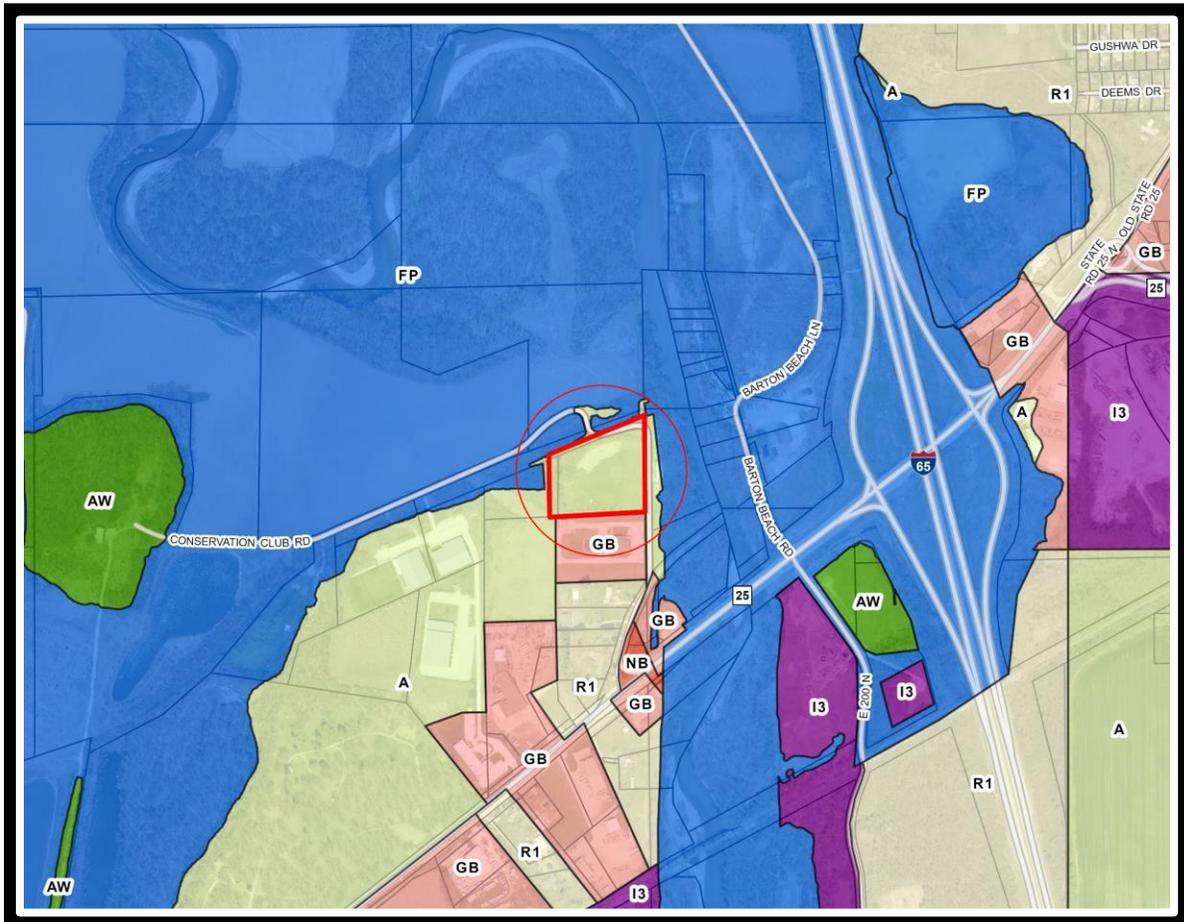

**BZA-2050 & BZA-2051
TIPPECANOE COUNTY CONSERVATION CLUB, INC.
Special Exception & Variances**

**STAFF REPORT
March 18, 2021**



BZA-2050 & BZA-2051
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Special Exception & Variance

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REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, who is also the owner, represented by attorney Tyler Ochs, is requesting a special exception (BZA-2050) to operate a shooting range (SIC 7997-membership sports and recreation clubs, gun and shooting clubs), operating 7 days a week, during daylight hours on 6.3 acres. The Agricultural-zoned property is located at 2799 Conservation Club Road. (UZO 3-2)

Petitioner is also requesting the following open use variances (BZA-2051) to build said outdoor shooting range for members:

1. To reduce the special setback to 50' from the minimum requirement of 300' from the north property line (side);
2. To reduce the open use setback to 145' from the minimum requirement of 300' from the south property line; and
3. To reduce the open use setback to 25' from the minimum requirement of 300' from the west property line;

on property located on Conservation Club Road, Fairfield, Longlois Reserve (N1/2) 23-4, (UZO 4-4-8).

AREA ZONING PATTERNS:

This property is zoned A, Agricultural, as is land to the east, north and west; a short distance out, Flood Plain (FP) zoning associated with the Wildcat Creek wraps around this land to the east, north and west. The property adjacent to the south is GB, General Business. The predominant zoning in the area is Flood Plain, Agricultural and General Business.

AREA LAND USE PATTERNS:

Land uses in the area vary; there is a plumbing contractor to the south, a sports club to the west with the Springvale Cemetery beyond that, and a veterinarian, to the south on Schuyler. The Conservation Club and a caretaker's residence is across the street to the east. Single-family homes line the west side of Conservation Club Road south of the plumbing contractor. The closest of these houses would be approximately 500' from the shooting range. Land in the Flood Plain zone to the north is either woodland or farmed.

STAFF COMMENTS:

Petitioner plans to expand its existing membership club by adding an outdoor shooting range. The proposed range would have 10 shooting lanes aimed to the northwest. The

lanes will be surrounded by mounds of dirt that vary in height from 13' to 6'. The ordinance requires an open use setback of 300' along the sides and rear of this use. According to the site plan the range would be surrounded with a mound of dirt varying in depth from 12' to 35'. The northern property line would be the side toward which the guns will be shot and the site plan shows a mound 35' wide and 13' high along this side. Staff cannot verify that the mounds' height and width as shown in the site plan are enough to promote the health, safety, convenience, and general welfare of the community because the ordinance does not regulate shooting range design. While the ordinance does not have specific design criteria for a shooting range, the applicant is expected to meet such requirements that exist at the state and federal level.

There is no buffering required for this use in the A zone. The site plan shows no outside lighting because the plan is to operate during daylight hours only. The petition states that the only noise from the range will be the sound of firearms being discharged. Staff is concerned about the noise generated and how it would negatively impact residences to the south as well as visitors to the cemetery farther to the west. The hours of operation, 9:00am until dusk, seven days a week, means firearms would be discharged until 9:00 or 10:00pm during summer months; this could be intrusive to residents to the south.

Although petitioner also owns a three-acre tract adjacent to the west, it has not been included in this request. This site, at 6.3 acres, is small and cannot contain a shooting range without sizable setback variances. The application states the gun range would be longer if the lot was larger. Staff maintains that because the range cannot operate without multiple variance requests, the site is not appropriate for the use.

Note: Because this site cannot be used as a shooting range unless the three setback variances are approved, BZA-2051 must be heard before the special exception request (BZA-2050). If the variances are denied, the special exception would not meet ordinance requirements and would have to be dismissed.

Regarding the ballot items:

1. The Area Plan Commission on March 17, 2021 determined that the variances requested **ARE NOT** use variances.

And it is staff's opinion regarding all three open use setback variances that:

2. Granting these variances **WILL NOT** be injurious to the public health, safety, and general welfare of the community. The shooting lanes are aiming to the north, shooting from the south, the reduced setback in this direction will not impact neighbors to the north because the adjacent use is farmland. Additionally, this area is heavily wooded. The petitioner owns the adjacent property to the west and there is a large power line that bisects the property.
3. Use and value of the area adjacent to the property included in the variance request **WILL** be affected in a substantially adverse manner. The nearest homes to this site are around 500' to the south; other houses are approximately 700' to the east across

Wildcat Creek from the property in this request. If the required 300' setbacks were in place, the additional distance would help provide a noise buffer; without the required setbacks, the proposed use could adversely affect the closest residences.

4. The terms of the zoning ordinance are being applied to a situation that **IS** common to other properties in the same zoning district. There is no peculiarity associated with this acreage (topography, shape of the lot) that makes the setback variances necessary. The property is simply too small for the requested use.
5. Strict application of the terms of the zoning ordinance **WILL NOT** result in an unusual or unnecessary hardship as defined in the zoning ordinance. A lot that is too small to meet the setbacks does not constitute a hardship.

Note: Questions 5a. and 5b. need only be answered if a hardship is found in Question 5 above.

5a. The hardship involved **IS** self-imposed or solely based on a perceived reduction of or restriction on economic gain. Obtaining a larger site, or using petitioner's adjacent property, would mitigate the need for these variances.

5b. The variances sought **DO NOT** provide only the minimum relief needed to alleviate the hardship. There is not adequate information about outdoor shooting ranges provided by the petitioner to verify minimum relief.

STAFF RECOMMENDATION:

Variance #1: Denial

Variance #2: Denial

Variance #3: Denial

Regarding the special exception request (BZA-2050):

At its meeting on March 3, 2021 the Executive Committee of the Area Plan Commission voted that granting this request would not substantially adversely affect the Comprehensive Plan.

Regarding the ballot items:

1. Section 3.1 of the Unified Zoning Ordinance **DOES** authorize the special exception for membership sports and recreation club in the Agricultural zoning district.

And it is staff's opinion that:

2. The requirements and development standards for the requested use as prescribed by the Unified Zoning Ordinance **WILL** be met if the ABZA approves the variances requested. The setbacks for open use are being varied by the petitioner.

3. Granting the special exception **WILL NOT** subvert the general purposes served by the Ordinance. This use is permitted in the A zone. Staff would prefer to see a shooting range further away from the city, but this site is in a sparsely populated pocket adjacent to the Wildcat Creek.
4. Granting the special exception **WILL NOT** materially and permanently injure other property or uses in the same district and vicinity because of:
 - a. Traffic generation: Conservation Club Road is lightly traveled and can handle the amount of new traffic generated due to the proposed use;
 - b. Placement of outdoor lighting: The site plan shows no additional outdoor lighting will be in place and they will operate during daylight hours; however

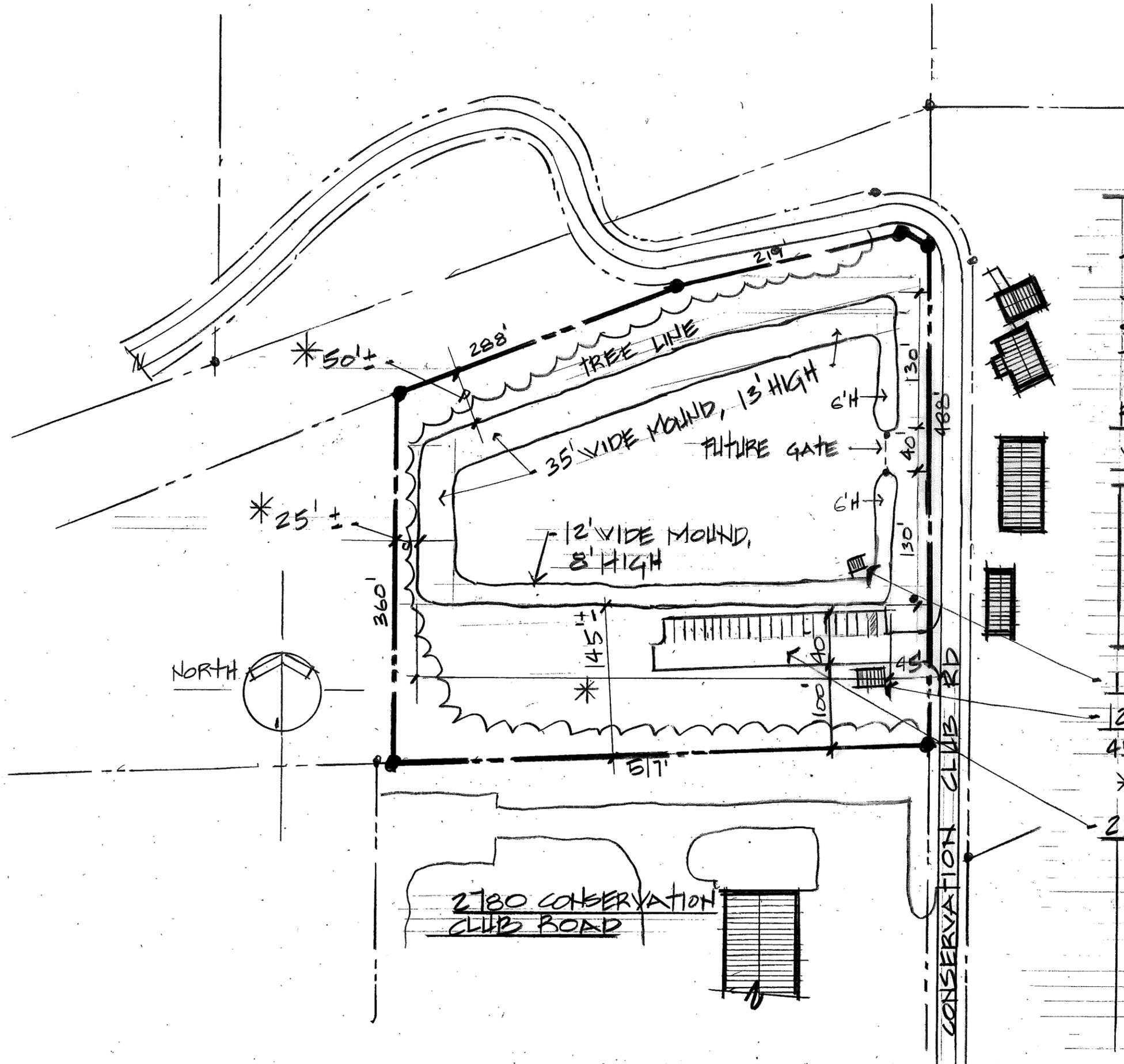
Granting the special exception **WILL** materially and permanently injure other property or uses in the same district and vicinity because of:

- c. Noise production: gunshots could be heard by residences farther to the south as well as mourners visiting the cemetery to the west; and
- d. Hours of operation: Seven days a week, during daylight hours would include evening hours as late as 10pm in the summer months; this would be injurious to the cemetery's peaceful nature and to residences' quiet evening hours.

STAFF RECOMMENDATION:

Denial

Note: A special exception approval ceases to be valid if the use is not established within one year of the date that the special exception was granted.



PROPOSED MOUNDS FOR

2199 CONSERVATION CLUB ROAD
 TIPPECANOE CO. CONSERVATION CLUB

JUNE 26, 2020
 SITE INFORMATION TAKEN FROM
 TIPPECANOE COUNTY GIS.
 SCALE 1" = 100'

REVISED FOR PARKING/BLDG 2-24-21

VARIOUS REVISIONS - PARKING 2-26-21

PERVIOUS/IMPERVIOUS AREAS	
SITE	= 261,000 #± [5.99 ACRES]
BLDG	= 240 #± = <.01%
PARKING & DRIVE	= 9,500 #± = .04%
VEGETATIVE COVERAGE	= 99.95%+

10' x 10' FUTURE CANOPY SHOOTING STATION

2' x 20' BUILDING

45' OFF EAST #, 85' OFF SOUTH #.

* DENOTES PROPOSED SETBACK

22 SPACE PARKING LOT

9' x 18' SPACES

22' WIDE DRIVE - 100' SETBACK SOUTH

2 PARKING SPOTS PER SHOOT. LANE

10 LANES = 20 PARKING SPOTS

1 EMPLOYEE PARKING SPOT

1 ADA ACCESSIBLE SPOT & AISLE

22 TOTAL SPACES