



PLANNING COMMISSION MINUTES

March 14, 2019

Chair Gary Poole called the meeting to order at 7:00 p.m.

The Planning Commission and audience joined in saying the Pledge of Allegiance.

Also, present were Commissioners, Kelly Hickler and Eliana Burke. Alternates Tracie Manske, Ruth Ann Nelson and Kimberly Rodell were present and seated for the vacant position, absent Commissioners Erik Frandsen and Duane Hopkins, respectively. Commissioner Richard Foerster was absent.

ADDITIONS TO OR DELETIONS FROM THE AGENDA

None

APPROVAL OF MINUTES

Commissioner Ruth Ann Nelson moved to approve the February 28, 2019 meeting minutes. Commissioner Tracie Manske seconded; a vote was taken and passed 6:0.

Prior to opening the public hearing, Chair Gary Poole asked the Planning Commissioners if they needed to disclose any conflicts of interest (*Planning Commissioners had none.*); advised the audience of the purpose of the use by special review; explained the public hearing protocol and the procedure for the public comment portion of the public hearing.

PUBLIC HEARING: OPENED: 7:09 P.M. MOST TRACT A PARKER HOMESTEAD FILING 1 1ST AMENDMENT - Use by Special Review (Back 40 Gun Range)

Applicant: John Prestwich, PCS Group, Inc.

Location: Generally located at the Northwest Corner of Chambers and Double Angel Roads

Department: Community Development, Paul Workman

TRAKiT No.: Z18-004

Paul Workman, Planner, presented information regarding the proposed Use by Special Review for the Back 40 Gun Range. Mr. Workman concluded with the determinations in the staff report and recommended the Planning Commission recommend Town Council approve the request subject to the nine (9) conditions in the staff report.

Planning Commission discussed with staff:

- any approved projects not yet built that are adjacent to the proposal; (*Staff said there are none.*)

- the exhaust air; (*Staff said the small arm range ventilation system will provide exhaust air at an average of 93.3 percent less than the allowable limit per Environmental Protection Agency (EPA) Lead emission rates.*)
- the locations where the noise level study was performed; (*Staff pointed out the locations on the slide containing the site map.*)
- the perimeter distance between the residential area and the site property; (*Staff said there is a distance of approximately 200 feet between the residential area and the proposed site.*)
- the location of the building on the site; *Staff said a site plan has not been submitted; more than likely, the building will be located relatively adjacent to the shared property line of the drainage pond on the westerly portion of the site.*)

APPLICANT PRESENTATION

Rion Buswell, 10032 Meadow Run, Parker, CO presented:

- examples of other gun range buildings; high caliber, family-friendly, shops, education and entertainment
- retail accessories for archery and fire arms will be available
- firearm sale security will be provided
- archery programs will be available
- that there is a 7 percent growth in the firearm industry
- educational opportunities will be provided
- operational procedures for check-in and rentals will be available
- agreement to meet and exceed conditions for approval

Planning Commissioners discussed with the applicant:

- how often the shooting lanes are reviewed for damage and repaired; (*Mr. Buswell said daily for safety.*)
- maintenance process when concrete is chipped away by bullets; (*Mr. Buswell said bullets glance the concrete wall and wouldn't actually chip it.*)
- how contaminants are filtered; (*Mr. Buswell said through a High Efficiency Particulate Air (HEPA) filter.*)
- notification process if HVAC system goes down; (*Mr. Buswell said he has an app on his phone that notifies him of HVAC functionality and there will always be an on-site manager, during operational hours, who can shut the facility down if necessary.*)
- if the shooting lanes are limited to pistols; (*Mr. Buswell said there are pistol and rifle ranges; the rifle ranges are 100 yards in length.*)
- the age limit for participants; (*Mr. Buswell said the range would follow applicable state laws for age restrictions.*)
- if a membership is required to use the range; (*Mr. Buswell said no; the facility will be open to the general public.*)
- the process for removing spent rounds from the rubber stopper; (*Mr. Buswell said he would have to hire a third party to come and mitigate the spent rounds to recycle the lead.*)

- the industry standards for frequency to remove the spent rounds; (*Mr. Buswell said the rubber stopper is cleared after approximately seventy to eighty thousand rounds are spent; monitored by the use of casings.*)
- if this is the first time he has opened a range; (*Mr. Buswell said yes.*)
- the timeline to open the facility; (*Mr. Buswell said his best guess was 18 months.*)
- the noise that could be heard from a resident sitting outside their home; (*Mr. Buswell said the goal is to be inaudible at the property line. Mr. Buswell introduced Jeff Kwolkoski, Wave Engineering, 1100 W Littleton Boulevard, Littleton, CO. Mr. Kwolkoski said the goal for the design of the building which hasn't been done yet, is to have the gunshots be inaudible. He said the term goal is used because everyone's hearing sensitivities are different.*)
- hours of operations; (*Mr. Buswell said operations need to be established; considering the hours of 9 a.m. to 9 p.m.; maybe close earlier on Sunday's.*)
- if the quick cadence of gun shots makes a difference in sound sensitivity perceptions; (*Mr. Kwolkoski said gun shots are considered impulsive noises that stand out over other background noises.*)
- if the inaudible goal will be a result of the building construction or of the existing background noise in the study areas; (*Mr. Kwolkoski said it will be a combination of both.*)
- if the second sound study has been done; (*Staff said no, the second sound study will be required at the time of site plan to ensure the design, construction methods and materials meet the conditions in staff's report.*)
- how sound complaints will be handled; (*Staff said complaints will be handled through Community Services with involvement of the business owner for resolution.*)

Tom Brinkman, Parker Homestead Development presented:

- the location of the building is set; it may shift inches not feet
- the building will be set approximately 200 feet from the nearest residential property line
- the sound study was conducted over two weekends and five days and there was band practice during the study
- they have a commitment to ensure residents will be able to enjoy the outdoors of their property; and to limit decibel levels to no more than 45 dBA measured 25 feet from the shared property line with the drainage pond to the west

Planning Commissioners discussed with the staff:

- why the sound study was required daily, as well as providing average numbers; (*Staff said the intent was to determine the ambient noise, as well as exceptional noises like dogs barking, lawn mowers, band practice, etc. to provide both noise levels.*)

PUBLIC COMMENT OPENED

The following citizens spoke against approval of the use by special review for the following reasons:

- the use is not in harmony nor compatible with the character of the surrounding areas and neighborhoods
- will cause significant air, water, or noise pollution
- will be detrimental to the health, safety or welfare of present or future inhabitants
- decreased property values
- the economic effects of lower property values on tax income
- potential for increased crime
- proposed location is not the correct location for the use
 - Shannon Fitzgerald, 11817 Deorio Street, Parker, CO
 - Ian Elfner, 15750 E Indian Brook Circle, Parker, CO
 - Jeff Alberty, 11731 S Flower Mound Way, Parker, CO
 - Logan Samuels, 9668 Paperflower Drive, Parker, CO
 - Kevin Wilson, 15751 E Meadow Vista, Parker, CO
 - Erika Aelmore, 15577 E Maiden Hair Lane, Parker, CO
 - Emily Suyat, 15608 Crystallo Drive, Parker, CO
 - Amy Camp, 15585 E Maiden Hair Lane, Parker, CO
 - Amelia Pierce, 15215 Auklet Street, Parker, CO

The following citizens spoke for approval of the use by special review for the following reasons:

- the use is in harmony and compatible with the character of the surrounding areas and neighborhoods
- will not cause significant air, water, or noise pollution
- will not be detrimental to the health, safety or welfare of present or future inhabitants
- will not decrease property values; the information that was present on decreased property values was outdated and based on outdoor gun ranges, not indoor gun ranges
- the economy will not be negatively affected due to retail sales at the range and other businesses in Parker by users of the range
- smash 'n grab crime of gun sellers happen where there are minimal security processes and equipment in place;
- Rion Buswell, business owner has agreed to all nine conditions for approval and is committed to meet and exceed all regulatory requirements for noise, pollution, safety; security and to give back to the community through education, programs and events
- the location is correct for the use and is a needed facility in the Town of Parker for shooting and archery lessons, safety, practice, jobs and the economy
- will be beneficial to scouting and other organizations that require proficiencies in those areas

- will be a great educational resource
 - Andrew Copland, 6544 S Trailway Circle, Parker, CO
 - Jeff Butler, 10737 Kimball Street, Parker, CO
 - Jeff Johnson, 22898 Addington Place, Parker, CO
 - Richard Rasperger(?), 10474 Shorepine Court, Parker, CO
 - Nate Becker, 15895 Savory Circle, Parker, CO
 - Chris Opfer, 11993 Triple Crown Drive, Parker, CO
 - Robert Wahl, 38636 County Road 5, Elizabeth, CO
 - Justin Salmon, 16480 E Hollow Horn Avenue, Parker, CO
 - Johnson Cobb, 11510 Juniper Lane, Parker, CO
 - Dennis Hopper, 6702 Chalet Circle, Parker, CO
 - Kristina Hesbol, 10506 Meadow Run, Parker, CO
 - Dr. Douglas Gordon Hesbol, 10506 Meadow Run, Parker, CO
 - Mark Gasper, 42241 Brokenhorn Circle, Parker, CO
 - Greg Lindsey, 19415 E Arcaro Creek Place, Parker, CO
 - Robert Ham, 11203 Latigo Lane, Parker, CO
 - Beatriz Sutton, 10907 Clifford Court, Parker, CO
 - Michael Hunton, 16396 Flintlock Court, Parker, CO
 - Gary Ingram, 15271 Auklet Street, Parker, CO
 - Calvin Craig, 19614 Culpepper Circle, Parker, CO
 - Matt Brookshier, 15048 Yellowthroat Street, Parker, CO
 - Lonnie Hutson, 15161 Auklet Street, Parker, CO
 - John Hatcher, 17511 Holyoke Court, Parker, CO
 - Jeff maudlin, 10445 Meadow Run, Parker, CO

PUBLIC COMMENT CLOSED

Planning Commission discussed with staff:

- if recent potential encroachment precautions would be taken in the design of the building; *(Staff said yes, they will be considered as part of the site plan review.)*
- clarification that the Town's share of the property tax revenue is not a big revenue source; *(Staff said yes that is accurate.)*
- confirmation that Parker Police will have input into the design; *(Staff said one of the proposed conditions is for the applicant to work closely with Parker Police for help with the design of the building to ensure that some of the safety concerns can be mitigated.)*
- if this were a retail establishment only would this be a use by special review; *(Staff said no; retail sales are a use by right.)*
- if that would include gun sales as a use by right; *(Staff said yes.)*
- if the engineer could address the concept of decibel stacking; *(Staff said yes and deferred to the engineer for a response. Mr. Kwolkoski said decibel math doesn't work like normal math with respect to decibel stacking. He explained how the math works.)*

Chair Gary Poole called for a 5 minute break and to resume the meeting at 9:08.

Chair Gary Poole resumed the meeting at 9:08.

Commissioner's discussion with the applicant and staff continued:

- if any other locations for development of the gun range were considered and the reasons for selecting this location; (*Mr. Buswell said they spent six months looking for properties with the correct zoning; traffic access; property footprint to accommodate the building type; that is how the current location was selected.*)
- if the condition that the applicant shall meet all EPA standards for the primary and secondary ambient air quality is for just the first year of business or for the life of the business; (*Staff said the conditions of approval are for perpetuity.*)
- the handling procedures for spent lead rounds; (*Mr. Buswell deferred to and introduced JC Clark, FFL Consultants. Mr. Clark addressed lead abatement and said FFL is one of seven consultancy firms commissioned by the fire arm industry; FFL is one of two consultancies that are commissioned by the industry to work with the Department of Justice and ATF building programs to protect and ensure compliancy of federal firearm licensees (ffls). He said this underwrites Rion's commitment to safety. He said today's ranges are more advanced in air quality and filtration. He said the systems have strict guidance measures to ensure levels are within EPA and Occupational Health and Safety Administration (OSHA) requirements. He said his company conducts ffls OSHA inspections of hearing conservation, lead abatement, personal protective equipment and other environmental, health and safety issues in the industry. He said their evaluations are stricter than OSHA's.*)
- if there requirements on transporting fire arms from vehicles to the range; (*Mr. Clark said Douglas County allows fire arms to be carried on properties; he said patrons of gun ranges typically have unloaded fire arms in cases, range bags or holstered.*)
- comparison of smash 'n grabs to other types of burglaries; (*Commander Joe Degenhart, Town of Parker Police Department (PD) said he didn't have comparison numbers but Parker PD doesn't see this use increasing crime. Mr. Clark added that some of the smash 'n grab numbers are outdated; he said through their efforts there has been a 27 percent reduction in ffls burglaries in the past year.*)
- issue of compatibility with the neighborhood; (*Staff said the area around the subject property has a variety of uses that includes sporting uses; recreational uses in terms of the trails, open space, drainage structures; single-family homes, and athletic fields, football and baseball stadiums; a church; all are a mix of uses. Staff said the addition of another sporting opportunity in the area with the mitigation of the identified concerns through the review process and conditions for approval determined compatibility.*)

PUBLIC HEARING: CLOSED: 9:18 P.M. MOST TRACT A PARKER HOMESTEAD FILING 1 1ST AMENDMENT - Use by Special Review (Back 40 Gun Range)

PLANNING COMMISSION DISCUSSION

Commissioner Eliana Burke said she believes all criteria and conditions have been met. She said she understands the concerns; she commended the student from Legend High School for speaking. She said the hope with this request is to educate the public on safety through training and public events. She said her understanding is that environmental concerns will be monitored in perpetuity and she supported recommending approval to Town Council.

Commissioner Kimberly Rodell thanked Mr. Buswell, as it appears he is highly regarded within the community and for the thoughtful development efforts for the use. She said she appreciated everyone's comments regarding guns as a big topic within society. She said she understands the issues with selecting locations; either it fits or it doesn't and she appreciated that other locations were researched for the use. She said this is a unique opportunity for the Town of Parker to have a local range that provides for long gun shooting. She said it appears the noise concerns have been carefully thought-out; the use meets the Parker 2035 Master Plan and includes education; educated gun owners are typically safer gun owners. She said if you look at the use from the perspective of football, baseball, shooting; shooting is a recreational sport and the use fits with other uses in the area. She said all that needs to be taken into consideration. She said she thinks this is a great project.

Commissioner Kelly Hickler said the decision can't be based upon opinions on what people like or don't like; it needs to be based upon the facts, does the use meet the criteria or not. She said some people like the use, others don't or the location. She said she is confident the use meets all nine criteria; all environmental concerns have been addressed and with the nine conditions the request goes beyond what other uses would have to meet.

Commissioner Ruth Ann Nelson concurred; she said the purpose of the use by special review is to give the community an opportunity to look at a project and determine if this is great or if it won't work for a, b, c or d. She said the applicant has addressed all the identified issues. She said she was particularly concerned with noise levels; she went through the noise study very carefully and she is convinced that staff and the consultant have done a good job preventing injury and loss of value in terms of enjoyment of the adjacent property owners. She said she was also concerned with pollution and the concept of lead poisoning; it doesn't take much to harm a child but through her research on the information that was presented, she said she is convinced that the air coming out of the range will be cleaner than the air within these chambers. She said she is confident air pollution will not be an issue. She said guns can be scary and having a facility that can educate the public on gun safety is better than just having a retail gun store. She credited Mr. Buswell with his desire to help the public through education, training and practice and meet the needs of the entire community. She applauded him for that and said she looked forward to the gun range.

Commissioner Tracie Manske agreed with the statements on education, the gun range being a benefit and that the applicant has gone above and beyond to address citizen concerns. She said she didn't see the compatibility with the neighborhood and the nearby school and disagreed with the Commissioners that all nine criteria are met. She would not recommend Town Council approve the use by special review request.

Chair Gary Poole thanked the members of the community with compliments on how they presented their points and recognized both points of view even though they might have had a different point of view; and gave credit for their points of view and then expressed theirs so nicely without being ugly or snarky. He said to their credit this was a nice discussion with community members that we need more of. He said he felt the applicant is committed to the nine conditions of approval in monitoring the environment and working with Parker PD to ensure a secure location that other applicants wouldn't commit to. He said this appears to be a high quality facility and that a lot of labor and effort has gone into the considerations for approval.

Commissioner Eliana Burke moved that the Planning Commission recommend Town Council approve the Use by Special Review, subject to the nine (9) conditions listed in staff's report. Commissioner Kimberly Rodell seconded; a vote was taken and passed 5:1 with Commissioner Tracie Manske voting against recommending approval to Town Council because the use is not in harmony nor compatible with the character of the surrounding areas and neighborhoods and therefore does not meet all nine criteria for approval.

PLANNING COMMISSION ITEMS

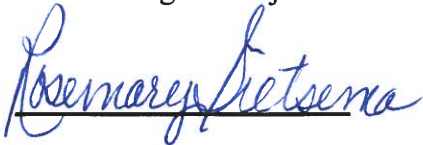
None

STAFF ITEMS

None

ADJOURNMENT

The meeting was adjourned at 9:28 p.m.



Rosemary Sietsema
Recording Secretary



Gary Poole
Chair