

FREDERICK COUNTY BOARD OF APPEALS
STAFF REPORT

Case Number: B-14-23

Hearing Date: July 24, 2014

Applicant: Old Line Arsenal, LLC
as represented by Peter D. Fitzpatrick,
of Weaver & Fitzpatrick, P.A.
47 East All Saints Street
Frederick, MD 21701

Appeal: Requesting a Special Exception to establish
a Shooting Range/C'lub

Location: Located on the west side of Thurston Road
(near 2220 Thurston Rd, Tax ID #07-233183,
Tax Map 105, Parcel 63)

Planning Region: Urbana

Zoning District: Resource Conservation (RC)

Comp. Plan Designation: Natural Resource

Applicable Ordinances: Sec. 1-19-3.210 Special Exceptions
Sec. 1-19-8.355 Shooting Range/Club
Sec. 1-19-11.100 Definitions

Background:

The subject parcel is zoned Resource Conservation (RC) and contains 262.6 acres.

Ordinance Section 1-19-11.100 defines *SHOOTING RANGE/CLUB – TRAP, SKEET, RIFLE, ARCHERY* as “A permanently located and improved area that is designed and operated for the safe use of trap, skeet, rifles, archery, pistols, shotguns, black powder or any other similar sport shooting at targets.”

Proposal:

The Applicant is requesting Special Exception approval to establish a shooting range/club on 15 acres of land leased from a 262 acre parcel to be used by law enforcement and military personnel as well as for the education of the general public in the best practices for legal and safe ownership and use of firearms.

The shooting range is proposed to include two outdoor ranges, one for long guns and another for handguns. Also proposed is an 80 foot x 250 foot building that will house classrooms on the 1st and 2nd floors with an indoor pistol range in the basement. The Applicant plans to provide 144 parking spaces with a planned capacity of less than 100 persons.

The Applicant specifies that hours of operation will be from 9am to 5pm Monday through Saturday. The facility will be closed on Sundays. The facility is anticipated to initially employ 3-4 full time professional positions and 1-3 part-time positions.

General Criteria – Special Exception:

Under the provisions of Section 1-19-3.210 of the County Zoning Ordinance:

- (A) An application for a special exception may be made only by persons with a financial, contractual or proprietary interest in the property for which a special exception is requested.

- (B) A grant of a special exception is basically a matter of development policy, rather than an appeal based on administrative error or on hardship in a particular case. The Board of Appeals should consider the relation of the proposed use to the existing and future development patterns. A special exception shall be granted when the Board finds that:
 - (1) The proposed use is consistent with the purpose and intent of the Comprehensive Development Plan and of this chapter; and
 - (2) The nature and intensity of the operations involved in or conducted in connection with it and the size of the site in relation to it are such that the proposed use will be in harmony with the appropriate and orderly development of the neighborhood in which it is located; and
 - (3) Operations in connection with the special exception at the proposed location shall not have an adverse effect such as noise, fumes, vibration or other characteristics on neighboring properties above and beyond those inherently associated with the special exception at any other location within the zoning district; and
 - (4) Parking areas will comply with the off street parking regulations of this chapter and will be screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.
 - (5) The road system providing access to the proposed use is adequate to serve the site for the intended use.

Specific Criteria – Section 1-19-8.355 Shooting Range/Club – Trap, Skeet, Rifle, Archery in the RC and A Districts

The following provisions shall apply to shooting range/club - trap, skeet, rifle, archery in the RC and A Districts.

(A) Indoor shooting ranges and structures associated with shooting ranges shall be located at least 250 feet from all property lines and public ways and 450 feet from occupied structures. Permanent structures shall be limited to those customarily associated with the principal use of the property as a shooting range.

(B) The setback of all structures not used for shooting ranges shall comply with the setbacks for principal structures in the districts in which they are located.

(C) The property must have a minimum of 20 feet frontage on a public road or adequate easement to be determined by the Board of Appeals.

(D) Shooting range/club - trap, skeet, rifle, archery with a planned capacity of 100 persons or more must have frontage and access on a paved public road. If the planned capacity is under 100 persons, there will be no specific road requirements other than the provision contained in § [1-19-3.210\(B\)\(5\)](#).

(E) A site development plan shall be submitted to and approved by the Planning Commission.

(F) Within the RC District, the requirements of § [1-19-7.200](#) of this Code will be met.

(G) Outdoor discharging of firearms or release of arrows shall not be permitted within 500 feet of any property line.

(H) Shooting ranges shall be constructed to eliminate danger to persons or property from flying projectiles. The area between the firing point and target shall be baffled, fenced, or otherwise shielded so that the fired projectiles cannot escape the range area. Safety design should be in accordance with accepted standards and practices.

(I) Shooting ranges shall practice lead containment/collection of projectiles with best management practices for the individual site in accordance with nationally accepted standards to maximize containment.

(J) The minimum lot size shall be 10 acres.

(K) The facility shall be designed so that topographic features of the site are used to enhance safety, minimize firearm noise, and maximize lead containment.

(L) Manner and times of operation shall be approved by the Board of Appeals.

(M) One freestanding sign no more than 15 feet in height and 25 square feet in area is permitted and shall be subject to the normal setback requirement for natural resources uses.

Action Required:

Staff requests that the Board review the general and specific criteria for Special Exception under Section 1-19-3.210 (*Special Exceptions*) and Section 1-19-8.355 (*Shooting Range/Club – Trap, Skeet, Rifle, Archery in the RC and A Districts*) and render a decision on the Applicant's request.