

Index File

UP-861-15

The Digges Company – Indoor Firing Range

Assessor's Parcel No. 11-98

Application No. UP-861-15, The Digges Company: Request for a Special Use Permit, pursuant to Section 24.1-306 of the Zoning Ordinance (Category 9, No. 7), to authorize an indoor firing range on a 1.8-acre portion of 11.9 acres of land located at 1558 Penniman Road (Route 641). The parcel, further identified as Assessor's Parcel No. 11-98, is zoned IL (Limited Industrial) and designated Economic Opportunity in the Comprehensive Plan.

Attachments:

- Staff Memorandum
- Zoning Map
- Narrative
- Facility Usage
- Sketch Plan
- Proposed Resolution No. PC15-9

COUNTY OF YORK

MEMORANDUM

DATE: May 4, 2015 (PC Mtg. 5/13/15)
TO: York County Planning Commission
FROM: Earl W. Anderson, AICP, Senior Planner
SUBJECT: Application No. UP-861-15, The Digges Company

ISSUE

Request for a Special Use Permit, pursuant to Section 24.1-306 of the Zoning Ordinance (Category 9, No. 7), to authorize an indoor firing range on a 1.8-acre portion of 11.9 acres of land located at 1558 Penniman Road (Route 641). The parcel, further identified as Assessor's Parcel No. 11-98, is zoned IL (Limited Industrial) and designated Economic Opportunity in the Comprehensive Plan.

DESCRIPTION

- Property Owner: The Digges Company
- Location: 1558 Penniman Road (Route 641)
- Area: 1.8-acre portion of an 11.9-acre parcel
- Frontage: Approximately 107 feet on Penniman Road
- Utilities: Public water and sewer
- Topography: Flat
- 2035 Land Use Map Designation: Economic Opportunity
- Zoning Classification: IL – Limited Industrial
- Existing Development: None
- Surrounding Development:
North: U.S. Naval Weapons Station Yorktown
East: Bennett's Creek Nursery
South: Nonconforming single-family detached home and Williams Landscaping
West: Three warehouse structures with various uses
- Proposed Development: Indoor firing range

CONSIDERATIONS/CONCLUSIONS

1. The applicant is requesting a Special Use Permit to construct an 18,100-square foot, thirty-lane pistol and rifle indoor firing range in two phases, on a 1.8-acre portion of an 11.9-acre parcel located on the north side of Penniman Road. Under the terms of the Zoning Ordinance indoor firing ranges can be permitted only in the GB (General Business), IL (Limited Industrial), and EO (Economic Opportunity) zoning districts and require authorization by Special Use Permit.
2. The subject property is zoned IL and most of the surrounding properties are zoned IL or EO (Economic Opportunity). The Bennett's Creek Nursery property to the east and a nonconforming single-family detached home to the south are zoned IL. Williams Landscaping company's warehouse is to the southwest and zoned IL. There are three warehouse structures to the west being used by a variety of businesses on property that is owned by the applicant, which is zoned IL. To the north of the proposed firing range on the subject property is the site of a proposed recycling plant for which the applicant has submitted a separate Special Use Permit application. To the rear of the subject property are the Naval Weapons Station Jones Pond property, which is zoned RC (Resource Conservation), and the site of the future Whittaker's Mill residential development, which is zoned PDR (Planned Development Residential) except for a 50-foot strip of along its eastern boundary, which is zoned EO. Across Penniman Road to the south is an undeveloped 32-acre parcel that was the subject of a rezoning from EO to conditional EO in November 2014 and is linked with the Whittaker's Mill Planned Development approval through various sequencing requirements.
3. The proposed 18,100-square foot firing range building would be constructed in two phases, one phase consisting of 15 pistol-length range lanes and support facilities (offices, classroom space, a vending area/lunchroom, and restrooms). The other phase would consist of an additional 15 rifle range lanes on the north side of the proposed building. The applicant has not decided whether the pistol or rifle lanes will be developed first. In addition, the applicant plans to include a retail display and sales counter, firearms rental for on-site use, and firearms repair.
4. Indoor firing ranges are subject to performance standards set forth in Section 24.1-457 of the Zoning Ordinance. Firing ranges must be completely enclosed and cannot be located any closer than 100 feet to any residential lot line. The sketch plan shows that the proposed building would be a little over 100 feet from the property line of the existing nonconforming detached single-family home on Penniman Road. The standards also require the design of the indoor firing range to take into account protecting adjacent properties by the location and orientation of the backstops and firing lines and preventing range noise from being audible at the property line. The applicant is working with a nationally recognized indoor firing range expert to create an interior design to provide this protection. The narrative states, "Key interior design issues relate to access control and security, range lane configuration, backstop and ceiling baffling to absorb projectiles and prevent ricochets, external wall armoring and specialized ventilation systems tasked with the removal of charge gases and particulate lead concentrations. All range activity, sound attenuation and indoor air

ventilation are self-contained within the structure, eliminating exterior impacts on surround properties.”

5. The applicant’s sketch plan shows a shared entrance with the adjacent Bennett’s Creek Nursery property along the eastern property line along the Penniman Road frontage. Additional access could potentially be established via the possible future road system proposed in connection with a separate Special Use Permit application for a recycling plant to the west of the proposed firing range, although the proposed gravel surfacing and equipment traffic would likely deter use through that site. The traffic that might be generated by the proposed indoor firing range is difficult to quantify since no trip generation rates for firing ranges or any comparable use are available from the ITE (Institute of Transportation Engineers). The Zoning Ordinance, Section 24.1-454, *Standards for all recreation and amusement uses*, requires a traffic impact study to be submitted unless such requirement is waived by the Zoning Administrator. The applicant submitted – and the Zoning Administrator approved – a waiver request stating that the proposed firing range use would be well below the Zoning Ordinance’s thresholds for requiring a traffic study (more than 100 peak-hour trips or 1,000 average daily trips) based on a comparison with two other, larger, firing ranges that do not meet these thresholds. According to published traffic volume data from the Virginia Department of Transportation (VDOT), this segment of Penniman Road carries an average of approximately 2,300 vehicles per day, and the traffic impact analysis submitted for the Whittaker’s Mill development indicated that even with the full build-out of that project and the adjacent 32-acre commercial parcel, the intersection of Penniman Road and Route 199 will operate at Level of Service A. The firing range will not generate enough additional trips to significantly reduce the Level of Service. VDOT reviewed this application and recommended that the entrance be shifted slightly in order to meet VDOT Access Management standards, and the applicant has revised the sketch plan accordingly. VDOT also noted the benefit of the proposed shared entrance.
6. Section 24.1-606(i) of the Zoning Ordinance requires one (1) parking space for every four occupants based on the maximum occupancy load for the facility. Information submitted by the applicant indicates that the facility would be designed for a maximum of 102 occupants. The applicant’s sketch plan shows approximately 56 proposed parking spaces, which exceeds the 26 spaces required by the Zoning Ordinance. Since the development will be over the minimum number of parking spaces required, the Zoning Ordinance, Section 24.1-606 states that, “an additional twenty (20) landscape credits shall be provided/earned on the site for every ten (10) spaces in excess of the minimum number”. In this case, that would mean an additional sixty (60) additional landscape credits would be required.
7. Staff notified the Naval Weapons Station of this application in accordance with Section 15.2-2204.D of the *Code of Virginia*, which requires that military installations be notified of any Special Use Permit proposed for a site within three thousand feet (3,000’). The Weapons Station reviewed the application and indicated that it has no concerns about the proposed facility.

RECOMMENDATION

The proposed indoor firing range would be compatible with the surrounding industrial uses and would be designed to meet the standards set forth in the Zoning Ordinance to protect adjacent properties, both industrial and residential, from noise and other adverse impacts. Additionally, Penniman Road is capable of accommodating the additional traffic projected to be generated by the development. Therefore, based on the considerations and conclusions outlined above, staff recommends that the Commission forward this application to the Board of Supervisors with a recommendation of approval, subject to the conditions set forth in proposed Resolution No. PC15-9.

EWA

Attachments:

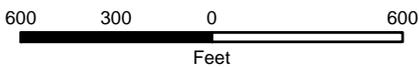
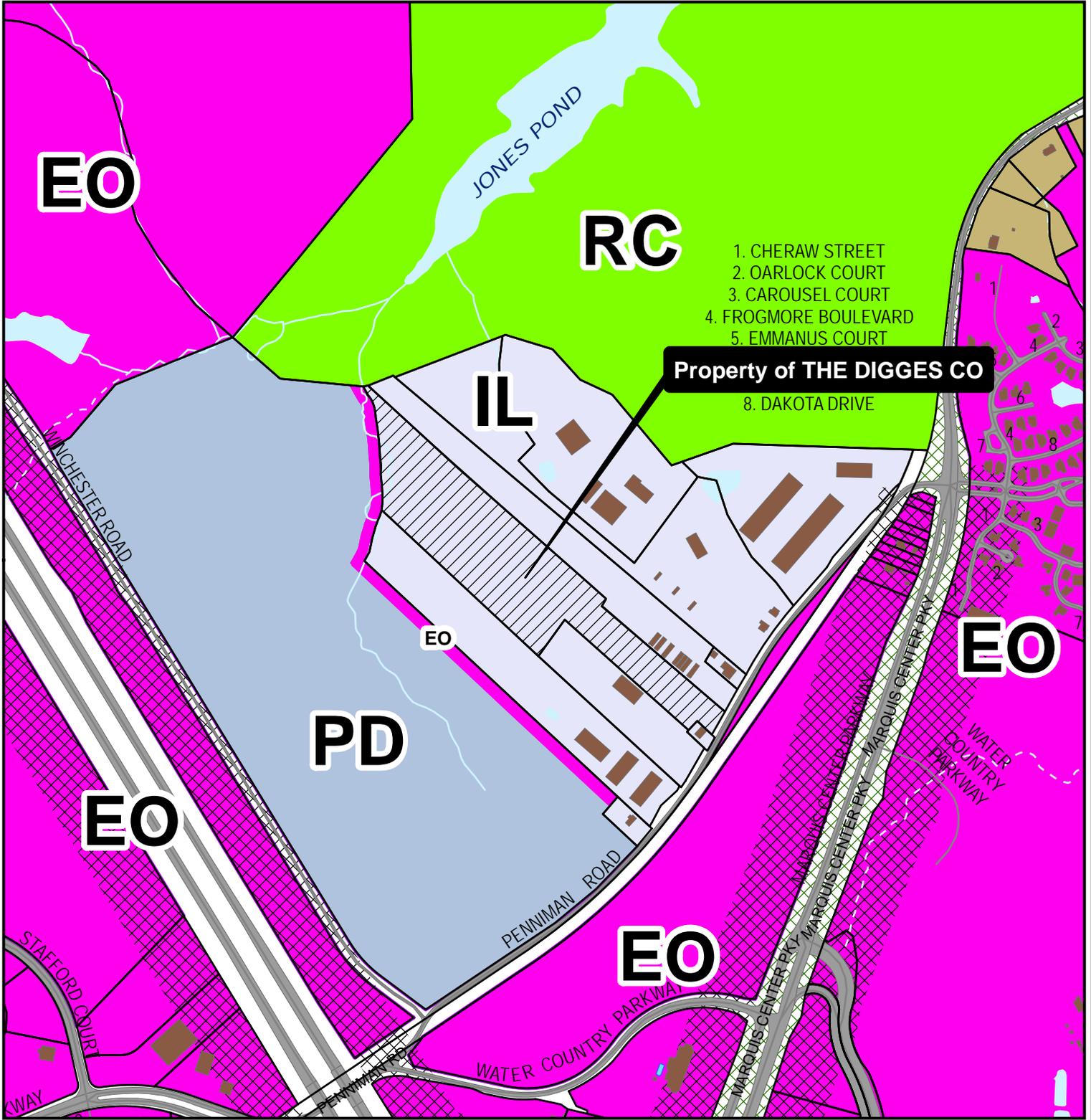
- Zoning Map
- Narrative Statement
- Facility Occupant Load Statement
- Sketch Plan
- Proposed Resolution No. PC15-9

APPLICANT

The Digges Company
Special Use Permit request for an indoor firing range.
1558 Penniman Road

ZONING MAP

APPLICATION NUMBER: UP-861-15



Printed on April 2, 2015

SOURCE: YORK COUNTY
GIS PARCEL DATA and
ZONING COVERAGE

THIS IS NOT A LEGAL PLAT.
This map should be used for
information purposes. It is not
suitable for detailed site planning.

Independence Indoor Firing Range

**Proposed on the Lands of The Digges Company
1558 Penniman Road (Tax Map 11, Portion of Parcel 98)**

The Applicant has been working over the past several years to evaluate the market feasibility of, and design standards for, an indoor firing range to be constructed in Upper York County. The closest indoor firing range facilities are located in Newport News and Richmond, providing a distinct local niche opportunity for both recreational sport shooting enthusiasts and persons charged with firearm proficiency for their jobs whether in law enforcement, homeland defense or other related occupations.

The subject facility is proposed to include men's and women's restrooms, a small vending area and "lunchroom", classroom space, offices, mechanical space and up to thirty (30) pistol and rifle range lanes constructed and equipped in two (2) phases. A retail display and sales counter (guns, ammunition and assorted apparel and equipment items), firearms rental (for on-site use only) and firearms repair (gunsmith shop) are also envisioned as accessory to the principal use of the indoor firing range. The first phase is anticipated to include 15 pistol length range lanes and a non-range core area that will be designed to support the second phase range lanes. Phases may be reversed, with the longer rifle lanes coming on-line first.

In addition to fulfilling a local demand, the location of the proposed use in the retail and recreation corridor of Route 199 and Penniman Road suggests that this facility could be attractive for the visiting tourist in addition to other offerings in the corridor and region. As a fully enclosed facility, the firing range would afford four season usability, complementing the area's high season offerings during rainy days as well as bolstering shoulder- and off-season options for our area's visitors.

Preliminary conversations with both local law enforcement and department of defense officials in the region indicate an interest in the use of the facility for a variety of weapons training and certification activities. The Applicant will work closely with these entities to optimize facility design for any unique needs beyond the typical range features sought by recreational sport shooting enthusiasts.

The Applicant has worked with nationally recognized indoor firing range experts and will continue to engage their design and operations expertise as the project moves from conception through detailed architectural/interior design to construction. Unique construction treatments and materials are only at issue in the interior of the structure. The use of the structure for an indoor firing range will not drive exterior architectural appearance; the Applicant proposes a facility that is compatible with its surrounding industrial properties and will likely be constructed of concrete masonry block and/or pre-engineered metal building components. Key interior design issues relate to access control and security, range lane configuration, backstop and ceiling baffling to absorb projectiles and prevent ricochets, external wall armoring and

specialized ventilation systems tasked with the removal of charge gases and particulate lead concentrations. All range activity, sound attenuation and indoor air ventilation are self-contained within the structure, eliminating exterior impacts on surrounding properties. Our range experts have designed multiple indoor ranges for the DOD and Homeland Defense agencies, and are now working with VCU Campus Police on the design of an indoor range in downtown Richmond.

The Applicant has calculated the minimum off-street parking requirements for the proposed use according to the Category 9, Recreation and Amusement Uses, item #8 (all other amusement uses not listed above) parking standard which assumes 1 parking space per 4 persons of capacity based on the maximum occupancy load for the building. The applicant's architect has determined a total facility capacity, at buildout, of approximately 102 persons (see attached March 10, 2015 report from Toano Design, Inc.). At one space per 4 persons of occupant capacity, 26 off-street parking are required.

The Institute of Transportation Engineers (ITE) Trip Generation Manual does not include a category for firing ranges. The Applicant researched trip generation estimates for indoor firing ranges from across the region and, working with County Staff and VDOT, has projected that peak hour trips are expected to be well below 40 trips in either the am or pm peak. Total average daily traffic was projected to be on the order of between 300 and 450 trips per day. The County and VDOT concurred and consequently have determined that a traffic impact study is not required for this project.

The Digges Company Principals include Mary L. Digges (President), John J. Digges (Vice President) and Thomas R. O'Rourke, Jr. (Sect./Treasurer).

TOANO DESIGN, INC.

Jeffrey L. Barra, AIA
President
P.O. Box 5745
Williamsburg, Virginia 23188

Telephone 757-258-9506
Fax 757-258-9508

March 10, 2015

Mark Rinaldi
Vice President – Development
The Bush Companies
4029 Ironbound Road
Williamsburg, VA 23188

Re: Proposed Indoor Firing Range, York County

Dear Mark:

Thank you for the opportunity to assist with your planning for an Indoor Firing Range in York County. This letter will outline our understanding of the facility and offer thoughts on the occupant load, as described in the Virginia Construction Code, 2012 Edition.

Chapter 10, Means of Egress addresses occupant loads in Table 1004.1.2, “Maximum Floor Area Allowances per Occupant”. Although the table does not specifically address a Firing Range, there are components of the facility that can be referenced. We understand that the current facility design, while preliminary at this time, anticipates the following uses within the structure:

Phase One

Area Description	Area Square Feet	Occupant Load Factor/SF	Anticipated Occupant Load
Office Area	700	1 per 100 gross (Office)	7
Sales Area	1850	1 per 30 gross (Mercantile)	62
Storage Area	800	1 per 300 gross (Mercantile, storage)	3
Shooting Lanes	15 lanes	1 per lane	15
Total Preliminary Phase One Occupant Load			87

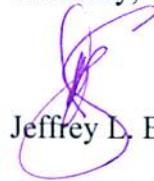
Note: Table 1004.1.2 does not specifically address Firing Lanes. Section 1004, “Occupant Load” in the Code does address this possibility, and where approved by the Building Official, loads can be estimated. Given the nature of the Firing Lanes, it would appear reasonable to assume one occupant per lane, which would cover the most ‘in-use’ condition, and reflect applicable operating procedures.

Phase Two

Area Description	Area Square Feet	Occupant Load Factor/SF	Anticipated Occupant Load
Shooting Lanes	15	1 per lane	15
Total Preliminary Phase Two Occupant Load			15
Total Preliminary Occupant Load			102

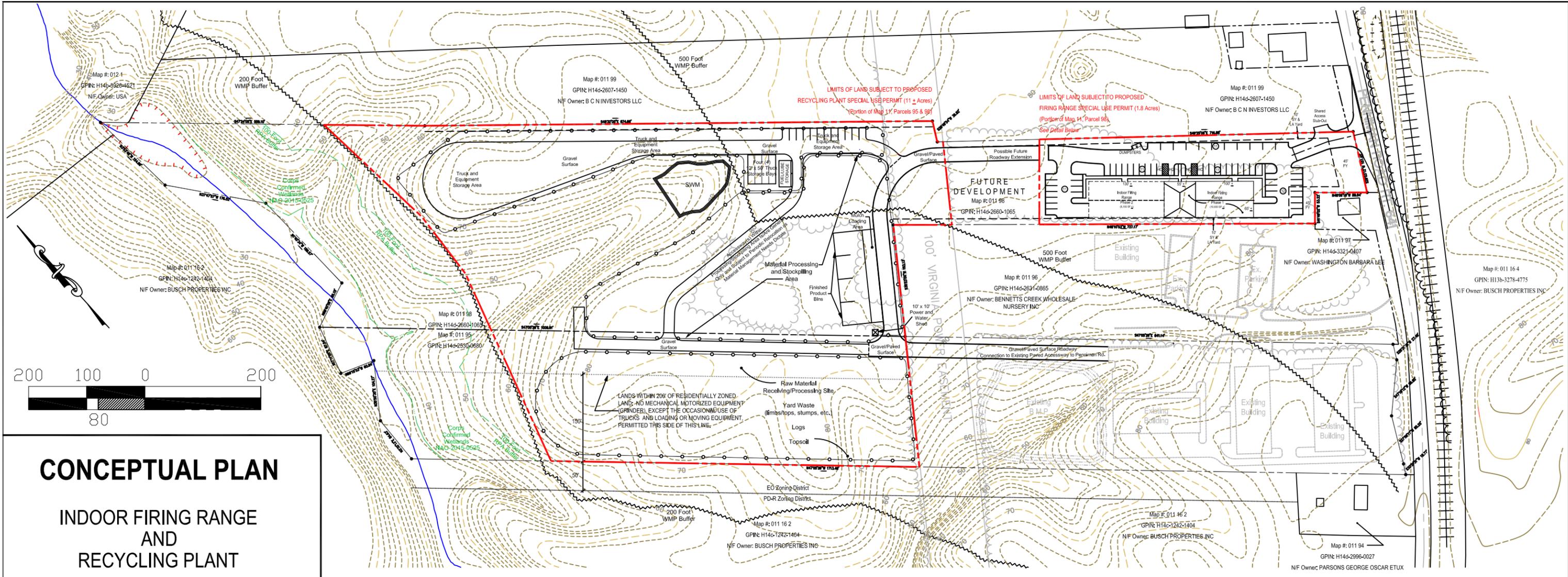
We believe the foregoing fairly characterizes the foreseeable occupant load for this facility, based on codified occupant floor area allowances of the current Va. Construction Code (2012). If there are any questions, or if planned uses within the structure should change to include uses not identified above, we will be happy to work with you to refine our analysis.

Sincerely,



Jeffrey D. Barra, AIA

President



CONCEPTUAL PLAN

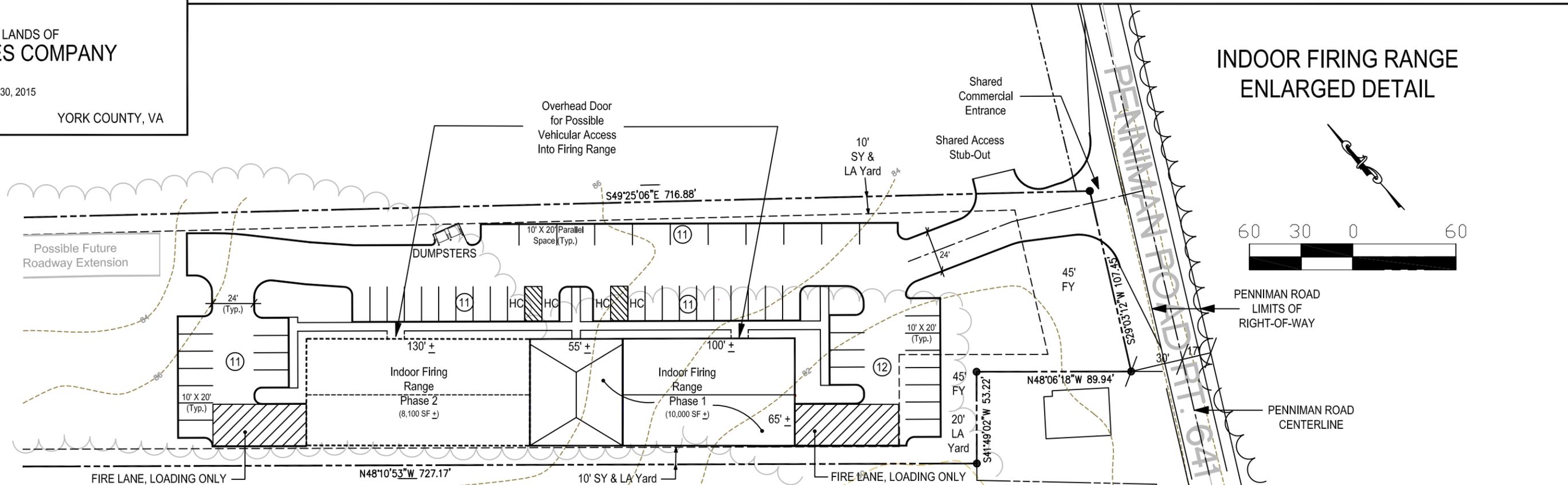
INDOOR FIRING RANGE AND RECYCLING PLANT

ON THE LANDS OF THE DIGGES COMPANY

April 30, 2015

DISTRICT 1 YORK COUNTY, VA

INDOOR FIRING RANGE ENLARGED DETAIL



PLANNING COMMISSION
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of _____, 2015:

Present

Vote

Melissa S. Magowan, Chair
Timothy D. McCulloch, Vice Chair
Montgoussaint E. Jons
Glenn A. Brazelton
Todd H. Mathes
Richard M. Myer, Jr.
Mark B. Suiter

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF AN INDOOR FIRING RANGE AT 1558 PENNIMAN ROAD

WHEREAS, The Digges Company has submitted Application No. UP-861-15, which requests a Special Use Permit, pursuant to Section 24.1-306 of the Zoning Ordinance (Category 9, No. 7), to authorize the establishment of an indoor firing range on a 1.8-acre portion of an 11.9-acre parcel of land located at 1558 Penniman Road (Route 641) and further identified as Assessor’s Parcel No. 11-98 (GPIN H14d-2660-1065); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the ____ day of _____, 2015 that Application No. UP-861-15 be, and it is hereby, transmitted to the York County Board of Supervisors with a

recommendation of approval to authorize the establishment of an indoor firing range on a 1.8-acre portion of an 11.9-acre parcel of land located at 1558 Penniman Road (Route 641) and further identified as Assessor's Parcel No. 11-98 (GPIN H14d-2660-1065) subject to the following conditions:

1. This use permit shall authorize the establishment of an indoor firing range on a 1.8-acre portion of an 11.9-acre parcel of land located at 1558 Penniman Road (Route 641) and further identified as Assessor's Parcel No. 11-98 (GPIN H14d-2660-1065).
2. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the Division of Development Services prior to the commencement of any land clearing or development activities on the site. Said site plan shall be in substantial conformance with the sketch plan prepared by the applicant, titled "Conceptual Plan, Indoor Firing Range and Recycling Plant on the Land of The Digges Company", and dated April 1, 2015, a copy of which shall remain on file in the office of the Planning Division.
3. In accordance with Section 24.1-115(b)(6) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to the approval of a site plan for the development.

BE IT FURTHER RESOLVED that this Special Use Permit is not severable, and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.