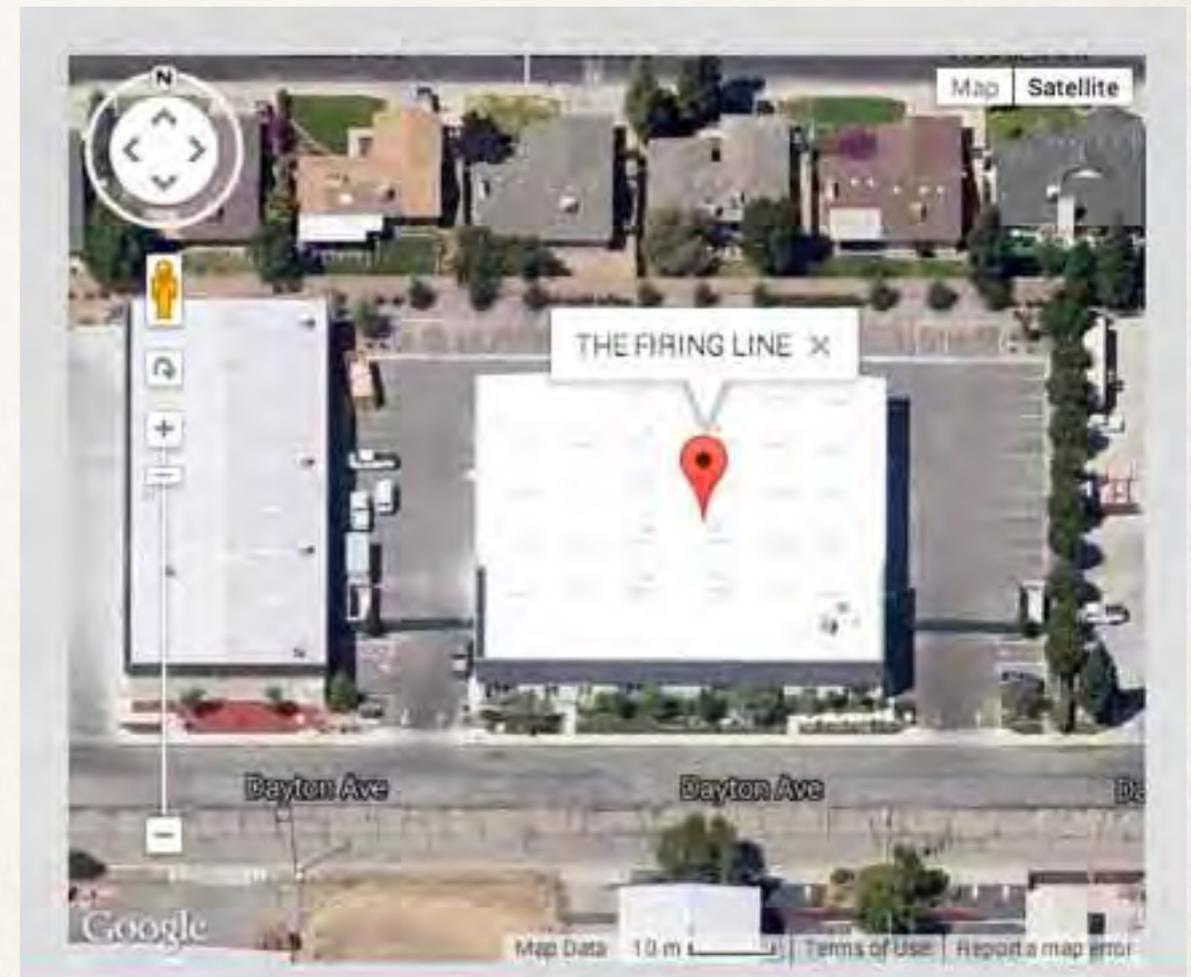
"It sounds like a shotgun, all the time, all day long, boom boom boom! Your heart would jump!"

"Especially on weekends, it's just constant. And yeah it is muffled, but it's constant."

"Don't like it, it's just annoying."

Firing Line, Clovis CA

- ❖ 2 years of controversy
- ❖ sound studies, new windows for homeowners
- ❖ within allowed noise levels
- ❖ residents must endure
- ❖ also a retrofit



Gun noise is unlike other sounds

- ❖ “Gunshots are a type of noise that is referred to as a transient peak. They are quick and short in nature. These types of sounds will always draw attention because they are a disturbance in background noise that may occur at a steadier level. Compared to other common sounds such as air traffic, road traffic, railroads, motorcycles, lawn mowers that are more of a steady nature, a transient peak will be noticed more, even though the transient peak may be much quieter than the example noise sources cited.”

Jeff Hall, sound consultant for
City of Clovis, Calif.
pop. 101,000

Firing Line indoor range
multiple noise complaints
July 2013

State law restricts neighbors' rights

16-11-102. Operation of shooting ranges; liability.

(a) Notwithstanding any other provision of law, any person who operates or uses a sport shooting range in this state shall not be subject to civil liability or criminal prosecution in any matter relating to noise or noise pollution resulting from the operation or use of the range if the range is in compliance with any noise control laws or ordinances that applied to the range and its operation at the time construction or operation of the range was approved by a local government.

(b) Any person who operates or uses a sport shooting range is not subject to an action for nuisance, and a court of this state shall not enjoin the use or operation of a range on the basis of noise or noise pollution, if the range is in compliance with any noise control laws or ordinances that applied to the range and its operation at the time construction or operation of the range was approved by a local government.

(c) Rules or regulations adopted by any state department or agency for limiting levels of noise in terms of decibel level which may occur in the outdoor atmosphere shall not apply to a sport shooting range exempted from liability under this act.

16-11-103. Regulation of location and construction.

This act does not prohibit a local government from regulating the location and construction of a sport shooting range after the effective date of this act.

Sets a precedent for D-2

- ❖ West Yellowstone gun range fires fully automatic machine guns using “frangible” rounds. Bullets dissolve on impact with drywall. Less lead, requires less ventilation.
- ❖ Northwest College has shooting simulator that provides video-game style experience. Noise mimics that of actual firearms.
- ❖ Both could be affordable additions to Cody downtown shooting attractions in Cody or other D-2 zoning.

Who wants to fight over decibels?

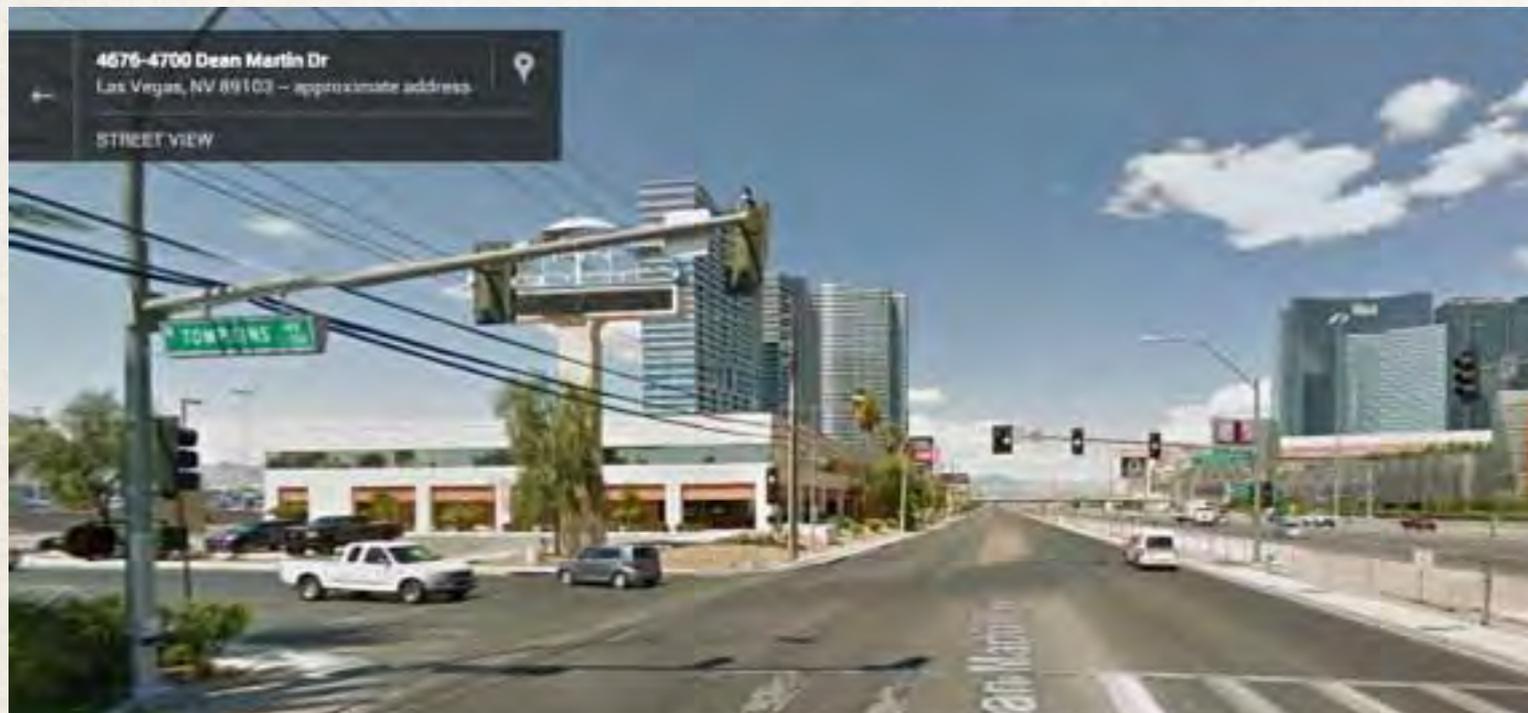
- ❖ Your idea of an “appropriate decibel level” is probably different from mine.
- ❖ My decibel meter is different from yours.
- ❖ What’s the A-weighted scale on a fast-response meter?
- ❖ Neighbors, police and city staff have better things to do.

There's a simple, easy solution

- ❖ No “plainly audible” noise at building exterior.
- ❖ “Plainly audible” is a proven standard.
- ❖ Large and small towns have set a no-noise standard.
- ❖ Requires no decibels, meters, training—just ears.
- ❖ Sets the highest and best standard for Cody.

No plainly audible exterior noise

- ❖ Provide the necessary sound attenuation so firearm discharges are not audible / discernible from outside of the building. —Las Vegas / Clark County NV



- ❖ The Range 702



Machine Guns Vegas The Firearms Experience

“With proper sound attenuation to the building to eliminate exterior noise from firearm discharges, staff does not anticipate any negative impacts to the surrounding properties from the proposed use.”

— 08/02/11 Clark County Planning Commission Report



Same standard, many places

“The indoor target range shall be of soundproof construction whereby the sound from the discharge of any firearm shall not be transmitted across any adjoining property line.”

— Savannah GA / Chatham County

- ❖ Patrick's Indoor Gun Range — Garden City, Chatham County
- ❖ Mission Essential — Savannah GA



Ocala, Florida 3-page application

- ❖ “The building shall be constructed to provide acoustical treatment for sound attenuation to prevent sound from traveling beyond the property lines of the subject property.”

R/D Tactical Solutions
Ocala Gun Range
1031 NE 16th St.
Ocala, FL 34470



Prince Georges County, Maryland

- ❖ Provided there is no discernible noise from the exterior of the building.

Maryland Small Arms Range
Upper Marlboro MD



Mesquite TX

- ❖ Gunshots from inside the building shall not be audible from any of the site's property lines.

The Gun Zone 2405 Highway 30



West Palm Beach, Florida

- ❖ Buildings shall be constructed and operated in such a manner that gunshots and related noise will not be detectable at adjoining property lines. Buildings shall be completely air conditioned.

Gator Guns & Archery Center
2154 Zip Code Place #7
West Palm Beach, FL 33409

Shoot Straight Gun Range
7171 Southern Blvd. West Palm
Beach, Florida 33413

Gator Guns & Archery Center
2154 Zip Code Place #7
West Palm Beach, FL 33409

Auburn AL

Bay City MI

- ❖ Auburn AL: The building must be of soundproof construction whereby the sound from the discharge from any firearm shall not be transmitted or detected from any adjoining property line as certified by a registered professional engineer or architect in the state or a qualified acoustical consultant.
—Auburn Armory: 323 Airport Rd., Auburn
- ❖ Bay City MI: All uses shall be conducted completely within a fully enclosed building. The building shall be soundproof.
—Duncan's Outdoor Shop, 501 Salzburg Ave., Bay City

Holly Hill, Florida

Indoor shooting ranges are permitted as special exceptions, provided gunfire shall not be detectable by a person with average hearing ability, unaided by any mechanical or electronic device, from any point on adjoining properties or, if the property on which the range is located abuts a public roadway, from the farthest edge of the traveled portion of the roadway (the pavement edge).

Hot Shot Shooting
1873 N Nova Rd.
Holly Hill



Harker Heights, Texas

- ❖ The facility must be designed, maintained and operated in such a manner that discharge of any firearm within the facility structure may not produce a sound that is **plainly audible** to a person of ordinary sensibilities on any property not subject to the ownership or control of the owner of the facility.

- ❖ City population of 27,000
- ❖ 20,000 square foot proposed facility
- ❖ Ordinance in response to single request
- ❖ 2 City Council workshops
- ❖ \$500,000 liability insurance
- ❖ completion late 2014-early 2015

Man aims to open indoor shooting range in Heights

Story | Comments (1) | Image (4) | Print | Font Size

Recommend (212) | Tweet (2) | 8x1 | Print | Follow

Posted: Sunday, August 18, 2013 4:30 am

Brian Bradley | Herald staff writer | 1 comment

HARKER HEIGHTS — J.C. School couldn't shake a nagging ambition planted by his church friends.

Posted on Aug 18, 2013
By Brian Bradley

The Harker Heights resident said he looked for an excuse to ditch his idea to build an indoor shooting range at the corner of Lookout Ridge Boulevard and Edwards Drive. Then, his pastor unexpectedly supported him and Police Chief Mike Gentry signed his application for a firearms license.

His wife, Jenny, would definitely reject the idea, he thought.

Heraldist J. MAXWELL

Gun range planned for Heights

Granbury, Texas pop. 7,978

- ❖ Indoor shooting ranges shall be constructed and insulated in such a manner that prevents sound from the discharge of firearms within the facility to escape outside the premises.

Pirate's Den
Sports Center
304 N Park St
Granbury, TX



Requires no meters

- ❖ Objective standard of “plainly audible” upheld by courts.
- ❖ Used by large and small municipalities nationwide.
- ❖ No decibel meters, no training, no gray areas.
- ❖ If it can't be heard, it's not a problem. If you hear it, fix it.
- ❖ We've shown many examples of “no-noise” standards. Where are the examples of ranges in downtown historic districts with no setbacks producing “metered noise” with happy neighbors?

Double-standard for public/private

- ❖ No plainly audible noise at private property
- ❖ 45 dB and 35 dB at street and alley
- ❖ Appears to value private rights over public
- ❖ Still requires decibel meters, complex enforcement
- ❖ Sound doesn't stay on public land, it's unpredictable

Highest and best standard for Cody

- ❖ We'd expect a dog kennel in downtown to be soundproofed.
- ❖ If the first range is a huge success, others may follow.
- ❖ They can do it in Granbury, TX, we can do it here.
- ❖ The museum demanded no noise in the Whitney Gallery of Western Art, downtown should be the same.
- ❖ If you can afford a prime location downtown, then you ought to be able to afford to soundproof that location.

Minimum acceptable standards:

- ❖ Gun noise should not be plainly audible at building's exterior, with enforceable consequences.
- ❖ Proactive range policy of zero tolerance for alcohol.
- ❖ Appropriate standards ensuring no detectable fumes or odors, with additional air-quality and ventilation noise standards.
- ❖ Annual compliance review similar to other businesses.

On Tue, Mar 25, 2014 at 8:08 AM, Steve Leger
<sleger@heartmountain.org> wrote:

Dear Mayor Brown,

I am writing to express my concerns regarding locating a gun range in downtown Cody. Let me say that I am not opposed to an indoor gun range in general and I believe Paul Brock to be a very thoughtful and responsible manager. However, I believe locating the gun range at the proposed site is ill advised in my opinion.

I am concerned about the safety and environmental issues that this project will surely raise. I am a frequent downtown shopper and a customer of Juniper Wines. I believe that the percussive sounds of the gun range will be very annoying to local shoppers in general and to the customers of Juniper Wines in particular. The noise of necessarily large air handling equipment and the possibility of failure of filtering systems pose an environmental threat to nearby businesses and customers.

Assuring the safety of people in the downtown area will be a considerable challenge with unknown novices handling weapons at the site and the comings and goings of others with weapons. The real possibility of persons frequenting nearby bars and the then deciding to fire weapons at the gun range is not a minor concern.

I urge the rejection of the downtown site for this facility or at the least a through and detailed study to determine all of the potential hazards and the development of thoughtful and effective regulations and restrictions for such projects.

Respectfully,

Stevan Leger
4 S. Marquette Court
Cody, WY 82414

--

Jenni

Jennifer R. Rosencranse
City Administrator
City of Cody
PO Box 2200
Cody, WY 82414
307-527-3462

All City of Cody electronic correspondence and attachments may be subject to public disclosure.

All City of Cody electronic correspondence and associated file attachments are public records and may be subject to certain disclosure in the event of a public records request.

March 13, 2014

Cody City Council
1338 Rumsey
Cody, WY 82414

Dear Council Members,

The Nature Conservancy maintains an office in Suite A on the second floor of the building at 1128 12th Street. We are directly next door to the site of the proposed indoor gun range mentioned on the March 18 Council agenda, and we are among those neighbors most likely to be affected by the facility.

In considering whether to issue a permit for an indoor gun range—or any other recreation or amusement facility likely to generate significant levels of noise—I hope the Council will take concrete, measurable and enforceable steps to ensure that such a facility is designed, built and maintained in a way that protects the safety, health and welfare of customers and neighbors.

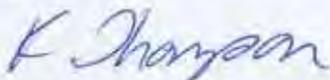
Potential concerns for this specific facility include: high noise levels, increased levels of lead and other air pollutants, and the safe and courteous use of firearms in a crowded downtown area.

Because this is a new facility and unlike anything built in Cody before, we would request that the Council table any pending vote (currently scheduled for March 18) for at least two weeks, or until such time as those of us who have questions or concerns can work together to find reasonable answers and common standards to ensure a mutually positive outcome for the project.

Determining, setting and enacting a framework for the enforcement of reasonable standards for noise, safety, emissions and other potential issues before approving this or any other recreation or amusement facility will help avoid potential conflict among neighbors months or years down the road.

Thank you for your consideration of this request.

Sincerely,

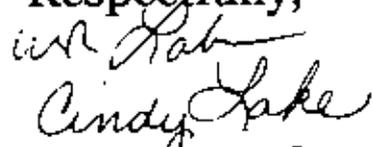


Katherine Thompson, Northwest Wyoming Program Director

To: The Cody City Council

My husband and I are customers of Juniper Wine and Spirits. Recently we learned that this business will be moving to a new location in downtown Cody. We feel that this well-run friendly business will be a great asset to this new setting. Subsequently, we were informed that an indoor shooting range wishes to be located next to Juniper Wine and Spirits. As customers we have concerns that this situation is less than desirable for a business we enjoy supporting. When we go there to enjoy wine tasting, selecting wines, and conversing with the knowledgeable staff, we would not enjoy hearing noise from guns nor wish to be exposed to lead dust from an indoor shooting facility. We are not against shooting ranges, but feel strongly that positioning the shooting range next door to a wine business that should invoke feelings of relaxation is not appropriate.

Please consider our feeling in your future decisions.

Respectfully,

Bill and Cindy Lake

HOUSEL LAW FIRM L L C
1100 RUMSEY AVENUE
CODY, WYOMING 82414
TEL/FAX (307) 587-4216

John O. Housel
Jerry W. Housel
1912 — 2001

April 15, 2014

The Honorable Nancy Tia Brown
Cody City Council
Donny Anderson
Landon Greer
Stan Wolz
Steve Miller
Jerry Fritz
Bryan Edwards
City Hall
Cody, Wyoming 82414

Reference

Noise Abatement of Proposed Gun Range

Dear Mayor Brown and Members of the Council:

I am a lifelong resident of Cody and owner of the building located at 1236 Sheridan Avenue, Cody, Wyoming. I also own several firearms and have hunted in the Cody environs for many years. I also have closely followed the public information and Agenda Summary Report pertaining to your consideration of the proposal for Wyoming Firearms Experience, LLC to install and operate an indoor gun shooting range at 1138 12th Street in Cody.

After considering the many facets of this proposal and with especial concern for the problem of noise abatement, I would like you all to know I am opposed to any actual or simulated shooting range or gallery within the downtown area of Cody which does not have complete abatement of all firearm (or simulated firearm) noise at the property line of the owner or operator of such range or gallery.

Wyoming Statute 16-1-102, which is fully set forth on Page 2 of Mr. Stowell's Summary report is of extreme import and concern to me. There are very few, if any,

statutes or laws in Wyoming which deprive a property owner to his or her right to seek redress against his or her neighbor in our courts. Therefore, it is extremely important that as the governing body of the City of Cody you carefully craft a noise abatement standard which provides that any shooting range or simulated shooting gallery to be placed anywhere in historic downtown Cody operate in such manner that no noise from the report of the any firearm be heard beyond the property line of the operator. To allow any other standard, among other difficulties, would :

Be subject to varying interpretation; and

Require the City to develop an enforcement protocol for measuring and proving specified sound levels.

Regarding the latter concern it may be, for example, that in future years the enforcement authority of the City may choose not to go to the trouble, expense and effort to investigate and prove a firearm noise transgression – in much the same way the present noise abatement standards pertaining to motor vehicles are sporadically enforced.

I have mentioned that the standard you adopt should not only apply to the proposed shooting gallery, but all other proposed shooting galleries or firearm simulators which may be proposed for Downtown Cody at a later time. You may be aware that Northwest College has a firearms simulator which is used for its criminal justice curriculum. In addition to simulating tactical visual scenarios, the simulator also accurately reproduces the sound of a myriad of firearms. As a trustee of the college, when this simulator was approved about 3 years ago we did not realize the difficulty of insulating the sound. Because of disruptions caused by the simulator we are constructing a new sound proof shooting laboratory in the new Yellowstone Building presently being built on campus. But potential noise problems continue; When I asked the Yellowstone Building architect yesterday if the new simulator laboratory would completely insulate firearm sounds from other nearby classrooms, she replied " I hope so." As a college trustee this type of response is completely unacceptable to me. And I request that as trustees of protecting our property values in Downtown Cody, you accept no standard less than complete firearm noise insulation at the property line.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "John Howell". The signature is written in a cursive, flowing style.

From: "Karen Schumacher"
<kschumacher@bwsunset.com>

Date: March 31, 2014

Subject: New Indoor Gun Range Location

Mayor Nancy Tia Brown
Council President Steve Miller
Council Vice President Jerry Fritz
Council Member Donny Anderson
Council Member Landon Greer
Council Member Bryan Edwards
Council Member Stan Wolz

Dear Mayor and Cody City Council Members:

I am reaching out to you in regards to the proposal of a new indoor shooting range in the existing Outdoor Sports Center building, just right next door to the building recently purchased by Juniper Wine and Spirits; also the location approved for Juniper Wine and Spirits to move their liquor license. This approval was great news to hear as it will create more job opportunities when Michele Prevost is able expand her operations and the outcome will certainly benefit Cody's downtown. But how will she be able to keep any individuals employed if they continue to quit because of the disruption next door? How will Michele and her team offer successful events and create an exclusive, quiet and relaxing evening when no one wants to come in and listen to the constant sound of guns? Michele and her team have plans for a great exterior area to enjoy; plans for a quiet patio with a relaxing atmosphere to enjoy small conversations with colleagues, the pleasant company of community members, old friends and of course new friends. Would you be able to relax while listening to this constant sound? What about the air quality? What about other businesses in this area? What about the community members who have homes near this proposed gun range location? Would you be able to relax at home while listening to the constant sound of guns?

I am a supporter of guns, for my family and my friends to whom the 2nd

Amendment is important, and I enjoy being able to learn about and shoot guns in my home town; in fact I just completed Hunter's Safety this year. I think an indoor shooting range is a great idea and I support it; just not downtown. I can understand the desire to have the gun range across the street from the Irma and its summer evening's gun show but this event lasts 30-50 minutes each evening, it doesn't go on all day, everyday, all year long. What about the hotel guests that the Irma will have staying with them? As a general manager of hotels, I can only imagine the number of complaints that would stem from the noise. We have several great locations out on the west strip. Surely investors who are willing to pay for real estate downtown can also look seriously at a property on the west strip. There are several empty lots which local realtors would be happy to explore with investors; possibly the old Car Museum which has not been occupied since maybe 2009. These locations are adjacent to the rodeo grounds; a great attraction to go before the rodeo during our summer months. The west strip is also a great location for us locals to go on a Saturday afternoon, where the gun range doesn't have any immediate neighbors to disturb. Please help us to keep downtown quaint and quiet.

Thank you for listening and taking my thoughts and the thoughts of many Cody resident's into consideration regarding the proposal of the indoor gun range location.

Thank you,

Karen Schumacher
BEST WESTERN Hotel General Manager

O:(307).587.4265 ext. 225
F:(307).587.9029
E: kschumacher@bwsunset.com
W: <http://bestwesternwyoming.com/cody-hotels>

BEST WESTERN PREMIER-Ivy Inn & Suites / 8 th St Restaurant & Bar	
1800 8th Street	1800 8 th Street
Cody, WY 82414	Cody, WY 82414
P:(307).587.2572	P:(307).587-2572
F:(307).587.4498	F:(307).587-4486
www.bestwestern.com/PremierIvyInnandSuites	www.8thstreet.co

www.bwivy.com

E: eat@8thstreet.co

BEST WESTERN - Sunset Motor Inn	/	Sunset House Restaurant
1601 8th Street		1651 8 th Street
Cody, WY 82414		Cody, WY 82414
P:(307).587.4265		P:(307).587-2257
F:(307).587.9029		F:(307).587-9286
www.bestwestern.com/sunsetmotorinn		www.sunsethousecody.com
www.bwsunset.com		E: sunsethouse@bwsunset.com

On Wed, Mar 19, 2014 at 6:03 PM, William M. Jarvis
<william.m.jarvis@gmail.com> wrote:
March 19th 2014

Attention: Cody City Council

In regards to: 12th St. indoor firing range

My name is William Jarvis and I am writing this letter due to the proposal to open an indoor firing range on 12th St. near the newly established Juniper Wine & Spirits building. I am currently working and living near Chicago, IL but am quitting my job and moving out to Cody at the end of this Month to manage the Juniper Wine & Spirits bar program. Several years ago I lived in Cody and worked for Michele Prevost at Juniper Wine & Spirits.

I am moving back due to the opportunity available to open and run the bar at the new location. Transplanting my entire life takes a lot of effort and is a big risk for me. Michele and her husband Ruffin Prevost were kind enough to rent to me one of the apartment units above the bar to live in when I arrive back in Cody later this month. While they had no problem letting me live there with a "handshake agreement" I did want a written lease before deciding to make the move. I signed that lease in February, and completed my final day at my old job this week.

This brings me to my concerns about the gun range location. I just heard about this over the weekend (the weekend of March 15th) and as I will be both working and living at the adjacent Juniper location, I have what should be obvious concerns about safety and noise when it comes to not only my personal well being but my customers' as well. The type of business Juniper will be running will be a relaxing place to shop and have a few beverages with friends and family, and the idea of a gun range next door could easily threaten that atmosphere of our business.

Most people from Cody, myself included, have been to an indoor gun range, and know that they are typically located in areas far from residences or other businesses where peace and quiet is important. This could be an annoyance for our customers, but more than anything it would be a potential hardship for me as my apartment unit has windows which would be within 20 feet of the gun range.

I will be working late nights at the bar and will thus need to sleep until late morning.

While the noise issue is likely the most obvious concern, there is also the issue of potential noxious fumes from firearm discharge. Indoor firing ranges usually have commercial ventilation systems which tend work well, but I would see any strong odors or fumes as being unacceptable living conditions, and

also not conditions which I would want to operate a business in. The presence of a large ventilation system also brings noise concerns to mind as working in a city and with HVAC, I know that these units can be quite loud and bothersome to anyone regularly exposed to them.

These issues I have brought up are all something that would likely concern any nearby business or tenant in the area. It is not fair to cause a hardship for existing businesses or residents just to make way for a new one.

The health of Juniper and my potential concerns strike a personal chord for me as my family has a long history in Cody and from them I have heard first hand experience of small businesses having to shut down for various reasons every year. These events are deeply worrisome, as I am preparing to move back to Cody to help open a small business just like those but the business is also moving into the city and thus a more competitive environment.

Juniper Wine & Spirits experiencing annoying noise or unclean air in the new location is not an option for myself or anyone involved, and anything that could potentially be an issue needs to be carefully considered, researched, and deliberated by all parties involved.

Cody's downtown historic district seems like the

wrong place to put a gun range, and I would expect that to be obvious to the council. Other places, particularly the West Strip, seem like ideal locations, and should be designated as the proper place for gun ranges instead of downtown.

I know that the developer of the building believes some sound coming from the building is good, because it's an "attractant" for the tourists. It would be a repellent for our business, and there are no tourists to attract with that kind of noise for 2/3 of the year if it even turned out to be a good idea.

I appreciate my concerns being addressed, and while I do believe a gun range can have a positive impact on tourism and the local economy, I feel that the location on 12th street in downtown Cody is one that could be a major potential problem for me and our customers and is ultimately misguided and inappropriate for the area.

The only way I could see the location being feasible is if the gun range is held to the highest possible standard of cleanliness, quietness, and safety: no noxious fumes, no bullets and absolutely no sound of any kind escapes the building.

Thank you,

William Jarvis

April 9, 2014

First, I commend Cody City Council for taking more time to consider the proposal to locate an indoor gun range in Cody.

Second, I wish to express my concern about the proposed shooting range for the following reasons.

My primary objection is that any firing range does not belong in the historic center of Cody.

In keeping with the urban planning philosophy of my late husband, Franklin West, architect and urban planner, "you could build a new structure different from the existing structures, but that structure had to be harmonious and fit into the scale of the neighborhood."

The firing range would not meet that standard. It should be located in a stand-alone space with room for adequate ventilation, sound proofing, exterior air conditioning machinery, etc.

A firing range located away from bars, hotels, restaurants, children would be safer.

Advertising would direct any potential customers, who would be driving (especially if they are bringing their own weapons) to that location.

The standards for future locations will be established by zoning: that just any large empty storeroom with modifications to meet a noise decibel level, is not okay.

I live in Cody now, and Cody is very dear to my heart. I also realize that Cody is not Pittsburgh, but after almost fifty years in business and deeply involved in

zoning issues, I have seen zoning decisions for ill-conceived projects that have degrading effects that are costly and irreversible. I think, therefore, that zoning decisions should be made with the past, present and future in mind. Ultimately, the residents must be heard, and their opinions must weigh against one developer, with backers promoting, under the concept of "historical education" a blatant entertainment venue that encountered substantial objection at the Buffalo Bill Center of the West for that very reason, and not simply because it was a bad business plan.

Sincerely yours,

Sara B West

From: Matt Winslow <mwinslow@lawyer.com>
To: Elected Officials
<electedofficials@cityofcody.com>, Scott Kolpitzke
<scott@ckattorneys.net>, Todd Stowell
<ToddS@cityofcody.com>,
On Mon, Mar 31, 2014 at 2:16 PM, Matt Winslow
<mwinslow@lawyer.com> wrote:

Dear Madam Mayor and City Counsel Members:

I am writing to voice my opposition to allowing the proposed shooting range on 12th street between Sheridan and Beck Avenues. I believe that the area is too busy a part of town to operate an indoor shooting range safely and without disrupting the other businesses, community members, and tourists. Such a shooting gallery would be appropriate in other parts of town.

Please deny the request to allow the shooting gallery.

Thank you,
Matt Winslow
1107 Willow Lane,
Cody, Wyoming

On Mon, Mar 24, 2014 at 3:00 PM, Gretchen Papka
<ggpapka@gmail.com> wrote:

I've just heard there is an indoor shooting range possibility across from the Irma. I can think of nothing worse for the businesses on that city block or the downtown. An indoor shooting range should be out of the downtown area.

Gretchen Papka
819 Jeremy Ct
Cody, WY.

Sent from my iPad

On Wed, Mar 26, 2014 at 11:08 AM, Michele Keith

<mkeith@hunter-keith.com> wrote:

I would like to briefly say that I feel the proposed indoor shooting range does not belong in “downtown” Cody. I believe that the noise associated with it would be a detraction for any & all neighboring businesses.

The concept is probably a good one, but it should be built on the outskirts of town, in a less densely built area where it could have the luxury of a large lot, good sound proofing & not bother neighbors or other businesses.

Thank you for your consideration of my position,

Michele Keith

3659 North Fork

Cody

On Mon, Mar 24, 2014 at 12:16 PM, Shannon Mangus <s.mangus@bresnan.net> wrote:
We are opposed to a shooting facility within the downtown corridor of Cody. The safety element is questionable and the noise pollution are both issues that would make this more suitably placed on either the West Strip or Powell highway. A "free-standing" structure with a larger setback, no shared wall and exterior barriers (both for sound and safety), would make this a more supportable project.

Sincerely,
Shannon & Que Mangus
[2407 11th Street](#)
Cody, [587-2597](#)

Sent via DroidX2 on Verizon Wireless™

On Tue, Mar 25, 2014 at 1:35 PM, Yancy Bonner
<yancyanne@gmail.com> wrote:

Dear Mayor Brown and Cody City Council Members,

I am writing today to voice my lack of support for the proposed indoor gun range in downtown Cody. I have absolutely no problem with guns. I just don't think the downtown historic district is an appropriate place for a shooting range. My opinion would be completely different if they were proposing to build said range on Big Horn Avenue or on the West Strip. If that were the case, I would think it was a wonderful idea.

I like Paul Brock and have worked with him on a number of projects over the years—and I've found him fun and easy to work with. Thus, my opinion on this matter has nothing whatsoever to do with any personal issues. I just don't feel it's a good fit for downtown Cody.

Thank you,
Yancy Bonner
272-1187

On Wed, Mar 26, 2014 at 9:06 AM, Corey Morris
<cmorris@gm.slc.edu> wrote:

City Council:

I am writing to state my opposition to Wyoming Firearms Experience opening an indoor shooting range downtown.

That is an inappropriate location for the particular business.

Claims that an indoor range would be good for business in downtown Cody only apply to Wyoming Firearms Experience's business. Tourists already in Cody will undoubtedly use the indoor range, but the indoor range will not entice additional tourism. Money spent downtown is good for all other businesses downtown, they say, however, this business potentially will drive tourists away from other businesses resulting in an overall decrease in money spent downtown.

Sound issues remain the most important reason to reconsider the location. Wyoming Firearms Experience cannot guarantee their indoor range will be noiseless to neighbors. Claiming the sound is similar in measurement to other sound-levels already downtown is not a valid reason to green light additional noise. The noise will harm the other businesses Wyoming Firearms Experience claims the

indoor range will benefit.

There are several appropriate locations for an indoor range in Cody: 2AB near the old Cody Meat store or somewhere off Big Horn Avenue (away from residential areas) seem like obvious choices -- the number and types of businesses in those locations make those areas good candidates. And since Wyoming Firearms Experience would like to claim tourism dollars, perhaps the West Strip next to Old Trail Town would be more appropriate.

Simply stated, the city should not allow potential harm to several businesses for the benefit of one.

Cody values the constitution and the second amendment -- that has never been in question. Realizing the specific location of the proposed indoor range could devastate downtown businesses does not change Cody's steadfast dedication to the second amendment.

Please make the right decision and keep an indoor gun range out of downtown Cody.

Sincerely,

Corey Morris
Cody, Wyo.

On Sun, Mar 30, 2014 at 6:07 PM, Faith Model

<faith@m-11.com> wrote:

Dear Mayor and Council Members,

We are writing to express our deep concern over the proposed indoor gun range at 1138 12th Street. As we are about to close on Whole Foods Trading Company located a block away at 1134 13th Street, we have several concerns about safety, noise pollution, potential air pollution, and parking, not to mention the negative economic impact on current and future downtown businesses. While we generally aren't opposed to such a range, we seriously object to a downtown location, particularly considering the number of appropriate alternative options available in other parts of the city. We are genuinely concerned about what this will do to the integrity of historic downtown Cody. It simply doesn't make sense to locate an indoor shooting range downtown.

Thank you for your time.

All the best,

Faith Model and Peter Mallamo

Faith Model
faith@m-11.com

On Wed, Mar 26, 2014 at 8:25 AM, Lynne Moore
<lynnemmoore@vcn.com> wrote:

Good Morning,

My husband and I are very excited for the indoor shooting range. We will be excited to shoot there too. We were very surprised to hear it is going to be downtown. Not a good idea. There is a lot of space on the West strip and Big Horn Ave. Actually there are empty buildings on the West strip that could be used. Juniper Wines has bought their building, fixing it up to make a nice store and wine tasting area with an outdoor patio. It would be very disturbing to have the gunshots going off while sitting there inside or out. Michelle holds functions in her facility which would be affected also. Please reconsider this. There are other options.

Sincerely,

Lynne & Charles Moore

On Tue, Apr 8, 2014 at 8:14 PM, Linda Waggoner <lwaggoner@bresnan.net> wrote:

I wish to add my protest to the indoor shooting range being considered for the historic district. I believe it to be unsuited for the area.

I also wish to share my frustration with the council considering a noise ordinance for the city based on this particular noise "problem". Cody has been in need of a noise ordinance for a very long time. To consider a decibel level based on the needs of a particular business is inconsiderate to those within the city who have had to deal with noise levels that are far more concerning to the residence and, I believe, downtown business.

Have you ever attempted to have a nice evening meal on either the outdoor areas of La Comida or Zapadas? Have you ever wanted to leave your windows and doors open on a nice summer evening whilst living on East Sheridan Avenue? Have you ever spent any time in the area of Juby's Mobile Home Park?

The noise level from many a vehicle that passes by my home on a regular basis rattles my windows, makes conversation impossible when the doors are open in summer and generally cause a significant

"breach of peace" to my environment. The barking dogs and loud music that emanates from Juby's is added to the overall madness in our area!

When calling the Police Department to attempt to gain some relief, I have been told " if you choose to live by Juby's or on Sheridan Avenue you just have to deal with the noise!" I have been told that without a noise ordinance there is nothing that can be done about the horrible loud music coming from cars as they drive the streets of Cody. Then I am told, even if there was a noise ordinance, it would be the reporting parties responsibility to determine if the noise is above that level.

My husband and I have lived on our East Sheridan property for over 30 years. His family lived on this property for many years before, and certainly, before Juby's Mobile Home Park existed. I recognize we are in a location where there is no recourse for the increased amount of traffic in front of our home, or the early morning wake up when ProBuild opens at 6 am with its lifter/loader and trucks making our morning begin. However, when vehicles rattle my windows every twenty minutes all evening long and my back yard neighbors party and carry on, I find it difficult to support a business who wants the decibel level set to support his financial enterprise.

Powell has a decibel level establishes and their city

police officers carry (or have access to) decibel meters to establish compliance and determine breach of ordinance. May I suggest research into the effectiveness of their ordinance.

I agree with those who are concerned that once a business has been established it will be impossible to make complaints or find resolution for the noise level. There is no recourse once the business has been established.

Please consider the decision to NOT ALLOW allow an indoor shooting range in downtown Cody. Also consider establishing a decibel level that takes into consideration the needs of the community and not the desire of one particular enterprise.

Thank you for your consideration.

Sincerely

Linda Waggoner

307-899-1581

On Mon, Mar 24, 2014 at 3:21 PM, Vickery Fales Hall
<vickeryknits@gmail.com> wrote:

Hello City Council members,

I am a resident of downtown Cody and I work at 1131 Thirteenth Street (the Old Cody Post Office building) and I am writing you to ask you to please vote against the proposed downtown gun range. My office is located on the same block as the proposed range, and I live at 1032 Bleistein Avenue, just a few blocks away. I have serious concerns about noise levels.

From my home, I can hear the shoot-out every evening in front of the Irma, and on game nights, I can hear the noise of the football games. I enjoy both of these harbingers of summer evenings and Bronc football. When motorcyclists are heading to the rally in Sturgis, the sound of their engines on main street echoes through my home. Noise carries easily downtown, especially in the winter months, and I am very uneasy about the sounds of gatling guns mere blocks away.

I do not understand how a business with this sort of expected noise level would be considered in an area zoned D-2. If a dog kennel or carpentry shop is not allowed, how can you consider a gun range?

I hope you will take my concerns into account when

you make your decision, as I am someone who will have to live with this all day, every day, on work days and on weekends. Please vote no.

Thank you for your consideration,

Vickery Fales Hall

of

1032 Bleistein Avenue, and

1131 Thirteenth Street, Suite 104

307-250-6808

On Fri, Mar 28, 2014 at 2:24 PM, Sharon Miller
<sharonkehoemiller@gmail.com> wrote:

City Council,

We are writing to register our disagreement with the proposed shooting range within the downtown city limits of Cody. Safety concerns aside, we believe that the presence of an indoor shooting facility would adversely affect nearby businesses. The summertime nightly entertainment gun show is noise pollution enough, and a full-time shooting range in the heart of downtown Cody is too much bang for our taste.

Please deny the permit for the indoor shooting range, and encourage shooters to utilize the outdoor Cody shooting range near Newton lakes. In these times of frequent reports of gun-related violence, we see NO REASON to put this activity front and center in our town.

- Sharon and Daniel Miller
Cody, Wyoming

On Wed, Apr 2, 2014 at 8:22 PM, Karen Davidson <kdavidson241@gmail.com> wrote:

I would like to express my opinion regarding the indoor gun range you are planning to allow next to the new Juniper Wine & Spirits location. I have been so excited about the new Junipers location since last year when I heard they were moving downtown; but I have to admit this shooting range situation has put a huge damper on it, in my opinion and the opinion of many other folks I have had the pleasure of speaking with about this. Although I believe strongly in civil and human rights and that anyone who has a dream should follow it, I also feel that an intrusion on one's space and relaxation is another story. If you allow a shooting range to be put next to an environment where the residents of Cody (and visitors) would go to relax, unwind, shop, and enjoy themselves, what message are you sending? I believe that Cody is thought of as a place to come and kick up your feet, meet the fine residents, be yourself, enjoy the wildlife, the beauty and the serenity. I don't believe Juniper Wines & Spirits and an indoor shooting range are meant to coexist next to each other.

I think Michele and Ruffin are correct when they say this is not about guns. It's about peace and tranquility and a great glass of wine after a long day of work. I couldn't imagine what the sound of gunfire would do to that atmosphere. Please send your emails to the addresses provided and support these fine people.

I'm only sorry I took so long to respond...

Thank you for your time.

Best Regards,
Karen Davidson

On Tue, Apr 1, 2014 at 12:25 PM, Gregory Costanza <gregory.costanza@gmail.com> wrote:

Dear Cody City Council:

I am writing to express my support for the proprietors of Juniper Wine & Spirits, who I believe run a fine and tasteful retail store. My understanding is that Michele and Ruffin Prevost have recently poured considerable savings into moving their business and renovating the building on 12th Street in order to welcome more traffic.

If I was in their situation, in the shoes of any business owner who was faced with the prospect of their investment materially diminished by a potentially voluminous neighbor, I would be worried. My concern is that the Cody City Council is going to harm the confidence of future business owners by permitting loud and disturbing businesses to move downtown.

I want to make it clear that I believe the idea of an old

west shooting range is unique and fitting for Cody's persona. However, I am skeptical that this range will in fact be built to a degree that would sufficiently protect the neighboring business owners from unwanted nuisance.

I believe that the City Council needs to articulate a clear standard for all current and future business owners that details the acceptable (or unacceptable) level of noise, pollution and other disturbances that any business owner should expect. In this situation, I don't think Juniper Wine & Spirits would have made the transition had they known that the City Council would not protect them from a significant disturbance. I don't think other business owners should face the same uncertainty.

Personally, I think this matter could be resolved to everyone's satisfaction through some property shuffling. Specifically, I think a more suitable location for the old west indoor shooting

range is where Traditions West Antique is located at 1131 12th St (the property owned by Mr. Darby). The antique store could then move to where the current sporting goods store is located. I think all neighbors could co-exist under this scenario, especially since the shooting range would be adjacent to Cody Sports & Pawn, who would theoretically be more enthusiastic with the shooting range as a neighbor. Obviously this is a scenario that is outside the authority of the City Council to direct, but perhaps this idea could be encouraged.

I hope you will take these thoughts and concerns into consideration when articulating a standard that will maintain the confidence of Cody business owners in their property rights.

Respectfully,

Gregory Costanza

On Mon, Mar 24, 2014 at 5:30 PM, DeAnna Eide
<deide@planone.com> wrote:

To whom it may concern:

With all of the opinions and concerns being discussed and noted, I wanted to take a bit of time to incorporate another individual who wants to see the right steps taken to ensure a safe and pleasing atmosphere on 12th Street.

I have great respect for both parties looking to incorporate businesses on 12th Street. I like the idea of an indoor shooting range. I know the topics of safety and sound have come about in more than one situation by dozens of people, so I'm sure the proper decisions will be thought about at length. The museum had the dream, now the individual has that dream and financial backing to do so. There are lots of options and opportunities for this town, so when something arises, I am excited to see new things work.

Michele and Ruffin Prevost have had the dream of relocating for some time now and have begun their remodeling, getting stamped drawings taken care of, taken the proper steps to ensure they are following the right steps within City boundaries and have hired on employees to hold full-time and part time positions at the new location. It is understandable their concerns of safety and noise to fit the business and clientele as they expand. I'm sure, never in their hopes and thoughts did they think they could potentially be dealing with another business next door that could potentially harm the business by way of ambiance and

financial stability if they lost customers due to noise. I am also aware of the concerns for those who live or who will be living on or around the premises as well.

My point is to please make sure there is proper respect taken when deciding on how much noise and safety control is put into place if the gun range does plan on locating itself on 12th Street. I would hate to see someone that has started small and taken years to build a business large enough to expand to our main streets to be let down. They have worked really hard to get where they are.

Cody is an amazing town - for leisure, to live in, to recreate around and to see familiar, friendly faces in. I wish both entities the best of luck, just a fair and agreed upon decision!

Thank you for your time,

DeAnna S. Eide

Plan One/Architects

1001 12th Street

Cody, WY 82414

307.587.8646

307.587.8366

On Mon, Mar 24, 2014 at 2:42 PM,
markttc@msn.com <markttc@msn.com> wrote:
To whom it may concern,

I am writing because I have to agree with the Prevosts regarding the in town Cody range. The noise from an indoor range next door to the new location of Juniper is going to be detrimental to the Juniper's business. As you may have guessed from my signature below I am a serious hunter and booking hunting trips for others is my business so I have no issues with guns. I just think the range could be located in a better spot where it did not interfere with neighboring businesses.

Regards,

Mark

Mark H. Young
Mark 's Exclusive Adventures
E-mail: markttc@msn.com
Website: myexclusiveadventures.com
Phone: 307-587-6372
Cell: 307-250-1156
Skype: markhyhunter

On Mon, Mar 24, 2014 at 8:40 PM, Cathy Blanchard
<cblan53@gmail.com> wrote:

NO NO NO. Downtown Cody on 12th street is not an appropriate place for an indoor shooting range. Please consider an alternative location.

Ron and Cathy Blanchard
8999431

Sent from my iPad
Cathy

On Thu, Mar 20, 2014 at 6:39 PM, rachelle pederson <pederson_3@yahoo.com> wrote:

Dear Councilmen,

I am just writing today to share my families opinion on the proposed indoor shooting range. While I do think the idea has a lot of great potential, (and I am sure we will use it!) it is moving way too fast and needs to be seriously looked in to by the City for safety and noise before approving. I think it would be a better idea to have in a building along the west strip, or Big Horn Avenue, especially because odds are, it will go well and may need room to expand. It also may be a hard sell to neighboring businesses and residents. And there is only street parking available, which is already limited in Cody. I am sure you are taking all this and more into consideration, but it is something just struck us about it being in a bad location.

Thanks

Rachelle Pederson

On Mon, Mar 24, 2014 at 2:06 PM, Lisa McDonald
<lisamc@nazdorovya.com> wrote:

City Council,

I think there are pros and cons to the shooting range downtown.

Pros – you'll get more tourists there; It suits the theme of being near the Irma and the Gunfight show being in the same realm of guns and wild west stuff; locals will go wherever it is

Cons – too close to alcohol; attached to other businesses; already limited parking will worsen; sound issues – for attached businesses, events on the street, hotel customers trying to sleep/nap –it would be like a tap dripping all night long in your house because I don't think the sound will be zero outside of their facility. I wouldn't want it near me or my business.

I think it needs to be in a freestanding building, not too close to a bar where people drinking could say hey "let's go shoot some guns...", needs space from neighbors, with plenty of parking. Probably not downtown, near residential areas, or schools.

Thank you for keeping Cody safe and locals happy!

Lisa McDonald

115 Casper Drive

Cody, WY

307.250.4633

Lisa McDonald
Independent Consultant
Tel: 307-250-4633
Email:
nyr@nazdorovya.com

[www.facebook.com/
OrganicMcD](http://www.facebook.com/OrganicMcD)

Twitter: @OrganicMcD



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Host an Event

Join Me



On Mon, Mar 24, 2014 at 2:09 PM, Dorothy Bunn
<fillinger2@gmail.com> wrote:

I do not agree with the proposed downtown location
for a shooting range.

Dorothy Bunn

578-8419

1005 Stampede

Cody, WY

On Tue, Apr 1, 2014 at 4:29 PM, Ivan Soobitsky

<ivan8bright@gmail.com> wrote:

To Cody City Council,

It is the intention of this letter to express a concern for certain noise disturbances in downtown Cody. As a resident and local shopper, it is very important that this council takes into great consideration the effects of percussive gun fire in relation to a family oriented, wholesome, and peaceful atmosphere that is surely a pride of this town.

I must make it completely clear that this is not an urgent call in opposition of any personal right or to impose on the amendment which allows for the citizens of this country to obtain, possess, and generate all utilitarian needs of a firearm of their choice. Although I support our right to bare arms, I have to insist that such an old world past-time of using these weapons for practice or hobby will cause a very audible noise level.

With every downtown business sharing walls and such a close knit proximity, any to every loud sound will be noticed. Please take into absolute consideration that with Juniper Wine & Spirits taking residence in their new downtown location, any adjoining wall of a firing range will have certain interference with all retail/customer service aspects of Michele and Ruffin Prevost' already incredible and QUIET store space.

All small business owners are entitled to any advantage their industry can allow and an antique firearms range is no exception. If it is in their best interest to install such an attraction; so be it. But, if this attraction causes any disturbance beyond the parameters of this range's walls, it is a nuisance to not only one business but the entire town of Cody.

Ivan Soobitsky 307-250-6884
Tawna Herrera
2819 Baker Dr.
Cody, WY 82414
3/31/14

--

Jenni

Jennifer R. Rosencranse
City Administrator
City of Cody
PO Box 2200
Cody, WY 82414
307-527-3462

All City of Cody electronic correspondence and attachments may be subject to public disclosure.

All City of Cody electronic correspondence and associated file attachments are public records and may be subject to certain disclosure in the event of a public records request.

On Mon, Mar 24, 2014 at 8:08 PM, Johanna
<tphipps@q.com> wrote:
To City of Cody Councilmen

We are all for the proposed indoor gun range but not convinced the downtown location is a good idea for adjacent businesses.

It would certainly be a good idea to do some sound studies done prior to a decision being made.

We have written a note to Paul Brock and suggested the possibility of constructing a building on our property east of Mountain Valley Motorsports to lease.

This property being directly across from the rodeo grounds it may work well together.

Just a thought.

Tom and Johanna Phipps

Cody, WY

On Mon, Mar 24, 2014 at 3:11 PM, Sandi Fisher

<sandi@codylodgingcompany.com> wrote:

Dear Council Members

As a business owner in Cody dependent on tourism I am in favor of an indoor gun range for locals and visitors alike to enjoy year round. I look forward to promoting this as another great opportunity for our guests to enjoy all that Cody and Northwest Wyoming have to offer.

I had not realized that the proposed site for the range was downtown adjacent to other businesses. Although our office is not downtown I have some concern about having what I assume to be a loud attraction in such close proximity to businesses. My hope is that great consideration would be taken to assure that this new attraction doesn't take away from the enjoyment of others. Perhaps a location with a larger buffer between businesses would be a more prudent choice.

Our success is directly linked to the success of other businesses and attractions in Cody and I hope that as the planning moves forward for the shooting range the same attitude would prevail.

Thank you for your hard work to assure the Cody remains a great place to live, visit and do business.

Sincerely,

Sandi Fisher

Cody Lodging Company

www.codylodgingcompany.com

800-587-6560
1026 19th Street
Cody, WY 82414

On Tue, Mar 25, 2014 at 9:53 AM, Douglasacoombs <douglasacoombs@aol.com> wrote:

As a Cody resident and frequent customer to our downtown merchants, I would like to express my concern on the plan for a gun range on 12th street. Our town is blessed with space. Space that would be much better served for target shooting.

As a frequent customer of Juniper Wine and Spirits I was thrilled for their move downtown.

Michelle and her staff offer professional, knowledgeable service in a great environment that will enhance our downtown retail scene. The sound of gun fire next door would most certainly diminish the enjoyment of wine tasting and good conversation. Please vote no for the 12th street location and encourage a location with more space where noise will not impact fellow merchants and customers.

Best Regards,

Douglas Coombs
36 Slippers Lane
Cody, WY 82414
307-250-5780
Douglasacoombs@aol.com

Sent from my iPad

On Mar 27, 2014, at 9:30 AM, Julia Thomas Cook
<juliacooks@gmail.com> wrote:

I am writing to voice my opposition for the planned location of the new gun range. The downtown location would not be a good idea. The sounds that come from indoor ranges would be quite annoying and inconsiderate to the businesses near them. Juniper Spirits and the Beta Coffee shop are near and both provide a relaxing environment.

It seems that since the downtown area is zoned D-2 and prevents other noisy businesses it would follow that downtown Cody would not be a prudent choice for a gun range.

Thank you for your time.

--

Julia Cook

On Tue, Mar 25, 2014 at 1:12 PM, Judy Hockelberg <jhockelberg@hotmail.com> wrote:

My name is Judy Hockelberg. I am a registered voter in Park County but not in Cody as I do not live within City limits. My phone is 307-272-8188.

I have been informed that on the April 1st meeting there is an item on the agenda that deals with a gun range in the City of Cody. I am a gun owner, believe in the right to bear arms and all that. But let's get real. I do not believe that a gun range belongs with in a city. There is plenty of surround land that would be very appropriate for such an business and I'm sure would receive the county's blessing.

Remember all the songs and traditions regarding taking your guns to town; please be responsible City Council Members and do not put this business in the City.

Thank you.

On Tue, Mar 25, 2014 at 11:41 AM, Kent Houston
<kehouston54@gmail.com> wrote:

I support the gun range concept but I think the
proposed location is incompatible with existing uses.
Great idea but needs a different location!

Kent Houston
2502 Carter ave
Cody, wy 82414
307-272-0544

Sent from my iPad

On Tue, Mar 25, 2014 at 10:01 AM, Cassidy Stanfield

<mollybee528@yahoo.com> wrote:

My name is Cassidy Stanfield and I am writing on the behalf of myself and also on behalf of my employer, Juniper Wine and Spirits. I am aware that it is being proposed to locate an indoor shooting range next to Juniper Wine and Spirits new location on 12th street. While I understand that this would be a tourist attraction and a shooting range for all of park county, I feel like its location is ill-suited and causes many concerns for me, Juniper Wine and Spirits, and its customers.

One of the concerns that it brings is how well the facility will be ventilated? I am aware that in any indoor shooting range the ventilation system has to meet NIOSH, EPA, and OSHA standards, but it has been found that many shooting ranges across the country have been in direct violation of not meeting the health codes and also not keeping lead exposure at a minimum. This means that the indoor shooting range's ventilation system could expose customers on our patio to smoke and lead fumes if it is not working properly at all times. Even air exhausted from an indoor shooting ranges can cause potential risks to each and every resident and building it is close to. This causes great concern for me because I don't want to have to worry about possible lead poisoning or exposure when I come to work. I am also a customer of Juniper Wine and Spirits and I don't really want to have to worry that my glass of wine and cheese tray has possible lead exposure too. No system is 100 percent reliable. A more isolated location would reduce the risk.

I think that the noise is another big drawback for me as an employee and customer at Juniper Wine and Spirits. I think that the noise level is a concern for customers as well, I am sure it would be difficult for anyone to enjoy a glass of wine or shop with constant noise in their ear. Thus, possibly creating a decline in sales or possible closure of Juniper Wine and

Spirits. I know that it has been said that the range wants to have some noise to draw people in, but what will that cost Juniper Wine and Spirits and other businesses in area in return? Juniper Wine and Spirits is a highly established business and gives Cody such a distinctiveness, I would hate to see it close or struggle because of a noisy neighbor!

I truly believe it would be beneficial for all involved if the indoor gun range found a more suitable location, one that maybe holds the potential to grow and expand, the range would not be able to do this given where it is now. I ask that you think of everyone involved in this, customers, residents, businesses, future businesses and employees of Juniper Wine and Spirits because this decision will affect us all now and in the future.

Sincerely,

Cassidy Stanfield

On Mon, Mar 24, 2014 at 1:49 PM, Sally

<sogletre@tctwest.net> wrote:

I have been looking forward to Juniper Wines moving into their new location downtown and am very dissapointed to hear of the proposed gun range. Why in the world would you ever allow something of that nature downtown in that lovely area that both residents and tourists frequent on a regular basis? It will totally destroy the atmosphere of our charming downtown.

Please think seriously about the consequences of this decision. There are plenty of places in the surrounding area outside of the downtown to consider for this operation.

I am sure you are aware that one letter speaks for several and I have spoken to many friends and business owners that feel the same as I do. I do not know how many of them will take the time to write you but know they are out there opposing this action.

Sally and Ron Ogletree
3410 N. Fork Hwy
Cody Wy 82414
307576461

Sent from my iPad

On Thu, Mar 27, 2014 at 5:08 PM, Bryant Hall

<bryantmhall@gmail.com> wrote:

Dear City Council Members,

I live in downtown Cody with my wife and two small children. I do not think that having a gun range in downtown Cody will be a positive addition to the main street corridor for several reasons. Obviously, the noise pollution is an issue that, although it may be mitigated, is not an easily managed - who would monitor, when, and how often, any decibel level limits that the council would set? Additionally, there are air quality issues that any business neighbors would have valid concerns about. Lastly, Cody presents itself very western and cowboy forward. While that focus does draw a large number of our summer tourists I think Cody's economy will be better served in the future if it begins to diversify its downtown businesses to attract a larger tourist population. I do think a gun range in Cody is a valid business and think there are several locations that would be better suited to this type of business. Thank you for your time and service.

Sincerely,

Bryant Hall
1032 Bleistein Ave

March 20th, 2014

Mayor Nancy Tia Brown
Council Members:
Donny Anderson
Landon Greer
Stan Wolz
Steve Miller
Jerry Fritz
Bryan Edwards

Dear Cody City Council:

I am writing in regards to the proposed indoor gun range on 12th street. I have many concerns about this business moving into this location. I currently manage Juniper Wine & Spirits and have worked for Juniper since 2008. In this time, Michele Prevost has worked incredibly hard to provide valuable services to Cody residents and to the tourists who provide Cody's livelihood in the summer. Juniper's competitive advantage has been the high quality service along with the wide range of products available. She recently acquired 1128 12th street and will be relocating Juniper to that location this summer. In order to maintain her competitive advantage, we will continue to provide high quality service and this includes a quiet and relaxing atmosphere.

I have lived in Cody since I was a child and I've had a lot of exposure to firearms. I've even fired at indoor firing ranges in other parts of the nation. It is a great idea that would add to the economy, but I also realize the effects of a firing range on its neighbors, including noise, safety and air quality. Juniper will be sharing a property boundary with the firing range. All of the other ranges I've been to have been in a space where adequate property surrounds the range to allow for diffusion of noise and exhaust. There were no residences close by and they were in industrial areas.

Dr. Benjamin Findley of USA Carry states "A small .22-caliber gun can

produce noise around 140 dB, while big-bore rifles and pistols can produce sound over 175 dB. Firing guns in a place where sounds can reverberate, or bounce off walls and other structures, like inside a building or some indoor shooting ranges, can make noises louder and increase the risk of hearing loss." I have concerns about much soundproofing will be able to block the noise. Permanent hearing damage starts to occur with prolonged exposure at higher decibel levels than street traffic.

The sound of a gunshot is unnerving for anyone. Repeated exposure to this would cause our customers to be uncomfortable and annoyed and create an aggravating and stressful work environment. Our level of service will no longer be of a quality that will maintain our image.

Another concern is for air quality. In an article published by the Violence Policy Center, the author stated "Air exhausted from an indoor shooting range can also threaten third parties. For example, a day-care center in Clearwater, Florida, was forced to close and the children were required to have blood tests after it was discovered that a neighboring indoor shooting range was venting lead-contaminated air into the center's playground area. Lead levels just outside the range's exhaust fan were found to be 8,000 times higher than the acceptable level set by the Pinellas County's Department of Environmental Management, and those in the soil near the border between the range and the daycare center were about 40 times the acceptable level. The proprietor of the private shooting range was reported to be "shocked" by the revelation, arguing that the ventilation system had been inspected by health officials 10 years earlier when the range was built." There would be a reputable company operating the range, but can we really take the risk of any contamination with so many residences and businesses so close by? Juniper will be serving food and will have air vented into the shop that is next door to an HVAC system that will be exhausting lead fumes which are toxic. Cody Dairy is located behind the proposed site for the gun range and they would also be pulling air for their ventilation system from the same area that lead exhaust is being pumped into.

The gun range, I would assume, have their employees sign waivers knowing that they are signing on to be willingly exposed to these hazards. The gun range in the proposed location exposes everyone else who lives and works nearby to be exposed involuntarily. I hope that you will consider the points I

have presented. I support the idea of an indoor firing range in Cody, but the downtown area is not the appropriate place for such a business.

Thank you,

Amanda Luther
Manager
Juniper Wine & Spirits
307-587-4472

On Tue, Mar 25, 2014 at 5:35 AM, Ann M. Flack
<ann@codywyomingproperties.com> wrote:

Dear Council Members and Mayor Brown,
I am writing to you regarding your upcoming vote on the downtown shooting range. I would like to first say that the idea of having a shooting range in Cody where a traveler as well as a resident of Cody could shoot period piece guns sounds like a great idea. But as a downtown business owner that has to struggle with parking and the daily traffic noise I can't imagine having this new business downtown. This business will do well here, I am sure, but it doesn't need to be downtown to be successful. There are a number of great places for this business to be that will attract customers; airport area, west strip, Big Horn Ave., but downtown will only create problems. Please consider the established business concerns with this business being downtown when making the decision you are faced with.

Thank you
Ann M Flack, Associate Broker
Peaks to Prairie Realty

Sent from my iPad

On Mon, Mar 24, 2014 at 3:37 PM, sadiejh@msn.com
<sadiejh@msn.com> wrote:

Cody City Council

I have read the Cody Enterprise article re the request for an indoor gun range to be located next door to Juniper's new downtown location.

As a hunter and an owner of a hunting related business I feel an indoor gun range suits Cody but **why** downtown next to a liquor store, across from a restaurant, bar and hotel ?

It would certainly impact the neighborhood and street traffic.

Yellowstone Avenue, Big Horn Avenue may be a better pairing for this type of business.

Is this part of the new City Plan to encourage these types of business's in the downtown proper? Does this type of business meet any downtown code?

As I could not fathom a downtown Gun Range I dare not want to think of what would come next before the Council to consider.

It does not seem to meet my expectation of a suitable downtown business for all the aforementioned reasons described in the Provost letter and the Cody Enterprise article. Noise level is foremost in my mind. No --I do not want to be in a neighboring business that shares a common wall with A Gun Range let alone sit outside to have a evening drink with friends watching the startled tourist ambling by.

It would be disheartening as a downtown business owner to know their plans of relocating to a more desirable location for their business is met with such an unthinkable issue.

Hopefully this will issue will be met with a common sense decision so to avoid other such businesses vying for space on downtown

businesses vying for space on downtown
Sheridan.

Regards,
Sadie

Sadie J. Hockenhull
Mark's Exclusive Adventures LLC

 **307-587-6372**

 sadiejh@msn.com

 **skype: sadiejh**

 <http://myexclusiveadventures.com/>

From: asandron12@gmail.com

To: Elected Officials <electedofficials@cityofcody.com>

Date: Sat, Mar 22, 2014 at 5:40 PM

Dearest Mayor, and Councilmembers:

I am writing out of concern regarding the proposed idea of an indoor gun range in historic downtown Cody.

The idea of an indoor gun range in Cody, sounds nice, and appropriate for our Western Town appeal to tourists , and locals alike. However, the proposed location is completely inappropriate .

An indoor gun range in downtown Cody, next to businesses like retail shops, restaurants, coffee houses, real estate offices, etc. , with a mix of residential, is a potential recipe for disaster, for many reasons: noise, safety, pollution, to name a few.

The Park County Travel Council reports that 94 percent of Cody visitors arrive by car, making it easy for them to drive, for instance, to see the rodeo on the West Strip, and where an indoor gun range could exist, in a standalone building, and in synch with the Western theme.

Best Regards,

Alessandra Sandron

asandron12@gmail.com

(307) 213 9811

March 28, 2014

Park County Planning & Zoning Commission
1002 Sheridan Avenue
Cody, WY 82414

Commission Members,

As long time Park County residents, my wife and I are deeply troubled that the Planning & Zoning Commission would consider the approval of a downtown gun range. I would argue that it does not in any way meet the Approval Standards set out in the Special Use Permit brochure and application. The impact from noise and air pollution in a confined downtown and residential area will adversely affect the surrounding businesses.

As a Federally trained and deputized Federal Law Enforcement Officer I must qualify (train) every six months. This has given me a unique perspective on gun ranges, as I have had the opportunity to visit and use several “state of the art” facilities throughout the country. These facilities have a few things in common. They are noisy. None are located anywhere near residential, retail or downtown areas. All are located in industrial park or isolated commercial areas.

No matter the good intentions of the developer, a gun range will adversely effect the surrounding businesses and Cody can ill-afford to loose any more existing or potential businesses that attract a wide variety of customers. There is an unlimited amount of potential sites in the surrounding area that a business of this type could use successfully.

One more thing, this issue comes down to an argument over appropriate use of a business location, period.

Respectfully,

Gary and Sherri Harney
614 Skyline Drive
Cody, WY 82414
307 587-2724
gharney@msn.com

On Thu, Mar 20, 2014 at 10:15 AM, James Landers
<landers@bmi.net> wrote:

Dear Mayor and City Consul,

As a business owner on 12th street I am totally against a gun range in town. I am by not against guns or shooting ranges by any means but they are noseey and smelly and the smell stick around. It would ruin any food or drink business for blocks around.

Thank you

James W

Landers DDS

March 27, 2014

Council Members, Mayor, City Planner
City of Cody, Wyoming

Re: Wyoming Firearms Experience

Dear Council Members;

I have watched the development in our fair City of many new and expanded businesses. I am happy to be one of those successful businesses. That being said, location and public comment should always be taken into consideration when undertaking a new and controversial start-up.

Regarding the new gun range, the unusual haste with which this has moved forward is somewhat questionable. This is a very important decision, and one which the council should not take lightly. Please allow time for public comment before making a permanent and irrevocable decision. As a resident of this neighborhood, I am less than thrilled. We believe the direct neighbors Juniper Wines and Spirits, McCue Auto Repair, The Nature Conservancy, Cody Dairy, and other neighbors should be respected in regard to their concerns.

The new business is a great idea, particularly for a town of our Western heritage. This is a good idea in the wrong location, as stated before. I wish Mr. Brock all the success in this venture, and hope he will consider withdrawing his proposal for the current location.

I do not support Mr. Brock's shooting range in downtown Cody.

Respectfully,

Jill Welch (Welch Wellness)
1202 Alger Avenue
Cody, Wyoming 82414

307-578-8888

From: **Jeanna Kennedy** <jkennedy@mwfbi.com>
Date: Mon, Mar 24, 2014 at 2:53 PM
Subject: Use Common sense for zoning of a gun range
To: "codycity@cityofcody.com" <codycity@cityofcody.com>

Dear Mayor and Council:

I understand there are plans to put an indoor shooting range in the Outdoor Sports Center building next door to the new downtown Juniper Wine and Spirits location at 1128 12th Street in Cody, near The Beta Coffee Shop across from The Irma Hotel.

As a supporter of the 2nd Amendment, I generally support the idea of an indoor range for Cody. But I feel the downtown location is absolutely inappropriate based on zoning.

In short, I support the project, but not the location. As there is no way a gun range will be quiet around downtown! Seriously, council have you ever been to a gun range directly adjacent to another business, much less next to a relaxing bar in a downtown historic district? As a business owner I do not want to hear them all day, every day, downtown. That is just unreasonable for the downtown area and for local neighborhoods. What about the people at the Irma Hotel who are trying to rest?

Frankly, the natural and logical Cody location for a gun range is somewhere in the county with a sizable lot, ample parking and no immediate neighbors. Cody's downtown historic district is zoned D-2, and businesses like dog kennels and carpentry shops aren't allowed there; obviously noise was a factor in this zoning decision. So, I think the inevitable noise from a gun range should fall into that same excluded category. Perhaps Forward Cody could work with the owners to find a better location for this type of business.

Again, a gun range shooting complex is welcome in Cody but downtown is an inappropriate zone due to noise and hazard class.

Please do not approve this request and ruin the experience of hotel guests, tourists, coffee shop patrons and the patrons of the new Juniper Wine and Spirits shop.

Most sincerely,

Jeanna Kennedy

Career Agent

Mountain West Farm Bureau

1308 Rumsey Avenue

Cody, Wyoming 82414

Office (307) 587-9669

Fax (307) 587-9670

Cell (307) 899-3824

jkennedy@mwfbi.com

www.jeannakennedy.com

From: Cathy Roes-SanFilippo

<cathyroes@hotmail.com>

Date: April 15, 2014 at 9:15:08 AM MDT

To: "swolz@cityofcody.com"

<swolz@cityofcody.com>, "smiller@cityofcody.com"

<smiller@cityofcody.com>, "lgreer@cityofcody.com"

<lgreer@cityofcody.com>, "jfritz@cityofcody.com"

<jfritz@cityofcody.com>, "bedwards@cityofcody.com"

<bedwards@cityofcody.com>,

"mayornancy@cityofcody.com"

<mayornancy@cityofcody.com>,

"danderson@cityofcody.com"

<danderson@cityofcody.com>,

"codycity@cityofcody.com"

<codycity@cityofcody.com>

Subject: Thoughts and Concerns - Wyoming Firearms

Good Morning City Council,

Today is the day that the council gets to decide on how to handle the future of our Downtown Historic District. I have read as much information as I could possibly find on the successes and failures of Indoor Shooting ranges. I know that the City has been very thorough in their research, and that is much appreciated by the citizens of this community. I personally have some reservations, even after reading all of the research. Please weigh these

points, as a lifelong resident of Cody, I have always appreciated that our Council members have listened to the people. Remember that your position in this town is the vote for the people who elected you, not stand for personal opinions alone.

- **Noise** - I can see the previous testing, and I respect that Mr. Brock went to such extremes to re-assure his neighbors that the sounds of the building would not be a nuisance. The bottom line with the testing is this, no matter what a decibel meter says, the human ear can tell you if it is a nuisance or not. I would encourage you to stick with the "plainly audible" wording. With the "plainly audible" language it relieves the police from standing outside of the building with a decibel meter and mediating.

We want to keep our community attractive to the tourists, I agree that this would be a great attractant, but it could be torturous for people who have to listen to the sound constantly. I am sure you have all read the state statute. If the City Council approves this without setting in place very strict regulations now, there is nothing that can be done about it, EVER.

Please think about that, whatever choice you make today will affect generations of Cody families.

I have attached some wording from a City Ordinance in South Dakota that I found online. (<http://www.cityofvalleysprings.com/vertical/sites/%7B410FED95-E664-4035-BBF8-15984C577E9F>)

[%7D/uploads/%7B943EF6E5-C2E7-4E89-9DA0-A6CF2B0D7253%7D.PDF\)](#)

"Plainly audible means any sound or noise produced by any source, or reproduced by a radio, tape player, television, CD player, electronic audio equipment, musical instrument, sound amplifier or other mechanical or electronic soundmaking device, or nonamplified human voice that can be clearly heard by a person using his/her normal hearing faculties."

Here is how they monitor it -

"Measurement or assessment of sound.

A. Any police officer or other official designated by the City Council who hears a noise or sound that is plainly audible, as defined in section 5.0801, in violation of this chapter, shall assess the noise or sound according to the following standards:

1. The primary means of detection shall be by means of the official's normal hearing faculties, so long as the official's hearing is not enhanced by any mechanical device, such as a hearing aid.

2. The official must have a direct line of sight and hearing to the real property of the source of the sound or noise so that the official can readily identify the offending source of the sound or noise and the distance involved. If the official is unable to have a direct line of sight and hearing to the real property of the source of the sound or noise, then the official shall confirm the source of the sound or noise by

approaching the suspected real property source of the sound or noise until the official is able to obtain a direct line of sight and hearing, and identify the identical or same sound or noise that was heard at the place of original assessment of the sound or noise.

3. The official need not determine the particular words or phrases being said or produced or the name of any song or artist producing the noise or sound. The detection of a rhythmic bass reverberating type of noise or sound is sufficient to constitute a plainly audible noise or sound."

Plainly audible would also be defined as being heard from the Property line, not from inside of a neighboring building as Mr. Brock had requested in his " Recommendation" for the April 15 Meeting.

- **Pollution** - We are all aware of the dangerous toxins that can be released from a shooting range, indoor or outdoor. I see that Mr. Brock has done some research, but I would encourage there to be wording setting a tolerable level for our community. I would like to see some sort of mandatory monitoring on an annual or semi annual basis. The community needs to be sure that it is not poisoning our children, and the people who vacation here. Having the monitoring done is no different than a hairstylist who is checked annually to have her licence renewed, or the Cody Police running a "sting" operation to check

compliance of liquor laws.

These are my two greatest concerns about this potential business model. I am a proud defender of the Constitution, and I think this would be a very profitable and entertaining thing for tourists from around the world. Part of me questions if maybe this is just the wrong location. I am aware of many other unoccupied builds that would provide ample parking and offer more space for more shooting lanes. I would welcome this business to join us out on the Powell Highway, or maybe the West Strip. I know there is some argument for foot traffic being decreased, but hey, how many year has the Rodeo been successful in its location?

So City Council, I ask you to answer these questions. To approve or deny, is this the kind of business we want mixed in with our Downtown Merchants? Do you feel comfortable allowing a business to open that can never be modified once you approve it? If it is a nuisance, there is nothing that can be done by neighbors, or the City itself. If it is a nuisance, how many businesses will be damaged because of this business?

If you are to approve it, do you feel comfortable that you have all of the information and that your wording is right for the permitting? Do you feel like your regulations will help to keep the community safe and

happy for as long as the range is operational , be it 10 years or 100? Would your vote be the same if you owned a building next door , across the street or alley?

Thank you for your time, I appreciate you taking the time to read through this.If you have any further questions, or if you would like to talk to me, please feel free to call me 272-6154 or respond to this e-mail. We will see you this evening at the Council Meeting!

- Cathy SanFilippo
Lifetime Cody Resident, homeowner, tax payer,
business owner.

From: WOODY and KAREN SHORE

[<llskms@msn.com>](mailto:llskms@msn.com)

Date: March 26, 2014, 11:55:19 AM MDT

To: "mayornancy@cityofcody.com"

[<mayornancy@cityofcody.com>](mailto:mayornancy@cityofcody.com)

Subject: proposed indoor shooting range

Open letter to Mayor Brown and the City Fathers of
Cody,

We recently became aware that you will be discussing
the merits of an indoor shooting range to
be located in downtown Cody.

Even though my wife and I now live in Wheatland,
WY, we were both raised in Cody and Cody
still seems like "home". Growing up in Cody, we
hunted and shot 22's, shotguns, and big game rifles.
We like shooting as well as the next guy, but we
are not sure an indoor shooting range should be
placed
a block off main street.

Looking through the eyes of a tourist, which we guess
we are now, we believe it would be disruptive to listen
to gun fire as we sitting at the Irma or shopping close
by. As we don't believe this would fall into the
category as a "tourist attraction", we strongly believe a
shooting range would be better located either west or

east of Cody.

We are not against an indoor shooting range, we are against the proposed location.

Yours truly,

Woody and Karen Shore
Wheatland, WY
307-322-3140

From: cswain@bmi.net
Date: March 24, 2014, 4:31:34 PM MDT
To: <mayornancy@cityofcody.com>
Subject: new gun range

Dear Mayor Nancy.....are they serious? Why would they want to construct a gun range within the city limits, particularly downtown Cody. This is one for the New York Times and like publications once they get the word on "back of beyond" Cody. This will do soooo much for our tourist industry. Will the people of Cody really have a say in this fiasco? I hope so. I know what we think....Best Cynthia Swain, 587-4122

--

Jenni

Jennifer R. Rosencranse
City Administrator
City of Cody
PO Box 2200
Cody, WY 82414
307-527-3462

All City of Cody electronic correspondence and attachments may be subject to public disclosure.

From: Kate Williams <williams.kate88@gmail.com>

Date: March 25, 2014, 12:22:40 AM MDT

To: Nancy Brown <mayornancy@cityofcody.com>

Subject: Juniper and proposed shooting range

Howdy Nancy!

Ruffin says it best; I couldn't write a better letter in support of their efforts to have the City Council consider an alternative plan for the shooting range's location. His letter follows, and if I could sign it, I would. Thank you and your esteemed council for re-considering.

Dear Friends,

You may have heard about the plan to put an indoor shooting range in the Outdoor Sports Center building next door to our new downtown location at 1128 12th Street in Cody, near The Beta Coffee Shop across from The Irma Hotel.

We are gun owners, shooters and staunch supporters of the 2nd Amendment. We generally support the idea of an indoor range for Cody. But we also want to

offer you a quiet and peaceful environment where you can shop and relax without listening to a constant stream of gun noise.

In short, we support the project, but not the location, and we're hoping you'll join us in letting the City Council know your thoughts. To our gun-loving friends and customers, we ask: When was the last time you visited a gun range and didn't hear noise around the building? Have you ever been to a gun range directly adjacent to another business, much less next to a relaxing bar in a downtown historic district? We love guns, we just don't love hearing them all day, every day. That's not an unreasonable position.

While we will work with the city and the developer to explore how much sound the gun range will produce, you should know that our shady, quiet back patio is directly adjacent to the gun range's exterior wall. There is no setback or buffer at all—we share a common property line. We know of no way to fully soundproof the range to stop the noise from a gatling gun or the high-powered rifles the range plans to allow tourists

and locals to rent and shoot.

Unless you're the one pulling the trigger, the constant sound of guns is not something that's fun to listen to when you're trying to relax.

We believe that the natural and logical Cody location for a gun range is somewhere like the West Strip or Big Horn Avenue with a sizable lot, ample parking and no immediate neighbors. Cody's downtown historic district is zoned D-2, and businesses like dog kennels and carpentry shops aren't allowed there. So we think the inevitable noise from a gun range should fall into that same excluded category.

We're asking that you write and/or call your Cody City Council members and discuss this matter with them. If you live downtown or own a business there, please mention that. You might wish to oppose any downtown gun range location in favor of a more appropriate site, or demand that the facility be literally inaudible from outside the range. Ask yourself what you think an

"acceptable" amount of "minor" gun noise would be next to your home or office, all day, every day.

We hope you agree. Even if you don't, we hope you'll still be civil without being disagreeable. And please know that for us, this is not about guns.

It's about peace and quiet and proper zoning, that's all.

You can email every council member by sending a message right away to: codycity@cityofcody.com. Your letter should include your name, contact info and your own thoughts on the matter. The sooner you act, the better. If you wish to attend the meeting, it is set for April 1 at 7 p.m. at City Hall, 1338 Rumsey Ave.

Additional information, including phone numbers for council members, appears below. As always, thanks so much for your support.

Michele and Ruffin Prevost and the whole Juniper family

home: 587-8364

Juniper: 587-4472

Subject: Re: Gun range downtown
From: george miller <millerg120@gmail.com>
To: Jenni Rosencranse <jennir@cityofcody.com>, Elected Officials <elected-officials@cityofcody.com>
Mar 24, 2014, 2:32 PM,

Dear Mayor: I am writing in support of Juniper Wine and Spirits. As you know they are planning a relaxing place to sample their wares and invite community. Hearing guns going off while sipping my Pinot Noir is not going to be relaxing. A gun range is a great idea but is downtown really the right place? I think not. Please consider the community we are building and trying to shape for the future. Thanks. g

George Miller
neogeo@nemont.net
307-254-3529

From: Ev [mailto:ev@chamberlininn.com]
Sent: Thursday, March 27, 2014 4:51 PM
To: 'codycity@cityofcody.com'
Subject: Proposed Gun Range Issues

Dear Sirs/Madam,

We are writing to voice our concerns over the proposed gun range project. While we fully support the project itself and the business model, we feel the location is not ideal and could pose problems for the businesses and residences surrounding it. Our general concerns are as follows:

- Impact of noise on our hotel and courtyard guests.
- Effects of possible pollution, especially near Cody Dairy.
- Legislative restrictions preventing litigation against gun ranges in Wyoming, preventing any action once the business is approved.
- Close proximity to multiple establishments serving alcohol.
- Allowance of outside weapons, which would be carried in and out of the building kids walking to/from school, etc.

We ask that you consider each of these concerns carefully before proceeding with approval. We would like to reiterate that we think the idea and business plan would be a nice addition to Cody. It is solely the location that concerns us. Thank you for your consideration.

Sincerely,

Ev and Susan Diehl

Kelly Diehl Statton

Owners/Operator

Chamberlin Inn

Cody, Wyoming

www.chamberlininn.com

From: "Sharon La Grant" <slagrant@bresnan.net>

Date: April 15, 2014 at 8:25:26 AM HST

To: <codycity@cityofcody.com>

Subject: Downtown shooting range

Dear Mayor, city council and to whom it may concern,

I find an ordinance pertaining to noise levels to be an interesting venture. I see the difficulty in setting that up, but I think it may be a task worthwhile.

It is my opinion that a shooting range on the downtown main street is not a good idea. I would rather a gun range be placed in a different place. A neighborhood more conducive to such activity might be Powell highway or the West strip. I oppose a shooting range in the proposed location.

Thank you,

Sharon La Grant
307-587-6617 home and work
cell 307-250-5747
slagrant@bresnan.net

Pawnee board rejects zoning change for proposed gun range

PAWNEE — Siding with some concerned neighbors, the Pawnee Village Board has rejected a zoning change that would have allowed the construction of a gun range in a neighborhood near 10th and Carroll streets.

By Dan Petrella

Posted Jul. 9, 2013 @ 12:01 am

Updated Jul 9, 2013 at 8:21 AM

PAWNEE — Siding with some concerned neighbors, the Pawnee Village Board has rejected a zoning change that would have allowed the construction of a gun range in a neighborhood near 10th and Carroll streets.

The village board's 3-1 vote Monday against the change ran counter to a unanimous stamp of approval from the zoning board last month.

Ralli Mottar, owner of We the People Alliance, a private firearm training organization at 711 10th St., planned to build a 15-yard indoor shooting range on an empty lot across the street from his business.

Because the village board last year amended its code to allow indoor firing ranges at properties designated for retail business, Mottar only needed the board to approve changing the lot's zoning from residential to commercial. The board changed the code last summer, about a month after Mottar expressed interest in opening a range in town.

"We're all pro-gun, pro-Second Amendment," said Village President Jeff Clarke, who did not vote on the issue. "We'd love to have a shooting range. It was just the wrong location."

Neighbors had expressed concerns about safety, noise and the effect having a gun range in the area would have on property values.

Mottar, a Grandview police officer whose members-only business trains law enforcement officers and others in the safe use of firearms, said those concerns were unfounded.

“Our concern is always safety,” Mottar said. “When you start dealing with firearms, the reason we teach and we train is to get people to understand that these are tools and, if they’re not treated safely, they’re dangerous.”

Testing has shown the proposed range’s design to be soundproof, and property values in the neighborhood have actually risen since his business opened a few years ago, he said.

Still, Mottar said, none of his arguments seemed to sway the board.

“They simply weren’t going to listen to anything we had to say,” he said. “Their minds were made up before we got there.”

Trustee Cara Burnley, chairwoman of the board’s zoning committee, cast the lone vote in favor of the zoning change.

“In my opinion, he proved that it was going to be safe, he proved that it wasn’t going to be a nuisance, he proved that it wasn’t going to change the character (of the neighborhood),” Burnley said.

The board should have focused on whether it was appropriate to zone the property for business, she said, adding that it would have been because there are several other businesses in the area and because Mottar’s property across the street already is zoned for business.

“We shouldn’t have been looking at whether it was a gun range or whether it was an ice cream shop or whether it was a beauty salon,” Burnley said.

Read more: <http://www.sj-r.com/article/20130709/News/307099880#ixzz2wr2lf13n>

<http://www.sj-r.com/x1806122274/Pawnee-board-rejects-zoning-change-for-proposed-gun-range/?tag=1>

Owensboro, Ky., Board Denies Request for Indoor Gun Range

November 8, 2002, Friday

KR-ACC-NO: OW-GUN-RANGE

LENGTH: 595 words

HEADLINE: Owensboro, Ky., Board Denies Request for Indoor Gun Range

BYLINE: By Mark Cooper

The sighs of relief from the crowd were audible as the Owensboro Metropolitan Board of Adjustment on Thursday night unanimously denied permission for a proposed indoor gun range in the heart of Owensboro.

A video presentation of a state-of-the-art gun range bullet trap and pledges of safety from Ron Sanders, president of Sport Shooters Inc., were not enough to overcome the pleas from opponents to the range.

"I'm very happy," an emotional Christine Conder, 36, said as she left City Hall. "We have worked so hard on this issue. This proves what a neighborhood can do if they stand together." In making his motion against the proposal, board member Ward Pedley said the gun range could "discourage the homeowners from updating their property."

The gun range would have been next door to the J.Z. Moore Historic Neighborhood, which contains many stately, older homes.

Sanders, a Madisonville businessman, had proposed to build a facility that would feature a maximum of 16 shooting lanes, an accessory sales area and office at 1202 J.R. Miller Blvd. and 1117 Daviess St.

The Owensboro City Commission voted Oct. 16 to amend its firearms discharge ordinance to allow an indoor gun range as an exception. The proposal, however, still required a conditional use permit from the board of adjustment, which it denied after about an hour of testimony.

Sanders could appeal the decision to Daviess Circuit Court, but "we won't appeal their decision," Sanders said. "I don't agree with it, but that's why they serve."

Sanders would not say what, if any, plans he has for the property, which is zoned industrial and is adjacent to railroad tracks.

"We'll talk about that later," Sanders said.

Sanders showed the board a video of a "wet trap system" that would be used at the range. The system uses a liquid and angled traps to slow down and trap bullets instead of the steel plates that many other gun ranges use, Sanders said.

Sanders said the state-of-the-art system drastically reduces airborne lead dust from bullets, a chief concern of neighbors.

"The largest source of lead contamination is bullet impact on a steel plate," Sanders said. "The bullet fragments and dust is created."

Sanders also detailed the ventilation systems, noise reduction steps and safety measures planned for the range.

But the board also heard from a handful of residents armed with research about gun ranges that have posed real threats to the safety and welfare of their neighbors.

Bob Darling, chairman of the Old Owensboro Neighborhood Alliance, presented the board with a petition of more than 500 names of people opposed to the range.

Neighbors were particularly concerned about weapons being carried through the parking lot of the range and potentially through their neighborhood when the 36-space parking is full.

"The potential for an accident is too great a risk," said Robert Glenn, chairman of the Seven Hills Neighborhood Alliance. "One accident is too

many."

Guns carried into or out of the range would be unloaded and in cases, Sanders said. But Sanders said the range would have no control over people handling weapons in the parking lot.

But part of the reason for the range is to help people avoid accidents with guns, Sanders said.

"Right now, there's not a facility where they can get proficient with a firearm," Sanders said. "That's one thing we'll be advocating, gun safety and responsibility."

Westminster council shoots down gun range

<http://www.ocregister.com/articles/range-278478-noise-neighbors.html>

By DEEPA BHARATH / THE ORANGE COUNTY REGISTER

Published: Dec. 2, 2010 Updated: Aug. 21, 2013 1:17 p.m.

WESTMINSTER – City Council members voted down a proposed shooting range Wednesday night after neighbors crowded Council Chambers in protest.

The City Council voted 3-0 against the project, with council members Andy Quach and Frank Fry abstaining.

For weeks, residents of a Midway City neighborhood close to the proposed gun range at 14542 Beach Blvd. have been speaking out against the project because of traffic, safety and noise concerns as well as worries that a shooting range in a residential area would bring down property values. Proponents of the 16,000-square-foot range have maintained that the noise would be minimal and that facilities that adhere to safety standards have a superior safety record.

On Wednesday, at an emotionally-charged meeting with standing-room only, both sides presented their arguments.

Dr. Michael Kaplan, an eye surgeon from Huntington Beach and prospective owner of the proposed shooting range, said some of the residents' fears were rational, but others were irrational. Many of the neighbors who spoke, Kaplan said, had misconceptions about the noise level emanating from the range.

"Dogs are not going to go crazy because of this noise," he said. "The noise is not going to sound like barking dogs. The noise coming out of this facility will be less than the noise on Beach Boulevard. It is a very subtle noise."

A sound study commissioned by the applicants stated that the facility can never be sound-proof, but stated that the closest neighbors will hear popping sounds if they sat inside their homes with the windows open and no television or radio on.

Neighbors said they are not prepared to sacrifice their quality of life or peace of mind to accommodate such a business.

"This is a nice, quiet, pleasant street," said Ruth Christy, a resident on Legion Place. "We would have never bought a home on this street had there been a gun range on that street."

Christy also pointed out that if the gun range is approved, Realtors would be required under the law to disclose to prospective homebuyers that there is a shooting range in the neighborhood.

"It would definitely drive down our property values," she said.

Greg Caringella, one of the investors in the project, said based on his observations 75 percent to 80 percent of the homes in the neighborhood have bars across their doors or windows.

"People are already concerned about their safety," he said.

A number of neighbors took offense to Caringella's comments, stating that

their area is safe and that they do not have bars on their doors or windows.

Mayor Margie Rice said she would never support a shooting range in a residential neighborhood.

Clovis planners support keeping Firing Line gun range open

BY MARC BENJAMIN

The Fresno Bee September 26, 2013

An indoor Clovis gun range that residents of a south Clovis neighborhood oppose because of gunshot noise got support to stay open after the Clovis Planning Commission ruled that changes made have reduced sounds going into the adjacent residential area.

But residents remain upset about the noise and say the city never should have allowed it to go into the 1173 Dayton Ave. industrial building nearly two years ago.

The Clovis City Council will take up the issue on Oct. 21.

Earlier this year, the City Council required Jacob Belemjian, the owner of The Firing Line, to make changes to the building to reduce gunshot noise that was spilling into the neighborhood.

Today, city officials say Belemjian has made a good-faith effort to reduce noise and that he is operating within the city's conditions for approval.

Under the agreement reached Thursday night, Belemjian agreed to reduce shooting hours at the range, but that wasn't enough for about a dozen residents, who told the commission they remain opposed to the gun range because the noise continues.

"It's scaring the hell out of me," said Bruce Meredith, who lives just north of the gun range. "It's devastating me to listen to this every day. It's torture."

Tim Kelley, another neighbor, said the business is a public nuisance that is

disturbing the peace.

City officials believe Belemjian succeeded by insulating areas where the noise was coming from. Noise consultant Jeff Hall also reported a reduction in noise leaving the building.

Hall's noise report said that sounds from Belemjian's building were low enough that other noise in the neighborhood covered up the gunshot sounds.

In a 4-0 vote, planning commissioners said they empathized with the residents, but that the firing range is within the proper zoning and that Belemjian followed the rules.

"The basis for our decisions are grounded in rules and laws," said Vong Mouanoutoua, planning commission chairman. "We can't stray too far from the rules and laws."

City Planner Dwight Kroll said before the meeting that the "high impulse" noises coming out of the building have "kind of calmed down."

Kroll said the noise still exists, but it's impossible to entirely cover it up.

"You are going to hear something out of there," he said. "You can't fully encapsulate that building because of the fire venting on the roof, but (the improvements) dampened the sharpness of that noise and it's pretty much what you would expect out of an industrial area."

Read more here: <http://www.fresnobee.com/2013/09/26/3521289/clovis-planners-support-keeping.html#storylink=cpy>

Clovis City Council backs gun range despite neighbor complaints
BY MARC BENJAMIN
The Fresno Bee October 21, 2013

Fred Armijo urges the Clovis City Council to reject the conditional use permit for The Firing Line gun range on Monday,

Oct. 21, 2013.

MARC BENJAMIN / THE FRESNO BEE

Residents of a south Clovis neighborhood say are still unable to adjust to having a gun range near their home, but City Council members Monday night said the range owner made significant progress in reducing noise and they allowed him to stay open.

The council's 4-1 decision follows the Clovis Planning Commission's support last month. Mayor Lynne Ashbeck voted no.

Council members said Jacob Belemjian, the owner of The Firing Line, was meeting the requirements of his permit and not exceeding noise limits.

The permit was approved two years ago, but shortly after the business opened in March 2012, neighbors living north of the industrial building at 1173 Dayton Ave. began complaining to the city about loud, sharp gunfire noise.

Earlier this year, the Clovis City Council required Belemjian to make changes to the building to reduce noise spilling from his building.

More than a dozen neighbors on the surrounding blocks have yard signs opposing the gun range. Many of them attended Monday night's City Council meeting.

Neighbors say there has not been a significant reduction in noise despite the requirements.

"Mr. Belemjian should be ashamed of himself for what he has done to the people of this neighborhood," said Tim Kelley, who lives behind the gun range. "The Firing Line is guilty of disturbing the peace."

Bruce Meredith said neighbors have to disclose that the gun range is nearby if they try to sell their homes and their property is losing value

because of it. He said his neighbor has already lowered his price \$5,000 and his real estate agent said the home's value has been diminished by up to \$15,000.

"There has been some improvement in the noise," he said, "but it's not good enough."

City officials said that even before improvements were made to the building, Belemjian's business complied with the city's noise ordinance.

Consultant Jeff Hall, who conducted the noise measurements, said that sounds coming from Belemjian's building fell within ranges that were low enough that other noise in the neighborhood masked the gun range sounds.

Belemjian said he spent more than \$100,000 on improvements to reduce noise.

"I can't make them happy," he said of his neighbors after the meeting. "The only way they would be happy is if we were silent, but then they would hear the noise from everything else around them."

City officials say Belemjian made a good-faith effort to reduce noise from his business and that he is operating within the city's conditions for approval.

"What's before us is whether this place is legal," said Council Member Jose Flores. "Two experts have come before us to tell us that the sound levels are still below the standards that we set."

Council Member Bob Whalen said the council can't go back 30 years and rezone the area so industrial land would not be next to homes and they also can't use different noise standards.

"The conditions we put on Mr. Belemjian at the time, he has met," Whalen said.

But Ashbeck, who opposed the gun range, said the city created the

problem: "It's wrong for us to say you can live with it ... I cannot live with the fact that we have created this angst."

Even with the reduced noise, the city offered to assist residents adjacent to the gun range by adding two feet to the cement block wall separating the gun range and the residences and reimbursing up to \$2,500 for double-pane windows in six homes.

Read more here: <http://www.fresnobee.com/2013/10/21/3565712/clovis-city-council-backs-gun.html#storylink=cpy>

Noise complaints launch inquiry at gun range

Wednesday, October 27, 2010 | Smithville Times | 3

City considers consultants to explore range issue

By James Rincon

Pflag Reporter

City Council members will explore the costs of hiring expert consultants to explore neighborhood noise complaints surrounding a local shooting range.

Councilman Darelle White presented the issue to council members at Tuesday night's meeting, saying the city has an obligation look into residents' complaints from neighborhoods around Red's Indoor Gun Range, located at 1908 W. Pecan St.

"Gun range sound issues are really a problem across the country," City Manager Brandon Wade said. Wade said current noise ordinances present a pragmatic enforcement problem when applied to a gun range.

"What I'm finding is that sound issues at gun ranges are primarily a perception issue and not so much a measurable," he said.

Wade visited Pflugerville resident Frank Edelman's home in the 16000 block of Parkway Drive and sat on the porch to listen for the gunfire.

“I sat out in front of Mr. Edelman’s house yesterday and he tells me the time I was sitting there was not really a prime time to be sitting there, but certainly it’s something that can be perceived and perceived quite a lot,” Wade said.

He said the sounds ranged from the slight popping of handguns to pronounced rifle shots that resounded both outside and inside Edelman’s house. Wade said unfortunately experts versed in gun range noise are few and far between.

“I have actually not found one in Texas,” Wade said.

City staff contacted who they believe to be the foremost expert in the county on gun range noise. Wade said rough estimates for a preliminary study of the problem could range from \$7,000 to \$10,000.

“One of the things that I wanted to point out to you is that many of the typical fixes that you would come across for sound abatement in many other structures really don’t work well in gun ranges, primarily because of dust and lead. Many types of sound abatement measures can actually absorb that lead and the like and cause a whole separate set of troublesome issues.”

The city staffers said they will continue to review local and state ordinances.

White said he met with the range’s owners, who also own a south Austin gun range, and discussed the community’s concerns. Despite no obligation on the owners part to make any changes to their business, White said they were open to the study and even open to considering the proposed solutions.

“The bottom line is we could talk to them all day long, and if they didn’t wish to participate in any manner the end of the discussion would be right then,” White said.

City Attorney Floyd Akers said the city might be able to fund renovations to the private business by deeming it an economic development project.

“State law restricts the city from taking any legislative action against the gun range, so any kind of fix would have to be financial and actually fixing the structure itself,” Floyd Akers said.

Mayor Coleman said he’s concerned about spending the money on the study and finding that the solution to the problem is not financially.

“I’m afraid we’re going to dump \$10,000 into something that at the end of the day we can’t fix anything,” Coleman said.

White moved to approve the continued investigation into a study of the gun range out of obligation to the nearby neighborhoods, a motion that was unanimously approved.

“As city leaders I think that we have the responsibility to do our due diligence. We know there’s an issue... we have citizens who have raised concerns regarding the sound that emanates from that premises. We have in this situation a property owner who is open to allowing the city to do a study on the sounds – they’re not required to do that,” White said.

“Once we find out the facts of what can be done, then we can make a decision. Yes there will be economics involved. It’s going to be a dollars and cents decision, but it could be something relatively inexpensive.”

<http://archive.pflugervillepflag.com/2010/10/27/noise-complaints-launch-inquiry-at-gun-range/>

Colonial Shooting Academy to address gunshot noise

: Apr 11, 2012 2:28 PM MDT

Updated: Apr 16, 2012 2:38 PM MDT

By Andy Jenks

HENRICO, VA (WWBT) – Business is "booming" at a new indoor gun range in Henrico, but that's a problem according to the people who live nearby. So now, the folks along Indigo Road have their sights set on requesting

changes to the Colonial Shooting Academy.

Shamma Mahmoud is one of those folks, a neighbor on Indigo Road, who's feeling blue.

"It sounds like fire, like a shotgun, all the time, all day long, boom boom boom! Your heart would jump!" Mahmoud said.

The Colonial Shooting Academy just opened along W. Broad Street; a state of the art indoor paradise for weapons training. But Bill Campbell hears it, too.

"Especially on weekends, it's just constant. And yeah it is muffled, but it's constant," Campbell said. "Don't like it, it's just annoying," he added.

Neighbors assumed they wouldn't be able to hear the gunshots. Now, the academy's general manager is hearing the complaints.

"We are sensitive to our neighbors' needs and their quality of life. And we want to make sure we can reduce the noise as much as possible," said GM Ed Coleman.

Coleman took us inside the academy. He explained the plan to install more insulation and soundproofing, so the noise will be less likely to escape through the back wall.

"If they hear anything, it'll be minimal," Coleman said.

Total silence, he says, is probably impossible. But the goal is to bring down the noise to the level of the traffic outside. At a place built for training, consider it...a lesson learned.

Coleman says he expects the extra sound proofing to take at least a couple of weeks to be installed.

Henrico County has not contacted the Colonial Shooting Academy for any violations of the county's noise ordinance, Coleman said.

At grand opening, gunshots still heard outside new Colonial Shooting Academy

Posted: Apr 25, 2012 3:41 PM MDT

Updated: Apr 25, 2012 2:51 PM MDT

By Andy Jenks - bio | email

HENRICO, VA (WWBT) - Two weeks after NBC12 reported on the unwanted gunshot noises coming from a new indoor shooting range, we're back to find out the issues have not been resolved.

The noises threaten to overshadow Wednesday's grand opening of the Colonial Shooting Academy in Henrico, located in the 6000 block of W. Broad St. Neighbors who live on Indigo Road, behind the academy, are in no mood to celebrate.

When Virginia Kelleher mows the lawn, that's loud...but the moment she turns it off things don't get much quieter.

"When you're outside in the yard, you can't sit out here and just be quiet. You've got this noise going on out here," Kelleher said.

She lives on Indigo Road, just a few hundred feet from the Colonial Shooting Academy. If there was any doubt about the noises that permeate the neighborhood, all you have to do is listen.

Two weeks ago, we visited the academy, where management already was boasting about its state-of-the-art accommodations. At the time, management said the gunshot noise should've been muffled by now, but the fix hasn't come as quickly as expected.

Ed Coleman is the general manager, who -along with the Va. Attorney General Ken Cuccinelli- cut the ribbon Wednesday on the sparkling new academy.

"We do appreciate [neighbors] calling and talking to us. That's been very

important to keep that dialogue going to let them know that we're working on that, and for us to recognize their complaints," Coleman said.

The noise is considered a temporary setback for the facility, billed as the country's largest, with an emphasis on friendliness and safety.

"It's one thing to be able to carry, it's another to be able to carry correctly," Cuccinelli said during his remarks as guest speaker.

Back in the neighborhood, Kelleher will know they've been successful when she doesn't have to hear about it anymore.

"Do what they said they were gonna do, fix it so the noise level, you can't hear it out in the neighborhood," Kelleher said.

The goal of management at the academy is to bring the gunshot noise down to the level of the traffic outside. They'll have a new timetable for making the fix next week.

The academy is not considered in violation of the Henrico County noise ordinance.

<http://www.nbc12.com/story/17755023/at-grand-opening-gunshots-still-heard-outside-new-colonial-shooting-academy>

Layton neighborhood concerned about gun range noise

Antone Clark, Standard-Examiner correspondent
Sep 20 2013 - 6:24pm

LAYTON -- Neighbors are back in front of the city council, lodging noise complaints about a local indoor gun range.

Jamie Prather-Newton used the citizen comment of Thursday's city council meeting to levy complaints about noise emanating from Red Dot, a

shooting range located on Gordon Avenue, across from Sam's Club.

It is the second time she has voiced concerns about the problem and asked city leaders to address the noise.

City leaders hoped the problem had been solved when the business added noise attenuation equipment. That allowed the firm to lift a restriction on high-range rifles, which Prather-Newton said brought back the noise problem.

"After they lifted the restriction on high-powered rifles, we're hearing gun shots. We're not just hearing them but we're feeling them right in our gut," she said.

She pressed city leaders for a resolution to the problem.

Vicki Anderson also jumped into the issue after Prather-Newton. She told city leaders her son has an apartment nearby in Falcon Park and can hear shots from the balcony of his apartment coming from the range.

"Her concerns are legitimate," Anderson said of Prather-Newton's concerns.

Bill Wright, director of community and economic development, has addressed the problem with the owner of the gun facility in the past.

<http://www.standard.net/stories/2013/09/20/layton-neighborhood-concerned-about-gun-range-noise>

Residents tired of the noise
December 12, 2010

I live on the 1200 block of Woodward Avenue in El Centro, and have been here since 1982.

I have a concern and a reasonable complaint regarding the Border Tactical

indoor shooting range that has been letting loose with a constant barrage of BOOMS and BANGS of gunfire on our residential area. This has been a reoccurring nuisance to my neighbors and me. I spoke with about 10 people (neighbors, visitors, etc.) who all are extremely annoyed by the racket emitting from the shooting range.

Now, another concern that vexes me is the fact that, with our real estate market in a slump, we have this 9 a.m. to 8 p.m., seven-day-a-week noise pollution shattering our already dwindling property value and serene atmosphere. I'm not trying to hurt feelings, but I'm sure the owner of the range, or anyone else for that matter, would not appreciate a shooting range disturbing their quiet neighborhoods.

The noise level is fairly low from the parking lot of the establishment, but strangely enough, the noise amplifies and echoes throughout our neighborhood. Can something be done about this problem? — Banged Up, El Centro

We talked to two city officials and the owner of Border Tactical, Bill DuBois, about your concerns.

We first checked with city Planning Director Norma Villicaña about Border Tactical's conditional use permit, which would have been approved by the Planning Commission before the business could open.

We asked about noise studies or conditions attached to the CUP. She said there were none.

In a nutshell, Villicaña said as long as the building department had assurances that certain building materials would be used for the construction of the indoor shooting range, that was good enough.

Chief Building Official Bob Williams told us he recalled the business did use the best possible materials available for noise muffling.

That said, Villicaña and Williams powwowed about the issue, and on Thursday afternoon, a building inspector went out to the area around Border Tactical to take decibel readings to see if the business was in

violation of decibel levels attached to city zoning ordinances.

Williams said the first measurement was taken south of the range at the railroad tracks that cross Imperial Avenue. The area is zoned for commercial and has a maximum noise level allowing 85 decibels. When measuring the gunshots, they never exceeded 75 decibels.

The next measurement was taken to the east of the range a few feet inside the property line before it becomes residential. The maximum decibel level there is between 60 and 65. The gunshots maxed out at 63 and 64 decibels — on Border Tactical's property.

The third measured area was actually on Stacey Avenue to the east — in the neighborhood. There, the max decibel level allowed is 60-65. The shots never registered over 55 decibels.

The letter writer, who has spoken to DuBois before over this very issue, said his location on Woodward is worse than anywhere else, and the city did not measure there.

Despite what the letter writer said, DuBois takes this complaint seriously.

"We want to be good neighbors, and we sympathize with anybody who we bother," he said.

"One of the reasons we picked this location is because it is next to the railroad tracks. Freight trains go by our store several times a day, as well as all night long, and they blow their whistle right before they cross Imperial Avenue," DuBois said.

"Also, Imperial Avenue is a state highway. It's just a noisy neighborhood," he said. "We don't start shooting until 8 a.m. and we always stop shooting by 8 p.m. The city's noise restrictions take effect at 10 p.m. Also the noise restrictions stop at 6 a.m."

http://articles.ivpressonline.com/2008-12-12/shooting-range_24179076

ORDINANCE NO. 2707

BE IT ORDAINED by the City Council of the City of Auburn, Alabama, as follows:

Section 1. That Chapter 13 Section 13-4 of The Code of the City of Auburn shall read as follows:

Chapter 13

MISCELLANEOUS PROVISIONS AND OFFENSES

(a) Except as specifically provided herein, it shall be unlawful for any person, other than law enforcement officers in the performance of their ORDINANCE NO. 2707

An ordinance amending chapter 13 SECTION 13-4 of the code of the city of auburn ENTITLED "DISCHARGE OF WEAPONS" PROVIDING REGULATIONS SPECIFICALLY GOVERNING DISCHARGE OF FIREARMS AT INDOOR SHOOTING RANGES.

BE IT ORDAINED by the City Council of the City of Auburn, Alabama, as follows:

Section 1. That Chapter 13 Section 13-4 of The Code of the City of Auburn shall read as follows:

Chapter 13

MISCELLANEOUS PROVISIONS AND OFFENSES

(a) Except as specifically provided herein, it shall be unlawful for any person, other than law enforcement officers in the performance of their official duties or at a military parade by order of a proper officer, to shoot, fire or discharge an air rifle, slingshot, bow & arrow, crossbow, rifle, pistol, shotgun or discharge gravel shooter, blowgun, rubber sling, or implement or device of like character

anywhere within the corporate limits of the city.

(b) Indoor Shooting Ranges. Indoor shooting ranges (hereinafter referred to as "ranges") are hereby allowed in the City of Auburn subject to the terms, conditions and regulations set out and specified in this section. The term "range" is defined as a room, place or enclosure wherein the firing of firearms is permitted to practice marksmanship.

1. No range shall be located in a zoning district other than specifically authorized by right or by conditional use permit by the City of Auburn Zoning Ordinance provided; however, that no range shall be located within five hundred (500) feet of any residential use.

2. The range shall meet all current laws, regulations, rules and requirements as established by the federal environmental protection agency, state department of environmental management, the National Rifle Association and the U.S. Department of Labor, and all local, state or federal laws, rules or regulations.

3. The building must be of soundproof construction whereby the sound from the discharge from any firearm shall not be transmitted or detected from any adjoining property line as certified by a registered professional engineer or architect in the state or a qualified acoustical consultant.

4. Buildings containing ranges shall have walls, ceilings and floors that are either impenetrable to the bullets of the firearms being used within it, or have internal baffling built so that the bullets cannot hit the walls or ceilings. Provisions shall also be made to stop glancing bullets or particles of bullets at the sides of the target area.

5. The heating and air conditioning system must meet all current standards of the federal environmental protection agency, state department of environmental management, OSHA and all other applicable local, state and federal laws, regulations, rules and standards. A registered professional engineer must certify that the systems comply with all applicable laws, regulations, rules and standards.
6. No person under the age of eighteen (18) years shall be permitted to enter a range unless accompanied by an adult.
7. It shall be unlawful for any person operating a range to permit any person or persons to bring any alcoholic beverages on the premises of any range, or to permit the consumption of alcoholic beverages on the premises or to permit alcoholic beverages to be left at any place on the premises. It shall also be unlawful for any person operating a range to permit any intoxicated person to be or remain in the premises of a range.
8. It shall be unlawful for any person operating a range to permit any form of gambling or wagering.



Permit No. _____

Application for Indoor Gun Range Permit

City of Ocala

Department of Planning and Development

Planning & Zoning Division

201 SE 3rd Street, Second Floor, Ocala, FL 34471

Phone: (352) 629-8404 Fax: (352) 629-8308

Email: planning@ocalafl.org Website: www.ocalafl.org

- **PUBLIC HEARING- \$300.00 + \$50.00 Sign Deposit** (Refundable after the council hearing and if sign is in the same condition as when posted.)
- **The proposed indoor gun range must be subordinate and incidental to the principal manufacturing use on the site in an M-1 or M-2 zoning district.**

1. **Name Of Applicant:** _____

Address of Applicant(s) _____

City _____ **State** _____ **Zip Code** _____ **Phone#** _____

Fax # _____ **Email address** _____

2. **Form of Applicant Business:** (Check One)

- Florida corporation _____
- foreign corporation _____
- Partnership _____
- LLC _____
- Sole Proprietorship _____
- Other _____
- (Specify type and State of organization) _____

3. **Partners:** Names of all partners if partnership and percentage financial interest of each partner: (Attach additional pages if necessary)

4. **Corporate Officers:** (Names of all corporate officers and shareholders and percentage financial interest of each shareholder of the outstanding corporate stock if a Florida or

Foreign Corporation or LLC) {Shareholder information not required for publicly traded corporations.} [Attach additional pages if necessary]

5. Name under which business will be conducted:

6. Is there a business there now? _____

If yes, name of business. _____

7. Location Address: _____

City _____ State _____ Zip Code _____

Parcel account number(s) [From tax roll]: _____

Section _____ Township _____ Range _____ Size of Property _____

Legal Description: (please attach and provide an electronic copy)

Note: It shall be the applicant's responsibility to provide the correct legal description for the subject property. The application will not be processed until a correct legal description is provided.

8. Business mailing address: _____

City _____ State _____ Zip Code _____

Phone # _____ Fax #: _____

Email address _____

9. Hours Of Operation: _____

12. Property Owner: _____

Property Owner's Address: _____

City _____ State _____ Zip Code _____

Phone # _____ Fax # _____

13. The following items are required to complete this application, prior to advertisement required for a public hearing in order to issue a location permit:

1. If applicant is not the property owner, attach written consent from owner for application; also, if owner's name does not appear on the Marion County tax rolls, please attach a copy of the deed showing owner's title.
2. Provide copy of legal description for property.
3. Business owner's signature notarized; also signature of agent, if applicable.
4. Payment of fee; cash or check payable to "City of Ocala".
5. If applicant is altering the building from one use to another then a site plan or a drawing will need to be submitted that reflects the:
 - Ingress/Egress to the building.
 - The number of parking spaces.
 - Building Plans

Note: Subject to approval by City Council at a public hearing. City Council shall be guided by the following factors (*Please see attached Ordinance 2010-33*):

1. The proximity of the location to schools, churches, day care centers, public recreation areas, public buildings and areas of public assembly.
2. The proximity of the location to established residential areas.
3. Notice of public hearing shall be given in the manner prescribed in Sec. 122-113 & 122-113(2)

Attendance at the public hearing by the applicant or agent as designated on application is mandatory.

I understand that my request will not be considered unless all the information required by this application is submitted. I further certify that all statements made in this application are true to the best of my knowledge and that any incorrect information will void the location permit, if issued.

Note: (Must be actual applicant if sole proprietorship, partner if applicant is a partnership or corporate officer if applicant is corporation)

Signature: _____
(Applicant, Business Owner, Agent)

Print Name: _____

Address: _____

City: _____ **State:** _____ **Zip Code:** _____

Notarization For Signature; Applicant, Business Owner, Agent

Sworn to (or affirmed) and subscribed before me this _____ day of _____, 2009,

By _____ who is personally known to me or who has produced a Florida Driver's License Serial Number: _____

With an expiration date of _____ as identification.

X _____
NOTARY PUBLIC

(Seal)

ORDINANCE 2010-33

AN ORDINANCE OF THE CITY OF OCALA, FLORIDA, CONCERNING SHOOTING RANGES, INDOOR; ADDING SUBSECTION 122-763(7) PROVIDING FOR SHOOTING RANGES, INDOOR AS A PERMITTED ACCESSORY USE IN THE M-1 LIGHT INDUSTRIAL DISTRICT SUBJECT TO CRITERIA; ADDING SUBSECTION 122-783(6) PROVIDING FOR SHOOTING RANGES, INDOOR AS A PERMITTED ACCESSORY USE IN THE M-2 MEDIUM INDUSTRIAL DISTRICT SUBJECT TO CRITERIA; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Ocala, Florida as follows.

Section 1. That subsection 122-763(7), is hereby added to read as follows:

(7) Shooting Ranges, Indoor subject to the following criteria:

- a. Permitted as accessory to a manufacturing use.
- b. Subject to approval by City Council at a public hearing. City Council shall be guided by the following factors:
 1. The proximity of the location to schools, churches, day care centers, public recreation areas, public buildings and areas of public assembly.
 2. The proximity of the location to established residential areas,
 3. Notice of public hearing shall be given in the manner prescribed in Sec. 122-113 & 122-113(2).
- c. The range shall comply with *The Range Source Book* (National Rifle Association of America: Fairfax, Virginia, 2004) with regard to design and operation. In addition, the range shall comply with all applicable federal, state and local ordinances, rules and regulations.
- d. The building shall be constructed to provide acoustical treatment for sound attenuation to prevent sound from traveling beyond the property lines of the subject property.**

Section 2. That subsection 122-783(6), is hereby added to read as follows:

- (6) Shooting Ranges, Indoor subject to the following criteria:
- a. Permitted as accessory to a manufacturing use.
 - b. Subject to approval by City Council at a public hearing. City Council shall be guided by the following factors:
 1. The proximity of the location to schools, churches, day care centers, public recreation areas, public buildings and areas of public assembly.

2. The proximity of the location to established residential areas,
 3. Notice of public hearing shall be given in the manner prescribed in Sec. 122-113 & 122-113(2).
- c. The range shall comply with *The Range Source Book* (National Rifle Association of America: Fairfax, Virginia, 2004) with regard to design and operation. In addition, the range shall comply with all applicable federal, state and local ordinances, rules and regulations.
 - d. The building shall be constructed to provide acoustical treatment for sound attenuation to prevent sound from traveling beyond the property lines of the subject property.

Section 3. Severability Clause: Should any provision or section of this ordinance be held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. This ordinance shall take effect upon approval by the mayor, or upon becoming law without such approval.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO APPROVE A CHANGE OF ZONING FROM COMMERCIAL TO COMMERCIAL WITH A CONDITIONAL USE PERMIT FOR AN INDOOR RECREATION FACILITY SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, the Planning and Zoning Commission of the City of Mesquite and the governing body of the City of Mesquite, in compliance with the Charter of the City of Mesquite and State laws with reference to granting of zoning changes under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to the persons interested and situated in the area, the City of Mesquite is of the opinion that the change of zoning may be granted herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the Mesquite Zoning Ordinance adopted on September 4, 1973, and recodified on November 21, 1988, be and the same is hereby amended by amending the Zoning Map of the City of Mesquite so as to approve a change of zoning from Commercial to Commercial with a Conditional Use Permit to allow for an indoor recreation facility (indoor gun range) subject to the following stipulations:

1. Gunshots from inside the building shall not be audible from any of the site's property lines.
2. The hours of operation of the gun range shall be restricted to 8:00 a.m. -- 7:00 p.m.
3. The indoor gun range shall be constructed according to the current National Rifle Association Range Sourcebook and all applicable building codes.
4. Shooting of firearms shall be limited to handguns and handgun calibers.

That the subject property is a 1.701-acre lot located at 2405 III-30 and platted as Casa View Heights Commercial, Block 1, Lot 5.

SECTION 2. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That the property described in Section 1 of this ordinance shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance.

SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of the Code of the City of Mesquite.

SECTION 5. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court, shall be punished by a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense.

SECTION 7. That the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 5th day of April, 2010.



John Monaco
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney

10/18/11 PC AGENDA SHEET

RECREATIONAL FACILITY/
RETAIL SALES
(TITLE 30)

DEAN MARTIN DR/TOMPKINS AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-0406-11 – CV PROPCO, LLC:

USE PERMITS for the following: **1) a recreational facility (indoor shooting range)** with accessory commercial uses; **2) retail sales**; **3) sporting goods sales with firearms**; **4) a snack bar and other incidental commercial uses**; and **5) a minor training facility (shooting and safety classes)**.

WAIVER OF DEVELOPMENT STANDARDS to reduce on site parking in conjunction with a proposed recreational facility (indoor shooting range) and sporting goods retail store within an existing industrial building on a portion of 3.8 acres in an M-1 (Light Manufacturing) Zone in the MUD-1 Overlay District.

Generally located on the northwest corner of Dean Martin Drive and Tompkins Avenue within Paradise. SS/pd/ml (For possible action)

RELATED INFORMATION:

APN:

162-20-302-023 & 024

WAIVER OF DEVELOPMENT STANDARDS:

Reduce on site parking to 72 spaces where 176 spaces are required (a 60% reduction).

LAND USE PLAN:

WINCHESTER/PARADISE - COMMERCIAL TOURIST

BACKGROUND:

Project Description

General Summary

- **Site Acreage: 3.8**
- **Project Type: Recreational facility (indoor shooting range)** and sporting goods retail store
- Number of Stories: 2
- Square Feet: 50,210
- Parking Required/Provided: 176/72

Site Plan

The plans depict an existing 50,210 square foot warehouse building to be used as an indoor shooting range. The use will occupy the entire building which was constructed on 2 parcels. The subject site is located on the northwest corner of Dean Martin Drive and Tompkins Avenue.

Access to the site is from 2 existing 26 foot wide driveways located on Tompkins Avenue. Existing parking areas are located on the west and south sides of the building. The plan shows 72 parking spaces where 176 spaces are required for a recreational facility and a waiver of development standards is necessary to reduce the parking. Minimum parking standards are calculated at 1 space per shooting stall plus 4 spaces per 1,000 square feet for all other building areas. The plans indicate 18 shooting stalls and 39,279 square feet of area for the other associated and incidental uses.

Landscaping

Existing mature landscaping, including cacti and palm trees, is located along Tompkins Avenue and Dean Martin Drive. The existing landscaping does not meet current Code requirements for parking lot and street landscaping since the building was constructed under a previous development code. However, since no substantial changes are being made to the building area and site design, the applicant is not required to comply with current site development standards. The parking lot landscaping on the west property line will be balanced with new enhanced landscaping on the street frontage, and in existing landscape islands to compensate for a lack of trees in the west parking area.

Elevations

The existing building material is painted panels with a flat roof surrounded by parapet walls. The main entrance to the building is shown on the south elevation with glass doors and 3 windows. The plans show an employee and VIP entrance at the southeast corner of the building. The east elevation has 3 windows facing Dean Martin Drive, and the other elevations are painted concrete walls.

Floor Plans

The first floor includes a check-in area with a counter, equipment rental, and security centers. Beyond the entrance area is the main retail sales floor and sales counter, vault storage areas, and 2 dressing rooms. The shooting range is located behind the main sales counter and includes 4 shooting bays which can accommodate 18 shooting stalls and an observation area. The west side of the space consists of the shipping/receiving area, a gunsmith repair service, a snack bar and kitchen, locker rooms, and the employee entrance and break room. The east side of the space shows 2 classrooms, 2 training rooms, a VIP lounge, 2 offices, a storage room, a mechanical room, and 2 restrooms. The second floor includes a reception area, 3 offices, a conference room, restrooms, a breakroom, and 2 future simulation mazes. The remaining space is open to the shooting range below.

Signage

Signage is not a part of this application; however, there is an existing abandoned freestanding sign on Dean Martin Drive which should be removed if the occupant does not plan to re-face and use the sign.

Justification

The applicant states that the proposed indoor shooting range will be constructed using state of the art safety equipment. The facility will employ 39 staff members, 21 of whom will be assigned to the shooting area. The facility will provide a retail sales area, a snack bar, a gunsmith, and an indoor shooting range.

The 11,931 square foot range will have 4 bays and accommodate up to 18 shooters. The facility will include a prefabricated system designed to direct all projectiles to a safe collection area. The existing building consists of precast concrete exterior walls. A new concrete lid (ceiling) will be constructed above the prefabricated steel shooting range to provide additional protection and sound control to adjacent properties. A fire sprinkler system currently exists in the building and will continue to be maintained.

In addition to the indoor range, the facility will provide shooting and hunter safety courses along with concealed weapon courses. The remaining warehouse space will be used to store merchandise that will be used or sold at the facility. The facility will comply with all quantity and limitations required by the Clark County Fire Department for the storage of firearms and ammunition.

The applicant states that the staff is experienced in the operation of this type of facility, and the use will provide additional employment for the community. The exterior landscaping and general maintenance of the building will be enhanced from the current vacant status, and the facility will be an asset to the community.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-0018-09 (ET-0045-10)	First extension of time for a training facility	Approved by PC	April 2010
UC-0018-09	Training facility	Approved by PC	February 2009
ZC-1146-05 (ET-0317-08)	First extension of time to reclassify the property from M-1 to U-V	Approved by BCC	December 2008
ZC-1146-05	Reclassified the property from M-1 to U-V	Approved by BCC	December 2005

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Commercial Tourist	U-V	Mixed Use (Panorama Towers)
South	Commercial Tourist	H-1	Office/warehouse & resort hotel (Wild Wild West)
East	Commercial Tourist	H-1	CityCenter Resort Hotel
West	Commercial Tourist	M-1 & M-D	Office/warehouse

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis

Current Planning

Use Permits

The subject site and surrounding area are within the MUD-1 Overlay District which is envisioned as appropriate for mixed use developments because of its proximity to the resort corridor. Staff finds the uses are compatible with Goal 19 of the Winchester/Paradise Land Use Plan which encourages a concentration of development with a mix of uses including recreation. The “Resort Corridor” is the prime activity center of the Winchester/Paradise planning area, and the proposed recreational facility (indoor shooting range) will provide another activity for locals and tourists in Las Vegas. **With proper sound attenuation to the building to eliminate exterior noise from firearm discharges, staff finds that the uses are appropriate for the area and will have no negative impacts to the surrounding properties.**

Waiver of Development Standards

Since the site is located within the resort corridor and a variety of transportation options are readily available, staff can support the reduction in parking. Goal 1 of the Winchester/Paradise Land Use Plan encourages compact development forms, and Policy 1.1 encourages reduced automobile dependence. By right-sizing parking requirements; not installing excessive parking spaces; and utilizing alternative transit options such as taxis, limousines, shuttles, and buses, development patterns can become more compact, environmentally friendly, and walkable. In addition, by reducing the parking requirement, the applicant is able to utilize an existing building which is consistent with Policy 1.3 which encourages infill and redevelopment in existing urbanized areas. However, staff recommends a short review time to monitor the use and ensure the parking is adequate for the site.

Staff Recommendation

Approval.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Comprehensive Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Current Planning

- 1 year to commence and review as a public hearing;
- **Provide the necessary sound attenuation so firearm discharges are not audible/discernable from outside of the building;**
- Re-face or remove the existing freestanding sign located at the corner of Dean Martin Drive and Tompkins Avenue;
- Remove chain link security fences located within the drive aisles on the west side parking area;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection;
- All applicable standard conditions for this application type.
- Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time.

Public Works – Development Review

- No comment.

Clark County Water Reclamation District

- Applicant is advised that existing sewer is located within 400 feet of the parcel.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: Brian Lake

CONTACT: Shaun Fleming, 508 Nevada Way #3, Boulder City, NV 89005

CITY OF SAVANNAH ZONING ORDINANCE

B-C ZONING DISTRICT

B-C community-business. The purpose of this district shall be to provide community shopping facilities consisting of a wide variety of sales and service facilities at locations that will be accessible to a market area containing from 35,000 to 70,000 people.

B-C Zoning District	
List of Uses	Use #
Accessory storage buildings	82a
Accessory uses	90
Ambulance service or rescue squad	42
Amusement or recreational activities carried on wholly within a building	29
Animal grooming establishment	25a
Animal hospital, veterinary clinic, animal boarding place or animal grooming salon	25
Apartment building used by a college (mixed use)	8
Assembly halls	20a
Automobile parking lot or parking garage	55
Automobile storage garage	55b
Automobile upholstery shop	53
Automobile, truck, or boat and nonresidential trailer sales or rentals	52
Banks and offices	37
Bicycle and moped sales and service	52b
Building contractor and related construction contractors	68
Buy-back center for recyclable aluminum, glass, paper, and plastics	82d
Catering services	49b
Child care center	20c
Child sitting center	20e
Church or other place of worship	11
Clothing stores and dry goods	34
Club or lodge	20
Cocktail lounges and taverns	48b
College dormitory	7a
Craft shops	36b
Cultural facilities	19
Day nurseries and kindergartens	20b
Department stores	39
Design shop and testing of new products	58a
Electronic, video or mechanical amusement game arcade	29a

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CITY OF SAVANNAH ZONING ORDINANCE

B-C Zoning District List of Uses with Standards

Key: X = Permitted; B = Permitted with BOA approval; B2 = Less than 10 acres require BOA approval and more than 10 acres permitted only within a PUD district

landscaped area or in such a fashion as to obstruct any entrance, exit or public way.		
(30)	Indoor shooting range	B
	a. Indoor target range shall meet U.S. Government Design Standards prepared by the Public Buildings Service, General Service Administration, as set forth in the "Construction of Indoor Rifle and Pistol Range," published by the National Rifle Association.	
	b. The indoor target range shall be of soundproof construction whereby the sound from the discharge of any firearm shall not be transmitted across any adjoining property line.	
(32)	Food stores and drugstores	X
	Drugstores, meat market, bakery products, dairy products, confectionery shops, and stores of a similar nature.	
(32a)	Sale of beer and wine by the package when incidental to other principal retail use.	X
(32c)	Plant and produce shops	X
	Provided that a site plan shall be submitted and approved under the provisions of section 8-3031. The design and location of any outdoor sales and storage activity shall be permitted only in conformance with the approved site development plan.	
(33)	Personal service shops	X
	Barbershop, beauty shop, health club, massage parlor "as an incidental use," shoe repair, dry cleaning and laundry pick-up station, laundromats, watch repair and services of a similar nature.	
(34)	Clothing stores and dry goods	X
	Shoestore, men's shops, women's shops, variety stores and stores of a similar nature.	
(35)	Home furnishing and hardware	X
	Appliance store, hardware store, paint store, appliance repair, sporting goods store, furniture store, and stores of a similar nature;	
	Provided, that, unless permitted in these regulations, an incidental storage yard within the B-C, B-G, BG-1, and B-H districts shall be only permitted subject to the following provisions:	
	a. Access to or from the storage yard shall not be from a minor or collector street serving R zoned districts or residentially developed properties.	
	b. A site plan shall be submitted to and approved by the MPC under the provisions of section 8-3031 herein, prior to the establishment of a storage yard. Provided that the MPC may require a minimum eight-foot-high, solid, architecturally compatible with the area and finished masonry fence with supplemental landscaping established along the exterior of the fence.	
	c. No materials shall be stacked or stored above a height that can be seen from outside the fenced area.	
(35a)	Furniture repair	X
	Including furniture refinishing, refurbishing and upholstery shops	
	a. Provided, all business, display, and work area conducted wholly within the confines of the building; and unless storage yards are permitted in this district, no outside storage shall be permitted.	
	b. No residential dwelling unit shall be located within the same structure where furniture refinishing or refurbishing work utilizes chemicals, paints, paint thinners, varnishes, or similar products.	
(36a)	Specialty shops	X
	Specialized retail sale shops which are normally associated with and restricted to general gift items, or special-interest boutique items. Such shops shall include gift, candy, florist, jewelry, craft, hobby, book, video, clothing shops; interior decorating sales; bicycle rental, excluding bicycle sales and repair; and stores of a similar nature not to include adult bookstores as defined in this section, adult video stores, or the sale or distribution of any obscene materials as set forth in O.C.G.A. § 16-12-80.	
(36b)	Craft shops	X
	Gift shops which produce goods used for special orders and/or for sale in specialty craft shops.	
(36d)	Tattoo studio	X
	Provided, however, within the B-C district:	
	a. Such use shall be located a minimum of 300 feet from any residentially-zoned area, dwelling, church, school, government-owned or managed building open for public assembly, or park. Such measurement shall be the horizontal distance between the property line of the proposed tattoo studio and the nearest residential zoning line or the property line of any dwelling, church, school, or park, unless specifically approved by MPC under the provisions of section 8-3031.	
	b. Such use shall be located a minimum of 500 feet from any existing tattoo studio. Such measurement shall be the horizontal distance between the nearest property lines of the proposed and existing tattoo studios.	
(37)	Banks and offices	X
	Banks, office buildings, loan agencies, professional offices, business offices, and facilities of a similar nature.	
(37a)	Mixed use, nonresidential	X
(37b)	Mixed use, residential	X
(38)	Janitorial services contractor	X
	Provided that:	
	a. Cleaning chemicals shall not be stored on a site occupied by a residential dwelling.	
(39)	Department stores	X
(39d)	Sale and display of monuments and stones	X
	Provided sale and display are conducted wholly within the confines of the building.	
(40)	Photography studio	X
(41)	Funeral homes and crematory	X
(42)	Ambulance service or rescue squad	X
(43)	Radio and television towers (including radio and television tower farms)	X

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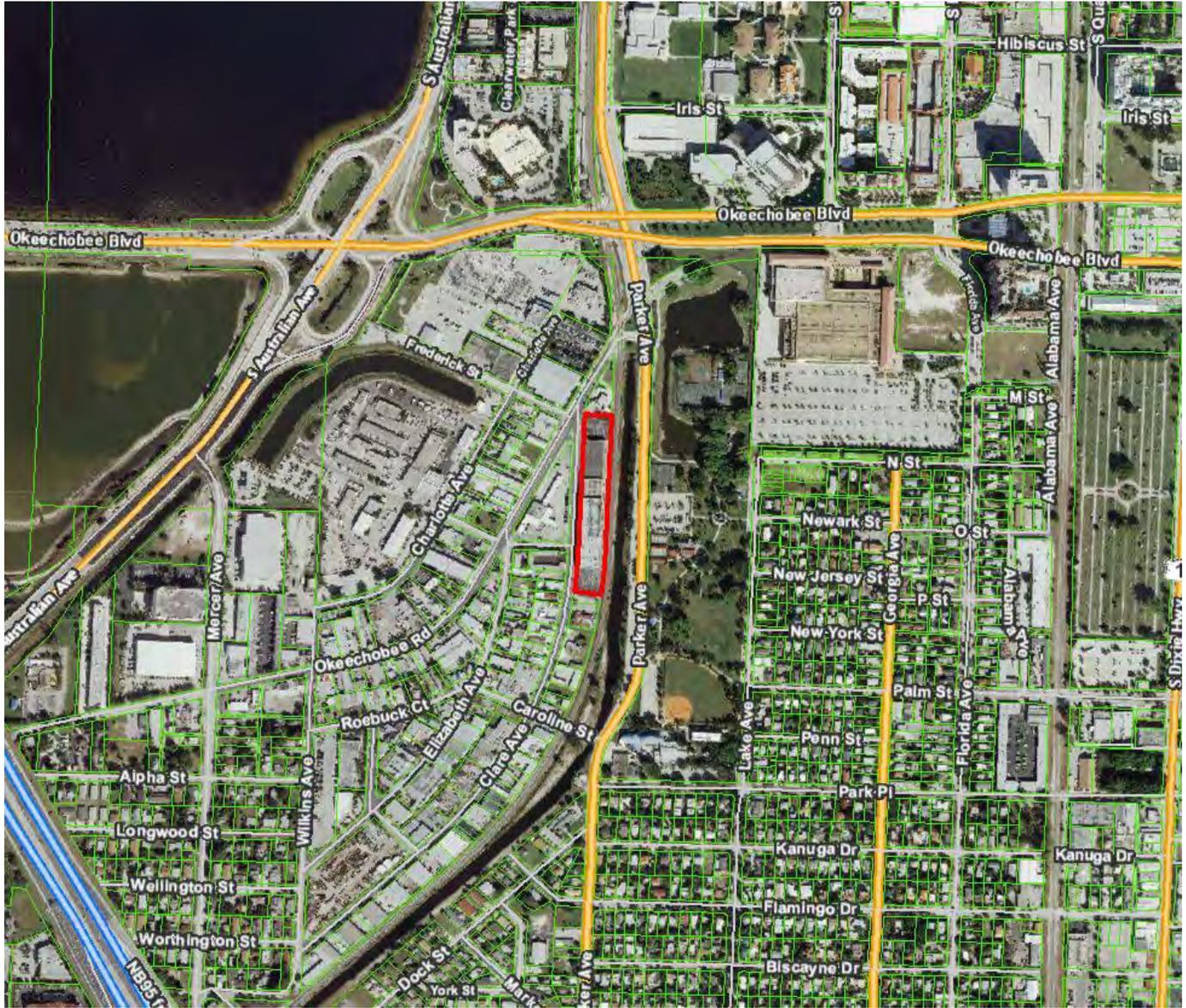
CITY OF WEST PALM BEACH ZONING BOARD OF APPEALS

Meeting Date: May 2, 2013

Zoning Board of Appeals Case No. 3296

1016 Clare Avenue – **Class B Special Use Permit**

Location Aerial



Site outlined in red.

I. REQUEST

A request by Christopher Barry, AICP, Planner, of Jon E. Schmidt & Associates, Inc., on behalf of Vendemar, LLC Applicant, to **operate an indoor shooting range within an Industrial (I) zoning district and a waiver to allow the use within 1,000 feet of a residential zoning district.**

The **2.6 acre site** is located at 1016 Clare Avenue and is located within Commission District No. 5 – Commissioner Shannon Materio.

ATTACHMENT K
Additional Standards – Gun Clubs and Shooting Ranges
Section 94-273(d)(29)

a. Additional application requirements. None.

Findings:

COMPLIES

The City's ZLDR's do not have additional application requirements other than those previously mentioned in the staff report including Sections 94-36(e)(3), Section 94-36(e)(4), 94-273(d)(29), 94-273(a)(2) of the City of West Palm Beach Zoning and Land Development Regulations (ZLDRs).

b. Additional standards:

1. All facilities shall be located within an enclosed building.

Findings:

COMPLIES

As previously indicated within this report, the shooting range is proposed to operate completely within an existing, enclosed building located at 1016 Clare Avenue.

2. Buildings shall be constructed and operated in such a manner that gunshots and related noise will not be detectable at adjoining property lines. Buildings shall be completely air conditioned.

Findings:

COMPLIES

The shooting range is proposed to operate within an existing, enclosed building with air conditioning and will be properly retrofitted with noise prevention and safety barriers to prevent any detectable noise relating to the gunshots. Detailed information pertaining to the safety and noise precautionary measures are included as Attachments E, F & G.

3. Minimum distances. One thousand feet from any residential zoning district as measured from property line to property line, without regard to intervening structures or objects.

Findings:

WAIVER REQUESTED

As indicated in previous sections of this report, the shooting range is proposed to operate at a location within 698.2 feet from the closest residential zoning districts which is separated by the CSX tracks, Stub Canal, Howard Park and Parker Avenue.

(29a) Electronic, video or mechanical amusement game arcade (excluding movies, film or photographic machines)	X
a. Such use shall front onto a major or secondary arterial, as shown on the street classification map of the city.	
b. No alcoholic beverages shall be sold or consumed on the premises.	
c. At least one class II bicycle parking space shall be provided for every three game machines. Bicycle racks shall not be located in any required motor vehicle parking space or landscaped area or in such a fashion as to obstruct any entrance, exit or public way.	
(30) Indoor shooting range	-
a. Indoor target range shall meet U.S. Government Design Standards prepared by the Public Buildings Service, General Service Administration, as set forth in the "Construction of Indoor Rifle and Pistol Range," published by the National Rifle Association.	
b. The indoor target range shall be of soundproof construction whereby the sound from the discharge of any firearm shall not be transmitted across any adjoining property line.	
(31) Drive-in theater	-
a. The theater screen, projection booth or other building shall be set back not less than 50 feet from any property line.	
b. Driving and parking areas shall be treated with a suitable material(s) to prevent dust.	
c. Ingress and egress from a public street shall be so designed and constructed as to provide for safe traffic movement.	
d. Central loud speakers shall be prohibited.	
e. The theater screen shall not face an expressway, major arterial or secondary arterial.	
f. The theater shall be enclosed by a wall or fence of adequate height to screen the parking area from view of surrounding property. Such fence shall be separated from adjoining property by shrubbery and landscaping.	
Retail Sales and Services:	
(32) Food stores and drugstores	X

INDOOR SHOOTING RANGE
(TITLE 30)

ALDEBARAN AVE/POLLUX AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-0277-11 – S & S PHILPOTT, LLC:

USE PERMIT for a recreational facility (indoor shooting range).

WAIVER OF DEVELOPMENT STANDARDS to reduce parking in conjunction with an existing office/warehouse on 0.5 acres in an M-1 (Light Manufacturing) Zone in the MUD-1 Overlay District.

Generally located on the southwest corner of Aldebaran Avenue and Pollux Avenue within Paradise. SB/jt/ml (For possible action)

RELATED INFORMATION:

APN:

162-17-110-029

WAIVER OF DEVELOPMENT STANDARDS:

Reduce parking to 14 spaces where 33 spaces are required (a 58% reduction).

LAND USE PLAN:

WINCHESTER/PARADISE - COMMERCIAL TOURIST

BACKGROUND:

Project Description

General Summary

- Site Acreage: 0.5
- Project Type: Recreational facility (indoor shooting range)
- Number of Stories: 1
- Building Height: 16 feet 8 inches
- Square Feet: 9,000
- Parking Required/Provided: 33/14

Site Plan

The site plan depicts an existing office/warehouse building located on the northeast portion of the site. A one-way ingress drive aisle from Aldebaran Avenue is located on the south side of the building. The drive aisle connects to 14 existing parking spaces located on the west side of the building then exits to the north onto Pollux Avenue. A site inspection revealed that the parking area is currently enclosed by a chain link security fence with barbed wire. According to the applicant, the chain link fence will be removed.

A waiver of development standards is necessary to reduce the parking to 14 spaces where 33 spaces are required. Minimum parking standards are calculated at 1 space per shooting stall plus 4 spaces per 1,000 square feet for all other building area. The plans indicate 13 shooting stalls (including 3 stalls to be built at a later time) and 4,800 square feet of building area in addition to the shooting areas.

Landscaping

Existing mature landscaping, including cacti and palm trees, is located along Aldebaran Avenue and Pollux Avenue. No changes to the landscaping are proposed.

Elevations

The existing building consists of concrete block and a flat parapet roof. A main entrance with glass doors and 3 windows face east toward Aldebaran Avenue. The west elevation contains 3 doors, the north elevation contains 1 window, and the south elevation is a blank façade.

Floor Plans

The main entrance from Aldebaran Avenue includes a sign-in/orientation/sales area. Beyond the entrance area are 2 offices, a storage room, a mechanical room, and 2 restrooms. West of this area, patrons must pass through a secure area to enter a loading room, the armory, or 2 shoot rooms. This area also includes 8 stalls for a shooting range and 2 stalls for a VIP shooting range. A portion of the building can accommodate 3 future shooting ranges; however, this area will remain undeveloped at this time.

Signage

Signage is not a part of this application.

Justification

According to the applicant, a recreational facility (indoor shooting range) is appropriate at this location. The business will cater to tourists, and as a result, the majority of patrons will arrive by taxi, limousine, or shuttle bus. Therefore, the applicant believes both the use and the parking reduction will not have a negative impact on the area.

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North & East	Commercial Tourist	M-1	Office/warehouse
South	Commercial Tourist	M-1	Adult bookstore
West	Commercial Tourist	M-1	Towing service yard

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis

Current Planning

Use Permit

The subject site is located within the “Resort Corridor,” and Goal 19 of the Winchester/Paradise Land Use Plan encourages a concentration of development with a mixture of uses including recreation. The “Resort Corridor” is the prime activity center of the Winchester/Paradise

planning area, and the proposed recreational facility (indoor shooting range) will provide another activity for tourists visiting Las Vegas. **With proper sound attenuation to the building to eliminate exterior noise from firearm discharges, staff does not anticipate any negative impacts to the surrounding properties from the proposed use.**

Waiver of Development Standards

Since the site is located within the resort corridor and a variety of transportation options are readily available, staff can support the reduction in parking. Goal 1 of the Winchester/Paradise Land Use Plan encourages compact development forms, and Policy 1.1 encourages reduced automobile dependence. Abundant paved parking spaces contribute to sprawling land use patterns, increase automobile dependence, degrade water quality by increasing urban water runoff, and increase the urban heat island effect. By right-sizing parking requirements; not installing excessive parking spaces; and utilizing alternative transit options such as taxis, limousines, shuttles, and buses; development patterns can become more compact, environmentally friendly, and walkable.

By reducing the parking requirement, the applicant is able to utilize an existing building within the “Resort Corridor” consistent with Policy 1.3, which encourages infill and redevelopment in existing urbanized areas. The applicant’s plan to utilize taxis, limousines, and shuttle buses rather than individual automobiles will enable the reuse of a vacant building while not altering the established urban form of the area.

Southern Nevada Health District (SNHD) – Septic System Program

There is an existing commercial septic system, permit #SE448, installed on the property in September 1964. The existing commercial septic system (1,000 gallon septic tank and 600 square feet leach field) appears to be under pavement and/or subject to vehicular access/traffic based on a recent aerial photograph of the property. This is an apparent violation of SNHD Regulations. Furthermore, the average lifespan of a septic system is 30 years and the existing septic system has been in operation for over 46 years. An inquiry with the Clark County Water Reclamation District (CCWRD) on June 23, 2011 revealed that the property does not have an active public sewer service account. The applicant was notified of SNHD requirements via email on June 24, 2011.

Staff Recommendation

Approval.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Comprehensive Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Current Planning

- **Provide the necessary sound attenuation so firearm discharges are not audible/discernable from outside of the building;**
- Remove chain link security fences located within the drive aisles and parking area (the fences along the west and south property lines can remain);

- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection;
- All applicable standard conditions for this application type.
- Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time; and that this application must commence within 2 years of approval date or it will expire.

Public Works – Development Review

- No comment.

Southern Nevada Health District (SNHD) – Septic System Program

- Applicant is advised that there is an apparent compliance issue with the existing commercial septic system, permit #SE448, installed on the property in September 1964; public sewer appears to be available within 400 feet to the nearest property line from the Clark County Water Reclamation District (CCWRD), therefore, a new septic system permit cannot be issued by SNHD; public sewer connection may be required to resolve the apparent compliance issue. Proof of sanitation (septic system or public sewer clearance) is required prior to the issuance of any building permit; please contact CCWRD Engineering Planning Services at (702) 668-8160 for more information about public sewer connection requirement; and that when public sewer connection is finalized, the existing septic system must be abandoned/removed pursuant to Section 17 of the SNHD Regulations.

Clark County Water Reclamation District

- Applicant is advised that public sanitary sewer is located within 400 feet of the parcel.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: Stephen Philpott

CONTACT: Taylor Consulting Group, LLC, PO Box 750521, Las Vegas, NV 89136

CITY OF GRANBURY

ZONING ORDINANCE

**November 20, 2001
Ordinance #01-819**

**Revised February 4, 2014
(Ordinance #14-596)**

within local or State regulations (cut produce, packaged, prepared or canned food, oil & garlic, etc.) and any operation or sales shall be in accordance with the Texas Food Establishment Rules (TFER).

31. Indoor Shooting Range

- a. No person shall engage in the operation or be employed within an indoor shooting range unless such person has passed a criminal background check administered by the Chief of Police. This shall also be a requirement prior to any transfer or assignment to a new operator, or any time a Certificate of Occupancy is required within Section 1.10.G.
- b. Indoor shooting ranges shall have walls, ceilings, and floors that are impenetrable to the ammunition discharged by firearms being used within it or have internal baffling built so that the ammunition discharged cannot hit the walls or ceiling. Doors and windows which are in front of the firing points must be bolted from the inside and must comply with this subsection as part of the building walls at all times the facility is in use. Gas projectiles and incendiary devices shall not be used in such facilities. Protective stalls shall be built between each firing point used for the discharge of a pistol.
- c. Indoor shooting ranges shall be constructed and insulated in such a manner that prevents sound from the discharge of firearms within the facility to escape outside the premises or disturb the peace of other persons outside the premises. Hearing protectors, which fully cover the shooter's ears, shall be provided by the indoor shooting range, made available for all shooters or other persons in the firing area, and are required to be worn at all times in the firing area.
- d. Nothing in this ordinance shall be construed to exempt any indoor shooting range, its construction, remodeling, or operation from any applicable city, state, or federal law, rule, or regulation.
- e. All indoor shooting range instructors shall be certified by the National Rifle Association or by the State of Texas.
- f. All operators of indoor shooting ranges shall keep and maintain any legally required records regarding the use of the range and the sale of firearms and ammunition by the operator. All such records shall be open for inspection during all hours of operation by the Chief of Police or his/her designee. The Chief of Police or his/her designee shall also have the right to inspect the operation of the indoor shooting range during all hours of operation to verify the safe operation of the facility. Should the Chief of Police determine that a violation exists which may compromise public health or safety, the Chief of Police may at any time, suspend or revoke the SUP ceasing the operation of the indoor shooting range. If the Chief of Police suspends the SUP for minor infractions or violations, such operation may be continued once the outstanding issues have been remedied to his/her satisfaction. If the Chief of Police revokes the SUP major infractions violations or safety concerns, a new SUP application shall be submitted by the City within 60 days of revocation by the Chief of Police. The previous SUP holder shall be responsible for providing any and all documentation necessary for a complete SUP application submittal and any supporting information addressing the reason(s) for revocation. The SUP application shall be considered a new application under Article 11 of this Ordinance allowing the Planning and Zoning Commission and City Council full discretionary review.
- g. It shall be unlawful and an offense for any owner, manager, operator, or employee of an indoor shooting range to permit any person or persons to bring any intoxicating liquor, intoxicating substance, low point beer, controlled dangerous substance or other intoxicating compound or dangerous substance on the premises of any indoor shooting range; to permit the consumption of the same on the premises; or to permit them to be left at any place on the premises. It shall be unlawful and an offense for any person operating a range to permit any intoxicated or chemically impaired person to be or remain on the premises.
- h. It shall be unlawful and an offense for any person to discharge any firearm within an indoor shooting range in a manner that violates any provision of this article or so that the shot, projectile, bullet, or fragments avoid the backstop and other safety precautions and escape

the confines of any indoor shooting range causing bodily injury to a person on the premises. An owner, manager, operator, employee, or agent of an indoor shooting range shall supervise the users of the facility and shall remove and bar from the premises any person who refuses to comply with generally accepted safety practices, within the provisions of this ordinance or comply with the rules and regulations concerning safety imposed by the operator.

- i. All shooting shall be supervised by an adult at all times.
- j. Any safety precautions recommended by the Chief of Police shall be complied with.

32. Heliports and Helistops located at a designated governmental owned airport regulated by the Federal Aviation Administration and within an Industrial 'I' zoned district shall be considered a "Permitted Use" (P) [by-right' activity]. A Specific Use Permit (SUP) or 'S' shall be required for all other Heliports and Helistops which fall outside of this definition and which are located within the appropriate zoned district.

33. A canopy or awning covering an order board or order menu structure for a drive-through restaurant may encroach into the side or rear commercial building setback as established for the particular zoning district of the property. The entire structure, including the support column, must maintain a minimum 5' setback from all property lines. The canopy or awning may not cantilever beyond the 5' setback. The canopy or awning may not exceed 64 sq. ft. and must be constructed with a single support column. Any canopies or awnings greater than 64 sq. ft. or constructed with multiple support columns must adhere to the building setbacks for the primary structure. One canopy or awning is permitted for each order board or menu structure.

34. May not be located within 300 feet of any property zoned for a residential use or any property which is occupied by a church, public school, day care or nursing home. Notwithstanding the foregoing, the distance set forth may be encroached into if persons within 300 feet owning the adjacent property zoned for a residential use or any property which is occupied by a church, public school, day care or nursing home agree in writing. In the event that 100% of the adjacent property owners within 300 feet do not agree in writing then P&Z may recommend and City Council may approve the encroachment by an affirmative three-fourths (3/4) vote if no adverse impact is determined. The measurement of distance shall be measured as a radius from the edge of the property line.

35. Any business which uses the operation of motor vehicles on site, such as go cart tracks, or utilizes a public address (PA) system shall not be located within 500 feet from any residentially zoned or used property. Notwithstanding the foregoing, the distance set forth may be encroached into if persons within 500 feet owning the adjacent residentially zoned or used property agree in writing. In the event that 100% of the adjacent property owners within 500 feet do not agree in writing then P&Z may recommend and City Council may approve the encroachment by an affirmative three-fourths (3/4) vote if no adverse impact is determined. The measurement of distance shall be measured as a radius from the edge of the property line.

Harker Heights, Texas

§ 130.46 INDOOR SHOOTING RANGE.

In addition to any other requirements imposed by this code or other law, any person who owns or operates an indoor sport shooting range located in the city must comply with the requirements of this section.

(A) The owner must validly hold all federal, state and local permits, licenses and approvals required for the lawful ownership and operation of the facility.

(B) The facility structure and systems must be designed and constructed to meet or exceed all applicable standards and practices set forth in the most recent edition of the National Rifle Association Range Source Book, and in such a manner that no projectile discharged from a firearm within the structure may escape from the area within the structure where shooting is permitted.

(C) The building structure and systems must meet or exceed all applicable federal, state and local rules and regulations.

(D) One or more signs clearly indicating the maximum permissible ammunition calibers and projectile velocities, and prohibiting the use of ammunition exceeding such maximums, shall be conspicuously posted so as to be readily visible to persons in the designated shooting area.

(E) The facility must be designed, maintained and operated in such a manner that the discharge of any firearm within the designated shooting area will not produce a noise level exceeding 75 dB in any other area within the structure as measured with a precision sound level meter using the impulse mode and an "A" weighting network.

(F) The facility must be designed, maintained and operated in such a manner that discharge of any firearm within the facility structure may not produce a sound that is plainly audible to a person or ordinary sensibilities on any property not subject to the ownership or control of the owner of the facility.

(G) The owner or operator shall maintain a commercial general liability insurance policy providing minimum premises/operations coverage of \$500,000 per occurrence and \$1,000,000 in the aggregate on an occurrence basis. The policy must be provided by an insurer licensed by the Texas Department of Insurance, and must be endorsed to name as

additional insured the city, its elected and appointed officials, and employees acting within the scope of their duties. Prior to opening for business the facility owner or operator shall deliver a certificate of insurance and copies of all endorsements for additional insured to the Building Official, and thereafter at least ten days prior to the expiration of such policies. The facility owner shall prominently display a sign at the facility stating that the owner or operator has purchased liability insurance to cover activities at the facility.

(Ord. 2013-21, passed 8-13-13)

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

SITTING AS THE DISTRICT COUNCIL

Legislative Session _____ 1991 _____

Bill No. _____ CB-4-1991 _____

Chapter No. _____ 4 _____

Proposed and Presented by Council Member Mills _____

Introduced by _____ Council Member Mills _____

Co-Sponsors _____

Date of Introduction _____ February 19, 1991 _____

ZONING BILL

AN ORDINANCE concerning

Rifle, Pistol, or Skeet Shooting Range

FOR the purpose of permitting an indoor Rifle, Pistol, or Skeet

Shooting Range in the I-4 Zone.

BY repealing and reenacting:

Section 27-473(b)(6),

The Zoning Ordinance of Prince George's County, Maryland,

being also

SUBTITLE 27. ZONING.

The Prince George's County Code

(1987 Edition, 1989 Supplement)

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, sitting as the District Council for that part of the Maryland-Washington Regional District in Prince George's County, Maryland, that Section 27-473(b)(6) of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same is hereby repealed and reenacted with the following amendments:

SUBTITLE 27. ZONING.

PART 7. INDUSTRIAL ZONES.

DIVISION 3. USES PERMITTED.

Sec. 27-473. Uses permitted.

(b) **TABLE OF USES**

USE	ZONE			
	I-1	I-2	I-3	I-4
(6) RECREATIONAL/ENTERTAINMENT/SOCIAL/ CULTURAL:				
* * * * *				
* [Shooting range] Rifle, pistol, or skeet shooting range:				
(A) Indoor ²⁰	P	P	X	[X]

(B) Outdoor SE SE X X

* * * * *
*

²⁰ Provided there is no discernible noise from the exterior of the building.

SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect on the date of its adoption.

Adopted this 26th day of March, 1991.
COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S
COUNTY,
MARYLAND

BY: _____
Richard J. Castaldi
Chairman

ATTEST:

Maurene W. Epps
Acting Clerk of the Council

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.

Holly Hill, Florida, Code of Ordinances

>> PART II - CODE OF ORDINANCES >> Chapter 114 - ZONING

>> ARTICLE III. - SUPPLEMENTARY DISTRICT REGULATIONS

>> DIVISION 2. **SPECIAL EXCEPTIONS** >>

Sec. 114-697. **Indoor shooting ranges**, permanent link to this piece of content

Indoor shooting ranges are permitted as special exceptions, provided gunfire shall not be detectable by a person with average hearing ability, unaided by any mechanical or electronic device, from any point on adjoining properties or, if the property on which the range is located abuts a public roadway, from the farthest edge of the traveled portion of the roadway (the pavement edge).

(Ord. No. 2471, § 2, 6-24-97)



STAFF REPORT

City of Holly Hill

Community Development Department

Board of Planning and Appeals *Agenda Item*

DATE: April 18, 2013
SUBJECT: Florida Gun Exchange PUD Amendment
APPLICANT: Berkshire Investment Holdings Inc.
NUMBER: Z-2013-04
PLANNER: Thomas Harowski, AICP

INTRODUCTION:

The applicant is seeking to amend the current planned unit development agreement to allow a side yard setback of eight feet along the northern property line and rear yard setback of ten feet along the western property line. This request is presented as an amendment to Ordinance 2904 which adopted the current PUD.

BACKGROUND:

In November 2011 the City Commission, with the favorable recommendation of the Board of Planning and Appeals, approved a planned unit development for 1050 Nova Road. Subsequent to the approval of the PUD, the property owner completed modifications to the building and opened the Florida Gun Exchange. When the PUD was approved, an indoor shooting range was included as a permitted use, but a shooting range was not included in the initial project. The Florida Gun Exchange now desires to add an indoor shooting range along the north side of the existing building. In order to fit the shooting range into this area, the side and rear building setbacks need to be modified. Since a variance is not appropriate, the applicant is seeking an amendment to the dimensional requirements set in the PUD.

DISCUSSION:

The applicant has submitted a concept plan showing the proposed addition for the indoor shooting range. A copy of the concept plan is attached for your review. The current PUD agreement requires a side yard setback of 20 feet while the proposed plan shows a setback of eight feet. The PUD agreement requires a rear yard setback of 30 feet while the proposed plan shows a proposed setback of ten feet.

STAFF REPORT

City of Holly Hill Community Development Department

Other commercial districts along Nova Road are CC-1, B-4 and B-5. The following table shows the rear and side yard setbacks for these zoning classifications in comparison to the current PUD agreement and the proposed concept plan.

Zoning Classification	Side Yard	Rear Yard
Current PUD	20	30
Proposed Plan	8	10
CC-1	10	15
B-4	10	5
B-5	10	20

The table shows that the proposed side of eight feet is relatively close to the side yards required by the commonly applied zoning classifications along Nova Road. The proposed rear yard setback of 10 feet is smaller than the CC-1 and B-5 zoning but larger than the B-4 zoning. An amendment to the PUD to allow smaller setbacks as requested could be defined to limit the smaller setbacks to specific areas of the site.

The site does include a 6-foot PVC fence along the north (side) property line and the abutting uses in this area are industrial in nature. The west (rear) property line has a 6-foot masonry wall that separates the project site from the single family homes along Linda Avenue.

Since the proposed use for the expanded building area is an indoor shooting range it may be instructive to look at the City rules for special exceptions involving indoor shooting ranges. These rules are presented in Section 114-697 which reads as follows:

STAFF REPORT

City of Holly Hill Community Development Department

Sec. 114-697. Indoor shooting ranges.

Indoor shooting ranges are permitted as special exceptions, provided gunfire shall not be detectable by a person with average hearing ability, unaided by any mechanical or electronic device, from any point on adjoining properties or, if the property on which the range is located abuts a public roadway, from the farthest edge of the traveled portion of the roadway (the pavement edge).

(Ord. No. 2471, § 2, 6-24-97)

We have a shooting range in the City located in a B-4 zoning classification that meets these requirements, and there have been no complaints about the operation. The setbacks in the B-4 zone are very similar to the proposed setbacks requested in the amendment. While the indoor shooting range in the PUD is a permitted use rather than a special exception, the special exception criteria highlight issues that need to be considered in reducing the required setbacks. The main issue of concern is the potential for noise impacts to adjacent properties, especially the residential areas to the west. The existing 6-foot wall will help with noise attenuation, and the building addition will include noise attenuation as well. We could consider additional buffering where the lesser setbacks are permitted. The PUD zoning format allows us to consider recommendations of this nature.

RECOMMENDATION:

Staff recommends amending the development standards for the PUD to reads as follows:

A. Development Standards.

1. Minimum lot area: 40,000 sq. ft.
2. Minimum lot width: 100 ft.
3. Minimum yard size:
 - a. Front yard – 30 ft.
 - b. Rear yard – 30 ft

(Rear yard may be reduced to 10-feet where a 6-foot solid masonry wall is maintained at the property line; no windows are included on the building wall; and a 10-foot buffer is provided between the building and the property line.)

- c. Side yard (south) – 20 ft.

STAFF REPORT

City of Holly Hill Community Development Department

- d. **Side yard (north) – 8 feet**
 - e. Waterfront yard – n/a
4. Minimum floor area: None
 5. Maximum lot coverage – 75%
 6. Maximum building height – 45 ft.
 7. Landscape buffer requirements – minimum of 10 ft. along front property lines.
 8. Project perimeter building setback – n/a
 9. Minimum building separation – 30 ft.
 10. Off-street parking requirements – as provided in current Holly Hill Code of Ordinances
 11. Signage requirements – as provided in current Holly Hill code of Ordinances including Full Color LED Signs. The LED portion of the sign shall not exceed 75% of the allowable sign area. All ground signs shall include a 100 square foot landscaped area.
 12. Open space and/or common are requirements – as provided in current Holly Hill Code of Ordinances
 13. Future building s shall meet the design standards of Section 114-639 established for the redevelopment overlay district.

The amended items are highlighted in bold text.