



CITY PLANNING COMMISSION AGENDA

**THURSDAY, JANUARY 16, 2014
8:30 A.M.**

**CITY HALL COUNCIL CHAMBERS
107 NORTH NEVADA AVENUE
COLORADO SPRINGS, CO 80903**

CITY PLANNING COMMISSION MEETING PROCEDURES

MEETING ORDER:

The City Planning Commission will hold its regular meeting on **Thursday, January 16, 2014 at 8:30 a.m.** in the City Hall Council Chambers at 107 North Nevada Avenue, Colorado Springs, Colorado.

The Consent Calendar will be acted upon as a whole unless a specific item is called up for discussion by a Planning Commissioner, a City staff member, or a citizen wishing to address the Planning Commission.

When an item is presented to the Planning Commission the following order shall be used:

- City staff presents the item with a recommendation;
- The applicant or the representative of the applicant makes a presentation;
- Supporters of the request are heard;
- Opponents of the item will be heard;
- The applicant has the right of rebuttal;
- Questions from the Commission may be directed at any time to the applicant, staff or public to clarify evidence presented in the hearing.

VIEW LIVE MEETINGS:

To inquire of current items being discussed during the meeting, please contact the Planning & Development Team at 719-385-5905, tune into local cable channel 18 or live video stream at www.springsgov.com.

CITY PLANNING COMMISSION COMPREHENSIVE PLAN AND REVIEW CRITERIA

COMPREHENSIVE PLAN:

The City Planning Commission uses the Comprehensive Plan as a guide in all land use matters. The Plan is available for review in the Land Use Review Office, located at 30 S. Nevada Avenue, Suite 105. The following lists the elements of the Comprehensive Plan:

- Introduction and Background
- Land Use
- Neighborhood
- Transportation
- Natural Environment
- Community Character and Appearance
- 2020 Land Use Map
- Implementation

The Comprehensive Plan contains a land use map known as the 2020 Land Use Map. This map represents a framework for future city growth through the year 2020, and is intended to be used with the Comprehensive Plan's goals, policies, objectives and strategies. It illustrates a desired pattern of growth in conformance with Comprehensive Plan policies, and should be used as a guide in city land use decisions. The Comprehensive Plan, including the Land Use Map, may be amended from time to time as an update to city policies.

APPLICATION REVIEW CRITERIA:

Each application that comes before the Planning Commission is reviewed using the applicable criteria located in the *Appendix* of the Planning Commission Agenda.

CITY PLANNING COMMISSION APPEAL INSTRUCTIONS

In accordance with Chapter 7, Article 5, Part 906 (B) (1) of the City Code, “Any person may appeal to the City Council any action of the Planning Commission or an FBZ Review Board or Historic Preservation Board in relation to this Zoning Code, where the action was adverse to the person by filing with the City Clerk a written notice of appeal. The notice of appeal shall be filed with the City Clerk no later than ten (10) days after the action from which appeal is taken, and shall briefly state the grounds upon which the appeal is based.”

Accordingly, any appeal relating to this Planning Commission meeting must be submitted to the City Clerk (located at 30 S. Nevada Avenue, Colorado Springs, CO 80903) by:

Monday, January 27, 2014

A **\$176** application fee and a justification letter specifying your specific grounds of appeal shall be required. The appeal letter should address specific City Code requirements that were not adequately addressed by the Planning Commission. City Council may elect to limit discussion at the appeal hearing to the matters set forth in your appeal letter.

CITY PLANNING COMMISSION MEETING AGENDA THURSDAY, JANUARY 16, 2014

1. Approval of the Record of Decision (minutes) for the December 19, 2013 City Planning Commission Meeting
2. Communications
3. Consent Calendar (Items A.1-A.2) Page 7
4. New Business Calendar (Items 4-6)..... Page 13
 Appendix – Review Criteria Page 261

| CONSENT CALENDAR | | |
|---|---|----------|
| ITEM NO. | PROJECT DESCRIPTION | PAGE NO. |
| <p>ITEM: A.1 CPC ZC 00-00132</p> <p>ITEM: A.2 CPC DP 00-00133 (Quasi-Judicial)</p> <p>PARCEL NO.: 6316208016</p> <p>PLANNER: Steve Tuck</p> | <p>Request by Top Land Investment LLC on behalf of Legacy Bank for consideration of the following development applications:</p> <ol style="list-style-type: none"> 1. A zone change from OC (Office Complex) to PBC (Planned Business Center) 2. A minor amendment to the development plan to change the use from restaurant to retail. <p>The subject property consists of 1.1 acres and is located at 6385 North Academy Boulevard.</p> | 7 |
| NEW BUSINESS CALENDAR | | |
| ITEM NO. | PROJECT DESCRIPTION | PAGE NO. |
| <p>ITEM NO.: 4 AR DP 13-00488 (Quasi-Judicial)</p> <p>PARCEL NO.: 6305301005</p> <p>PLANNER: Larry Larsen</p> | <p>Request by Echo Architecture on behalf of Majestic Mountain Range, LLC for a conditional use for the Majestic Mountain Range, an Indoor Sports and Recreation shooting range facility. The facility will provide for a 21,420 square foot, 38 feet in height, building with associated parking areas and landscaping. The project is located within a PIP-1 (Planned Industrial Park 1) zone district. The property is located at 1170 Kelly Johnson Boulevard and consists of 1.58 acres.</p> | 13 |

| ITEM NO. | PROJECT DESCRIPTION | PAGE NO. |
|--|---|-----------|
| <p>ITEM NO.: 5 CPC AP 14-00004 (Quasi-Judicial)</p> <p>PARCEL NO.: 6418119015</p> <p>PLANNER: Peter Wysocki</p> | <p>An appeal by Studio A 64 LLC and K.C. Stark of an administrative determination that a marijuana smoking facility is not a permissible land use within the Form-Based Zoning. The subject property is located at 332 East Colorado Avenue.</p> | <p>45</p> |
| <p>ITEM NO.: 6 CPC CU 13-00077 (Quasi-Judicial)</p> <p>PARCEL NO.: 7324307013</p> <p>PLANNER: Erin McCauley</p> | <p>Request by Lisa Peterson of Hammers Construction on behalf of Robert Holmes of Whistling Pines Gun Club West, LLC for a conditional use to allow an Indoor Sports and Recreation use in a PIP-2/HS (Planned Industrial Park with Hillside Overlay)-zoned property at 4750 Peace Palace Point. The property consists of 2.5 acres and is located northwest of the intersection of Elkton Drive and Garden of the Gods Road.</p> | <p>56</p> |

CONSENT CALENDAR

ITEMS: A.1, A.2

STAFF: STEVE TUCK

FILE NOS:

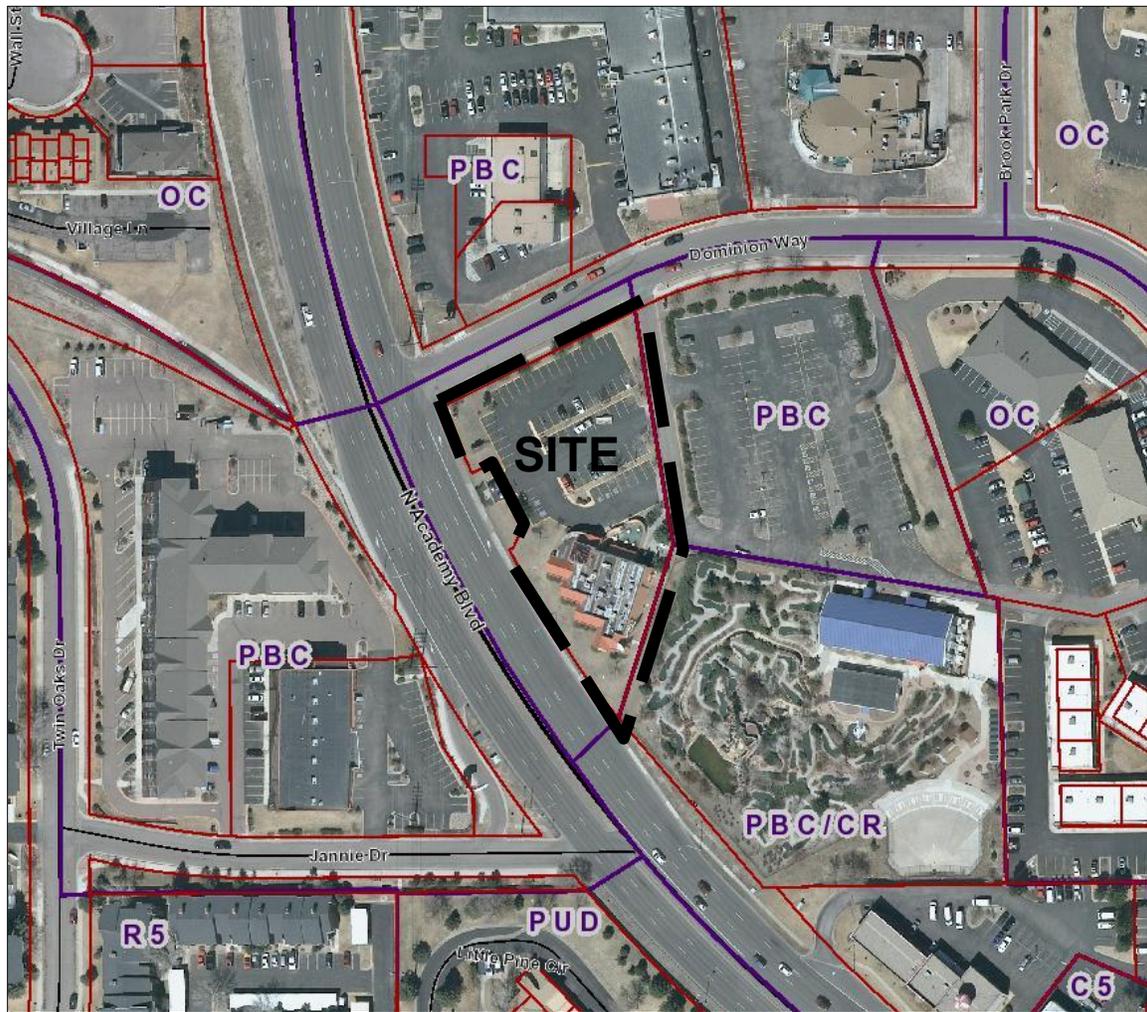
CPC ZC 13-00132 – QUASI-JUDICIAL

CPC DP 13-00133 – QUASI JUDICIAL

PROJECT: 6385 NORTH ACADEMY BOULVARD

APPLICANT: TOP LAND INVESTMENT LLC

OWNER: LEGACY BANK



PROJECT SUMMARY:

1. Project Description: The applications propose rezoning 1.1 acres from OC (Office Complex) to PBC (Planned Business Center) and the approval of a development plan for a change of use in the existing building from restaurant to retail (**FIGURE 1**). The property is located on the southeast corner of Academy Boulevard and Dominion Way.
2. Applicant's Project Statement: **FIGURE 2**
3. Planning & Development Department's Recommendation: Approve both the zone change to PBC and the development plan for 6385 North Academy Boulevard for retail use. The approval of the plan is subject to revisions identified in the technical and/or informational modifications to the development plan.

BACKGROUND:

1. Site Address: 6385 North Academy Boulevard
2. Existing Zoning/Land Use: OC/restaurant (previously 3 Margaritas, now closed)
3. Surrounding Zoning/Land Use:
North: PBC/commercial center
South: PBC/CR – miniature golf course, religious institution
East: PBC/parking lot for miniature golf course and religious institution
West: PBC/hotel, commercial center
4. Comprehensive Plan/Designated 2020 Land Use: New/Developing Commercial Corridor
5. Annexation: 1971, Dublin Addition No. 1
6. Master Plan/Designated Master Plan Land Use: The property is not located within an area master plan
7. Subdivision: 1984, Dublin Business Park Subdivision Filing No. 2
8. Zoning Enforcement Action: None
9. Physical Characteristics: The 1.1-acre site is developed with a 6,424 square-foot restaurant built in 1986; 62 parking spaces are on the lot. Vehicular access is from a private access drive located along the east side of the property.

STAKEHOLDER PROCESS AND INVOLVEMENT:

Public notification consisting of an on-site poster and 56 postcards mailed to property owners within 500 feet of the property were provided after receipt of the application and prior to the Planning Commission meeting. One telephone inquiry was received regarding the maintenance and use of the shared, private driveway located on a nearby lot.

ANALYSIS OF REVIEW CRITERIA/MAJOR ISSUES/COMPREHENSIVE PLAN & MASTER PLAN CONFORMANCE:

1. Review Criteria/Design & Development Issues:
The zone change request to PBC is consistent with the existing zoning in all directions from the site and is appropriate along this portion of Academy Boulevard. The PBC zone allows a range of commercial uses, including the requested retail use. Whereas the existing OC zone is primarily an office and residential zone (these are permitted uses) with limited commercial uses allowed. The PBC zone is appropriate for the property.

The development plan reflects the existing conditions on the property. No building expansion is proposed, only a change of use from restaurant to retail. The development plan approved in 1985 for the existing building included a variance for a reduction to the landscape setback along Academy Boulevard. The existing parking is not developed as shown on the 1985 plan, as two parking spaces are not consistent with the variance and are located in the right-of-way of Academy Boulevard. A recommended revision to the

development plan requires the removal and relocation of the spaces prior to the use of the building for retail. The proposed retail use is compatible with the surrounding commercial uses. The recommended revisions to the development plan are intended to provide information consistent with the development plan approved in 1985.

The proposed retail use requires 1 space per 300 square feet, which totals 21 parking spaces. Therefore, the existing 62 parking spaces are sufficient for the proposed retail use. Given that the site is developed and the retail use is generally considered less intense, no additional on-site or off-site improvements are warranted. Likewise, a traffic report was not required.

2. Conformance with the City Comprehensive Plan:

The 2020 Land Use Plan in the Comprehensive Plan shows the property as part of a New/Developing Commercial Corridor. All types of commercial uses are anticipated within this designation. The applications are consistent with and conform to the Comprehensive Plan.

3. Conformance with the Area's Master Plan:

This property is not located within an area master plan.

STAFF RECOMMENDATIONS:

Item : A.1 CPC ZC 13-00132 – Zone Change

Approve the zone change from OC to PBC for 6385 North Academy Boulevard, based on the finding the request complies with the review criteria in City Code Section 7.5.603.B (Establishment or Change of Zone District Boundaries).

Item : A.2 CPC DP 13-00133 – Development Plan

Approve the development plan for 6385 North Academy Boulevard for retail use, based on the finding the plan complies with the review criteria in City Code Section 7.5.502.E (Development Plan Review Criteria) subject to compliance with the following technical and/or informational modifications to the development plan:

Technical and/or Informational Modifications to the Development Plan:

1. Note the City file number of CPC DP 13-00133 in the lower right corner.
2. Provide a vicinity map.
3. Note the existing zoning as OC and the proposed zoning as PBC.
4. Note the existing use (restaurant) and proposed use (retail) of the building.
5. Note the parking requirement for retail is one parking space per 300 square feet. Note the number of parking spaces required as 21. Note the number provided as 65.
6. Note no vehicular access is permitted to Lot 2 from Academy Boulevard as noted on the Dublin Business Park Filing No. 2 final plat.
7. Note that a nonuse variance was approved on 12/12/1985 with City File No. HO 85-305 to allow a one-foot landscape setback along Academy Boulevard where 10 feet is required.
8. Delete the signature blocks.
9. Note the correct scale of the drawing (use an engineer's scale) and provide a bar scale.
10. Identify the easements and show their entire widths as shown on the Dublin Business Park Filing No. 2 plat: 30-foot storm drain easement, 20-foot sanitary sewer easement,

20-foot sanitary sewer & storm drain easements and 25-foot private roadway & public utility easement (adjacent to and provides access for this property).

11. Note that prior to the issuance of a Certificate of Occupancy for the retail use the two parking spaces located within the Academy Boulevard right-of-way and which are not consistent with the nonuse variance approved with City File No. HO 85-305 shall be removed. Show three parking spaces in the driveway area presently used for the two spaces.
12. Note the width of the driveway aisles as 24 feet.
13. Delete the interior floor plan of the building.
14. Show fire lane markings as required by Fire Prevention.
15. As required by Colorado Springs Utilities show and identify the existing utilities.
16. Identify the existing landscape materials include plant types and ground plane treatment.

Top Land Investment, LLC.

4810 Polo Court
Pueblo, Co 81001
topland@comcast.net
(719) 240-5225

November 23, 2013

PROJECT STATEMENT

Proposed property

6385 N. Academy Blvd.
Colorado Springs, CO 80918

The proposed project is to eliminate this property as spot zoned and conform to the surrounding area zoning. The new zoning will allow this location to perform more than restaurant services and office type businesses. Located on Academy Blvd. the property is an excellent opportunity for retail sales and other related businesses. Recently the Restaurant that had occupied this location (3 Margaritas) has failed due to location and poor access for the current use.

We are requesting a zoning change to allow for future businesses in this location requiring expansion use for OC (office complex) zoning. This will require a PBC (planned business center) zoning thus eliminating the spot zone that is currently on this property. We hope to establish and improve the community, thus creating more jobs and stability.

Jack & Mischa Jargowsky

NEW BUSINESS CALENDAR

ITEM NO: 4

STAFF: LARRY LARSEN

FILE NO:
AR DP 13-00488 – QUASI-JUDICIAL

PROJECT: MAJESTIC MOUNTAIN RANGE CONDITIONAL USE

APPLICANT: ECHO ARCHITECTURE

OWNER: MAJESTIC MOUNTAIN RANGE, LLC



PROJECT SUMMARY:

1. Project Description: Request by ECHO Architecture on behalf of Majestic Mountain Range, LLC for consideration of a conditional use with a development plan for the Majestic Mountain Range, a commercial sports and recreation indoor shooting range project (**FIGURE 1**). The property is located at 1170 Kelly Johnson Boulevard and consists of 1.58 acres.

The applications would allow for the development of the Majestic Mountain Range, an indoor shooting range facility. The facility will provide for a 21,420 sq. ft., 38 feet in height, building with associated parking areas and landscaping.

It should be noted that this project was originally submitted as only a development plan, which allowed only administrative review and approval. However, in order to be consistent with other similar projects, it was decided to process them all as commercial recreational indoor sports facilities; which requires a conditional use and City Planning Commission review and approval.

2. Applicant's Project Statements: (**FIGURE 2**)
3. Planning and Development Department's Recommendation: Approval of the conditional use with development plan subject to technical modifications.

BACKGROUND:

1. Site Address: 1170 Kelly Johnson Boulevard
2. Existing Zoning/Land Use: PIP-1 (Planned Industrial Park) / Vacant (**FIGURE 3**)
3. Surrounding Zoning/Land Use:
North: PIP-1 (Planned Industrial Park - 1) / Office Building
South: PIP-1 (Planned Industrial Park - 1) / Vacant
East: PIP-1 (Planned Industrial Park - 1) & PBC (Planned Business Center) / Vacant & Off-Site Parking Lot
West: PIP-1 (Planned Industrial Park - 1) / Office Building & Educational Institution
4. Comprehensive Plan/Designated 2020 Land Use: Regional Activity Center
5. Annexation: Chapel Hills Addition #2 (1983)
6. Master Plan/Designated Master Plan Land Use: Not Applicable.
7. Subdivision: Lot 5, Block 2 Chapel Hills Technological Center
8. Zoning Enforcement Action: None.
9. Physical Characteristics: The site slopes slightly towards the southwest. The site has no significant vegetation (grasses and shrubs) or natural features.

STAKEHOLDER PROCESS AND INVOLVEMENT: One neighborhood meeting was conducted in regards to this project during the internal review stage.

The standard City notification process for the internal review and the neighborhood meeting included posting the property with a notice poster and mailing postcards to approximately 25 property owners within 1,000 feet of the project area.

Approximately 20 persons attended the neighborhood meeting held on December 17, 2013. During that meeting the primary concerns expressed included land use compatibility, noise abatement, safety and security, architectural design, hours of operation, and impact to property values. Copies of letters and e-mails regarding this project are attached. (**FIGURE 4**)

The same posting and notification process will be utilized prior to the CPC public hearing.

All applicable agencies and departments were asked to review and comment. No significant concerns were identified. All issues and concerns were incorporated into the development plan or provided as conditions of approval. Staff believes that the outstanding comments/revisions are relatively minor in nature and did not warrant holding up the review of the conditional use permit by the Planning Commission. As always, the final compliance is verified and confirmed prior to issuance of a building permit.

ANALYSIS OF REVIEW CRITERIA/MAJOR ISSUES/COMPREHENSIVE PLAN & MASTER PLAN CONFORMANCE:

1. Design and Development Issues:

Land Use Compatibility: This is the primary concern of the vicinity property owners; refer to their letters and e-mails. **(FIGURE 4)** This area has been primarily developed into an “informal” office park on a site by site basis with minimal uniform controls or design considerations. While the majority of the uses are office buildings, some other uses have been previously approved, including educational (Phoenix University), retail (the Goodwill store and facility & a commercial center), hotels, and a public facility (the Falcon Police Substation). Protective covenant information has been provided that stipulates land uses are restricted to offices, research and development, or computer centers, unless specifically approved by the architectural control committee for the Chapel Hills Technological Center Subdivision.

For information only, it should be noted that a use restriction is included in this property’s protective covenants. The City does not enforce nor require compliance with private property protective covenants, conditions or restrictions.

City Planning and Development staff believes this use is compatible with the surrounding area based upon other non-office uses have been approved in the area, that the conditional use is allowable in the existing zone district PIP-1 (Planned Industrial Park -1), and the use and project is found to be in compliance with the City Comprehensive Plan within a Regional Activity Center.

Architectural Design: Most of the buildings in the area are multi-storied office buildings with brick or block exterior material finishes. This project proposes similar treatments regarding height, parapet wall hiding flat roofs, and window and entry details. Materials and colors are similar including stucco, metal and stone veneer of brown and earth tones.

Noise Control and Security & Safety: The development plan provides plan notes addressing these concerns. They read:

“2. Regarding noise abatement: Construction type to be insulated concrete framework with the top of the industry standard sound transmission classification of 77. All areas containing shooting will have a sound isolated lockout room to eliminate sound transfer when opened.

3. Regarding bullet penetration & stray attainment: Safety is a top priority of the design. The shooting range will be wrapped in insulated steel plate to eliminate the possibility of shooting into the building walls and ceiling. (This will also help to abate sound). In the impossibility of shooting past this steel and concrete, construction of the walls will stop any bullets. At the end

of the ranges will be a state-of-the-art bullet catchment system designed to stop & contain all bullets.”

As a condition of approval, the applicant is required to provide a sound study, produced by a quality sound professional engineer, indicating that the sound levels to be experienced from the shooting range do not exceed City Code standards and indicating the methods of mitigation used to reduce them.

Noise regulations are contained in City Code Chapter 9, Article 8. Based on the definitions of uses contained therein, staff believes the neighborhood qualifies as light industrial. Noise maximums for light industrial areas are: 70dB(A) 7AM to 7 PM and 65dB(A) 7 PM to 7 AM. Periodic, impulsive, or shrill noises are declared unlawful when the noises are at a sound level of 5 dB(A) less than those listed as maximums.

2. Conformance with the City Comprehensive Plan:

The conditional use is consistent with the City Comprehensive Plan. The Plan’s 2020 Land Use Map identifies this area as a “Regional Activity Center”.

The following City Comprehensive Plan goals, objectives and policy statements apply to this project:

Policy LU 201: Promote a Focused, Consolidated Land Use Pattern: Locate new growth and development in well-defined contiguous areas in order to avoid leapfrog, scattered land use patterns that cannot be adequately provided with City services.

Strategy LU 302c: Promote Compatibility between Land Uses of Differing Intensities: Design and develop mixed land uses to ensure compatibility and appropriate transitions between land uses that vary in intensity and scale.

Objective LU 4: Encourage Infill and Redevelopment: Encourage infill and redevelopment projects that are in character and context with existing, surrounding development. Infill and redevelopment projects in existing neighborhoods make good use of the City’s infrastructure. If properly designed, these projects can serve an important role in achieving quality, mixed-use neighborhoods. In some instances, sensitively designed, high quality infill and redevelopment projects can help stabilize and revitalize existing older neighborhoods.

Policy LU 401: Encourage Appropriate Uses and Designs for Redevelopment and Infill Projects: Work with property owners in neighborhoods, the downtown, and other existing activity centers and corridors to determine appropriate uses and criteria for redevelopment and infill projects to ensure compatibility with the surrounding area.

Objective LU 7: Develop Shopping and Service Areas to be Convenient to Use and Compatible with Their Surroundings: Colorado Springs has numerous commercial areas that provide the necessary goods and services for visitors and regional, community, and neighborhood residents. The location and design of these areas not only has a profound effect on the financial success of commercial businesses, but also on the quality of life for the residents. Regardless of whether a commercial development is intended to serve neighborhood, community, citywide, or regional functions, it must be located and designed to balance pedestrian, bicycle, automobile, and, in many cases, transit access. In addition, the location and design of commercial uses must be integrated into surrounding areas, rather than altering the character of surrounding land

uses and neighborhoods. Incorporating a mix of uses will increase the diversity and vitality of commercial areas.

Policy LU 701: Plan and Develop New Commercial Areas as Activity Centers: Plan and develop new commercial areas as regional centers, commercial centers, community activity centers, or neighborhood centers according to their function, size, location, intensity, and mix of uses. The development of commercial areas in linear, "strip" configurations along roadways will be discouraged.

Strategy LU 701a: Locate New Commercial Uses in Activity Centers: Locate new commercial (retail, office, services etc.) development in identified regional centers, commercial centers, and community, or neighborhood activity centers. Prohibit strip commercial development along new major roadways.

Strategy LU 701e: Combine Commercial and Employment Uses in Regional Centers Designed to Serve Residents throughout the City and the Region: Combine commercial center with employment center uses so that they are mutually supportive in a single, integrated regional destination. Include the full range of mixed uses from regional mall anchor stores and corporate headquarters to specialty retail and higher density housing. Design commercial uses in regional centers with good external access from limited access freeways and good internal circulation via a system of commercial streets, pedestrian paths, and well designed parking.

Strategy LU 701f: Encourage New Commercial Development in New and Developing Corridors to Form Activity Centers: Encourage new commercial development in new and developing corridors to take place in activity centers that incorporate a mix of uses and avoid large, single-use buildings and dominating parking areas.

Policy LU 702: Design Commercial Redevelopment and Infill Projects as Activity Centers: Design all commercial redevelopment and infill projects as activity centers that incorporate a mix of uses, pedestrian orientation, and transit service wherever possible.

Policy LUM 208: Regional Center: Utilize the Regional Center designation for significant and mutually supportive combinations of two other land uses: commercial center and employment center. Because of their size, both uses function as regional centers in terms of market for retail and employment opportunities. Emphasize development of these areas as integrated land uses through innovative design standards, rather than as separate, freestanding land uses. Integrate mobility choices by providing transit, pedestrian and bicycle connectivity within the center as well as to adjoining areas.

It is the finding of the City Planning and Development Staff that the conditional use for the Majestic Mountain Range is consistent with the City's Comprehensive Plan 2020 Land Use Map and the Plan's goals, objectives and policies.

3. Conformance with the Area's Master Plan:

Not applicable. This project is located within an area not subject to a master plan.

4. Conditional Use: The existing zoning for this area is PIP-1 (Planned Industrial Park). The proposed commercial recreational sports indoor shooting range is a conditional use within this zone district.

Conditional uses are reviewed based upon the conditional use findings found in City Code Section 7.5.704.

It is the finding of the City Planning and Development Staff that the Majestic Mountain Range project meets the conditional use findings found in City Code Section 7.5.704.

5. Development Plan: The Majestic Mountain Range Development Plan is submitted in conjunction with the conditional use application for this project.

Development plans are reviewed based upon the development plan review criteria found in City Code Section 7.5.502.E.

It is the finding of the City Planning and Development Staff that the development plan meets the development plan review criteria found in City Code Section 7.3.502.E.

STAFF RECOMMENDATION:

Item No: 4 AR DP 13-00488 – Conditional Use

Approve the Majestic Mountain Range Conditional Use with accompanying development plan, based upon the finding that the project complies with the conditional use findings found in City Code Section 7.5.704, subject to compliance with the following technical and informational modifications:

1. Provide a sound study, produced by a quality sound professional engineer, indicating the sound levels to be experienced from the shooting range do not exceed City Code standards for light industrial zone as defined in City Code Section 7.8.104 and indicating the methods of mitigation to reduce them.
2. Provide CSFD approval of the development plan with all of their concerns having been addressed to their satisfaction.
3. Provide City Engineering Development & Stormwater Review (EDSR) approval of the drainage plan and development plan with all of their concerns having been addressed to their satisfaction.
4. Provide the City Landscape Architect's approval of the landscape plan with all of her concerns having been addressed to her satisfaction.
5. Provide City Traffic Engineering's approval of the development plan with all of their concerns having been addressed to their satisfaction.
6. Contact Stacey Salvatore 385-5468 to begin the Public Improvement Easement process for the public sidewalk that is located within private property.
7. Provide City Transit's approval of the development plan with all of their concerns having been addressed to their satisfaction.
8. Provide City Utilities approval of the development plan and that all of concerns have been addressed to their satisfaction.
9. Show the City file number, "CPC CU 13-00???" in the lower right corner of each sheet. The file number will be changed to reflect the conditional use process; it has yet to be determined.
10. On Sheet 2, under Plan Notes, under the statement identifying all the public improvements, add public sidewalks.
11. On Sheet 2, show a public improvement easement to include the entire 6-foot sidewalk.
12. On Sheet 5, show the required landscape setback on the landscape plan.

13. On Sheets 2 and 5, show the street classification for Kelly Johnson as "Collector" with dimensions of the right-of-way and the pavement area, and show all other exiting street improvements.
 14. On Sheet 2, show a connecting internal sidewalk connecting the sidewalk along Kelly Johnson to the building's front door. Show this as shown on Sheet 5.
 15. On Sheet 1, under Building / Site Data, Project Type, indicate the use as "Indoor Sports & Recreation Facility-Indoor Shooting Range".
 16. On Sheet 2, add the notes already shown on Sheet 3, the following structural concerns regarding an indoor shooting range: noise abatement resulting from the discharge of fire arms, bullet penetration and stray attainment; indoor air pollution, odor and filtration, and any general safety concerns and Federal Fire Arms, Alcohol and Tobacco (FTA) standards and requirements.
 17. Show an exterior lighting fixture detail indicating the pole's height, type of light, and wattage.
 18. On Sheets 4 & 5, note the water quality/detention basin does not meet City Standards for water quality. The drainage report will need to address the changes to the water/quality detention pond and the development plan should address these changes as well. Additional comments may be made after resubmittal and review of the drainage report.
 19. On Sheets 2, 4, 5 and 6, show the City approved water/quality detention pond.
 20. If required by City Traffic, on all sheets, note that the proposed driveway is off set with the driveway across the property and will cause the left turns for both driveways to conflict in the center lane. Please align the driveways to avoid this conflict.
 21. On Sheet 5, check the length of the proposed water service.
 22. On Sheets 5 and 6, realign the proposed water service out of the landscape area.
 23. On Sheet 5, label all existing utilities on the plan.
 24. On Sheet 6, show existing and proposed utilities on the landscape plan.
 25. On Sheet 5, show a bus stop pad and bench.
 26. On Sheet 2, under plan notes, add a new plan note regarding hours of operation.
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|--|--|---|-----------------|
| PREPARED BY: ASSOCIATED DESIGN PROFESSIONALS, INC. 2324 North 10th Avenue Suite 200 Aurora, Colorado 80010 Phone: 303.733.1111 Fax: 303.733.1112 | | PRELIMINARY GRADING COLORADO SPRINGS, COLORADO MAJESTIC MOUNTAIN RANGE | SHEET 4 of 6 |
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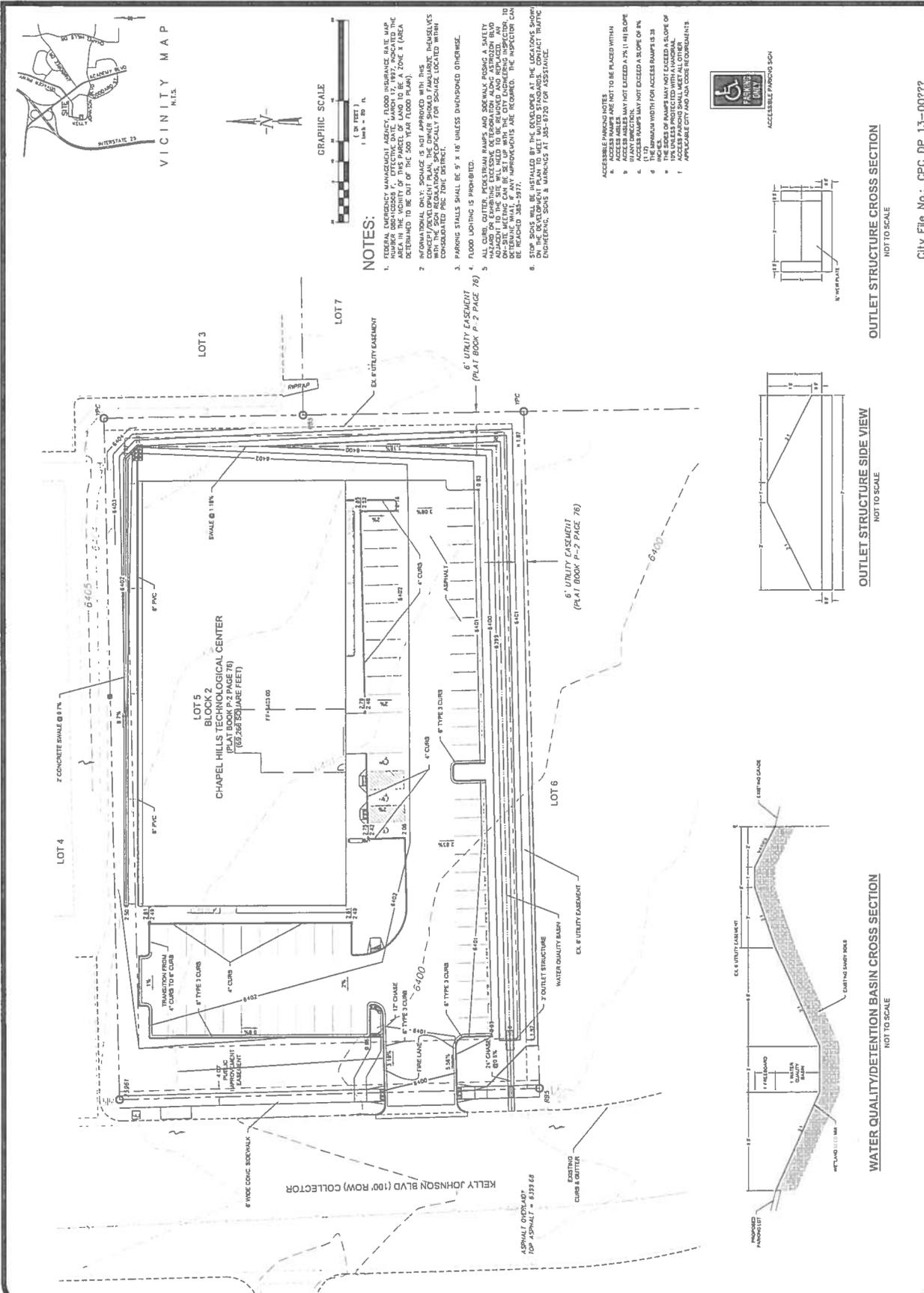


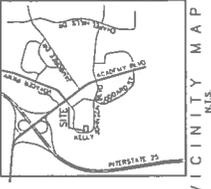
FIGURE 1

PRELIMINARY UTILITY PLAN
COLORADO SPRINGS, COLORADO
MAJESTIC MOUNTAIN RANGE

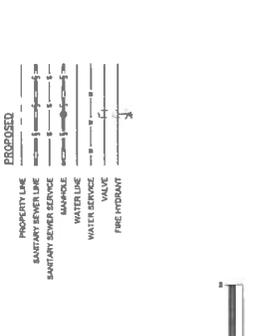
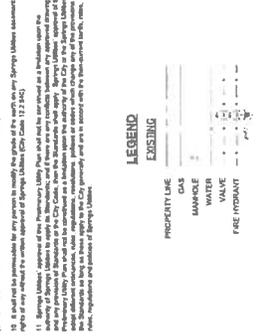
SHEET
 5 of 5

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|-----|------|----------|----|------------|------|
| NO. | DATE | REVISION | BY | CHECKED BY | DATE |
| | | | | | |

PREPARED BY: **A D P**
 ASSOCIATED DESIGN PROFESSIONALS, INC.
 1000 Academy Drive
 Colorado Springs, CO 80901
 Phone: 719.575.1111



- General Notes for all Preliminary Utility Plans
- Property Owner(s) acknowledge and agree to the following terms of the Preliminary Utility Plan. The information is provided for the owner's information only. The information is not intended to be used for any other purpose. The information is not intended to be used for any other purpose. The information is not intended to be used for any other purpose.
 - The information is provided for the owner's information only. The information is not intended to be used for any other purpose. The information is not intended to be used for any other purpose. The information is not intended to be used for any other purpose.
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| HYD FLOW DATA | |
|---------------|--------------------------|
| HYD | FLANGE ELEV FLOW @ 20PSI |
| 22-CH | |
| 21-CH | |
| 21&SL | |

| BUILDING DATA | |
|-------------------------|--------|
| 1172 KELLY JOHNSON BLVD | |
| BUILDING TYPE | OFFICE |
| SQUARE FOOTAGE | 11,473 |
| SPRINKLED | NO |
| PH-BUILD | NO |
| FIRE FLOW REQ'D | 1,000 |
| FLOW DURATION | 1 HOUR |
| PH-RELAY | NO |
| AREA SEPARATION | NO |
| WALL | NO |

LEGEND

EXISTING

- PROPERTY LINE
- MANHOLE
- WATER
- VALVE
- FIRE HYDRANT

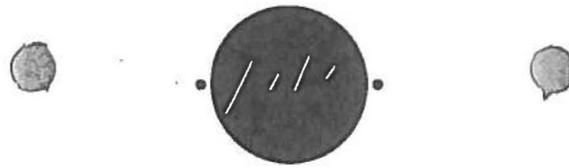
PROPOSED

- PROPERTY LINE
- SANITARY SEWER LINE
- SANITARY SEWER SERVICE
- MANHOLE
- WATER SERVICE
- VALVE
- FIRE HYDRANT

GRAPHIC SCALE
 1 inch = 20 feet

City File No.: CPC DP 13-007???

FIGURE 1



MAJESTIC mountain range

colorado springs, colorado 80920 • www.majesticmountainrange.com

Larry,

Majestic Mountain Range is a membership based club. Our goal is to support our members in providing a safe, fun, and friendly environment where our members and their families come to socialize, practice, and learn social and civic responsibility.

We will have classes ranging from Environmental Etiquette and Awareness with Stay The Trail Colorado (a program of the Responsible Recreation Foundation), Back Country Survival classes, Self Defense classes, Firearms Training, Archery Training, joint educational classes with USA Shooting, and more to come in the future.

Our goal is to have regular member based and member only social events for men, women, and youth all year round.

***We will host leagues and regular competitions for men, women, and youth in archery and firearms.

***We are an indoor training facility in the archery and firearms industries.

*** We have already offered our classrooms, training, and facilities to a local Mom's Club for their meetings and for self defense classes. Also, to a local Eagle Scout group, the use of our ranges and classrooms to foster citizenship and develop good leadership, communication, and teamwork within their troop.

***As we move forward we will be offering ourselves and facilities to many local scout organizations (both boys and girls) and social groups for training, educational, and socialization events.

To sum up, our facilities are for member use only or can be reserved by local civic, youth, and social organizations to utilize for private events and specialized use.

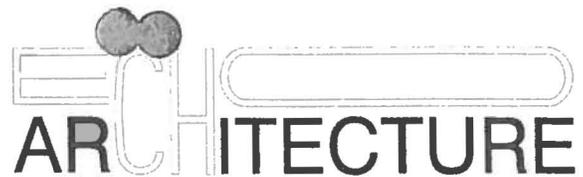
Sincerely,

Jim Akers
Owner, CEO
Majestic Mountain Range
jim@majesticmountainrange.com
719-466-9279

RECEIVED

SEP 20 2013

Colorado Springs
Land Use Review



Date: September 12, 2013

To: City Of Colorado Springs
Land Use Review Division
Planning & Community Development Department

Attn: Larry Larsen, Planner

Project: Majestic Mountain Shooting Range

Location: 1170 Kelly Johnson Blvd
Colorado Springs, CO

Project Statement

Project Description:

New Indoor Shooting Range. The new 2-story building will have a 21,000 s.f. footprint and a total area of approximately 33,400s.f. The building will consist of a pistol range, rifle range, and archery range, along with classroom, retail, warehouse, and office space.

Project Justification:

1. *Will the project design be harmonious with the surrounding land uses and neighborhood?*

Yes. The surrounding land uses and neighborhood are all large 1 and 2 story commercial buildings including office, educational, retail, and institutional use. The surrounding buildings are similar in mass, scale, and height as the proposed Shooting Range.

Architecturally our proposed building design takes cues from the neighboring buildings with its similar height, parapet walls hiding "flat" roofs, and window and entry details. The materials of stucco, metal siding, and stone veneer are also harmonious with the adjacent buildings. Great effort has been taken to provide architectural interest and transparency at the entry and street facing elevation.

2. *Will the proposed land uses be compatible with the surrounding neighborhood? Will the proposed development overburden the capacities of existing streets, utilities, parks, schools and other public facilities?*

Yes. The proposed land use is compatible with the surrounding neighborhood. The membership based Shooting Range use could be considered a "Club (membership, social and recreational)" which is an outright permitted use in the PIP1 zone.

Kelly Johnson is a four lane Boulevard (2 lanes each direction, with a full lane in the center) that currently receives light traffic. The proposed Shooting Range consists of a total of 45 Shooting Lanes and will generate light traffic throughout the day (ie. no "rush hour" or peak load). The Shooting Range will not affect local parks, schools, or other public facilities.

3. *Will the structures be located to minimize the impact of their use and bulk on adjacent properties?*

Yes. The building is set back from the street over 90'. This is consistent with the adjacent buildings. The structure is proposed to be built from insulated concrete forms (ICF) in order to help soundproof the building to minimize impact on the neighbors.

4. *Will landscaping, berms, fences and/or walls be provided to buffer the site from undesirable views, noise, lighting or other off-site negative influences and to buffer adjacent properties from the negative influences that may be created by the proposed development?*

Yes. Code compliant landscape buffers are provided at all parking and streetfront portions of the site.

5. *Will vehicular access from the project to the streets outside the project be combined, limited, located, designed and controlled to channel traffic to and from such areas conveniently and safely and in such a manner which minimizes traffic friction, noise and pollution and promotes free traffic flow without excessive interruption?*

Yes. The project is proposing only one curb cut.

6. *Will all streets and drives provide logical, safe and convenient vehicular access to the facilities within the project?*

N/A

7. *Will streets and drives within the project area be connected to streets outside the project area in such a way that discourages their use by through traffic?*

N/A

8. *Will adequately sized parking areas be located throughout the project to provide safe and convenient access to specific facilities?*

Yes. We are proposing sufficient parking on site for the Shooting Range.

9. *Will safe and convenient provision for the access and movement of handicapped persons and parking of vehicles for the handicapped be accommodated in the project design?*

Yes.

10. *Will the design of streets, drives and parking areas within the project result in a minimum of area devoted to asphalt?*

Yes.

11. *Will pedestrian walkways be functionally separated from vehicular traffic and landscaped to accomplish this? Will pedestrian walkways be designed and located in combination with other easements that are not used by motor vehicles?*

Yes. The limited parking and asphalt allows for a single pedestrian walkway at the building. This walkway will be well delineated with contrasting materials.

12. *Does the design encourage the preservation of significant natural features such as healthy vegetation, drainage channels, steep slopes and rock outcroppings? Are these significant natural features incorporated in the project design?*

N/A

Conditional Use Review Criteria:

- A. *Surrounding Neighborhood: That the value and qualities of the neighborhood surrounding the conditional use are not substantially injured.*

We feel the proposed Shooting Range enhances the quality of the surrounding neighborhood. The impact on the site is minimal. This long term vacant site will be maintained and now be safer due to the additional "eyes on the street". We will be adding a curb and sidewalk at Kelly Johnson Boulevard to increase pedestrian safety for the surrounding neighborhood. Architecturally the building fits in well with the surrounding neighborhood, and functionally the building has low impact on the surroundings.

- B. *Intent of Zoning Code: That the conditional use is consistent with the intent and purpose of this Zoning Code to promote public health, safety and general welfare.*

The PIP1 zone outright allows for uses of similar scale, traffic, and site impact. "Indoor sports and recreation" is allowed as a conditional use. "Club (membership, social and recreational)" is a permitted use in this Zone. The proposed Shooting Range is a membership only Club and seems to comply with the intent of this Zone.

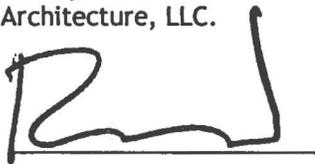
- C. *Comprehensive Plan: That the conditional use is consistent with the Comprehensive Plan of the City.*

This project lies in the 'Regional Center' section of the Comprehensive Plan. Regional Centers are *large, intensive activity centers that combine the uses of commercial centers and employment centers and serve the city and region as a whole*. Our proposal is consistent with this. The Shooting Range will serve the city and region as a whole and provide a new and unique use in the Kelly Johnson activity center.

Please feel free to contact me anytime with questions and/or comments on this Project Statement.

Respectfully,
Echo Architecture, LLC.

by



Ryan Lloyd
Architect



The Contrarian Real Estate Investment Trust

December 18, 2013

City of Colorado Springs
Planning and Development
Attn: Larry Larsen
30 S. Nevada, Suite 105
Colorado Springs, CO 80903

RE: Majestic Mountain Range
File # AR DP 13-00488

Dear Mr. Larsen:

NetREIT, Inc. is the owner of the following two office properties on Kelly Johnson Blvd. within very close proximity to the above referenced proposed development:

- The Presidio: 1155 Kelly Johnson Blvd. (located across the street from the subject)
- Executive Office Park: 1271/1277/1283/1295 Kelly Johnson Blvd.

We have reviewed the proposed use and development plan for the shooting range and spoken with the developer to address our concerns. Our representative also attended the neighborhood meeting last night. We continue to strongly object to both the use and design. The properties on Kelly Johnson Blvd. are largely Class "A" and Class "B" office buildings containing uses conducive to a professional business environment. Clearly, a shooting range does not fit the neighborhood and will result in a reduction in our property values. There is a high probability that prospective tenants for our properties will not consider our location due to the presence of the shooting range.

The developer stated that he could not "rule out" that an occasional gunshot could be heard outside the proposed building. The thought of a prospective tenant hearing a gunshot while in the parking lot of our office building poses serious concerns with respect to the attractiveness of our properties for lease as well as the value of our properties. I am attaching a letter from the leasing agent for The Presidio which confirms this concern.

Furthermore, the design of the project (most notably, the exterior stairways, large balcony, roll-up door, and architecturally unappealing exterior walls) does not fit the standard of the other properties on Kelly Johnson Blvd., which will further reduce value and the properties' attractiveness to potential tenants.

It should also be noted that the Majestic Mountain project also violates the CC&R's for the Chapel Hills Technological Center, of which the subject property is a part. The CC&R's state that "no lot shall be used except for office buildings, research and development buildings or a computer center unless specifically approved by the Architectural Control Committee". The Architectural Control Committee has not approved this project.

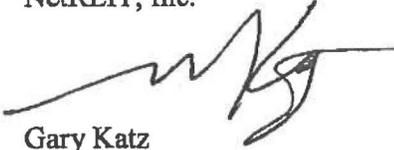
Page | 2

We join other property owners in the neighborhood in urging the City to disapprove this project.

Thank you for your consideration.

Sincerely,

NetREIT, Inc.

A handwritten signature in black ink, appearing to read 'G Katz', with a long horizontal flourish extending to the left.

Gary Katz
Senior Vice President

Enclosure – Cushman & Wakefield Letter

1150 KELLY JOHNSON, LLC
1485 Garden of the Gods Road, Ste 160
Colorado Springs, CO 80907
(719) 473-7763

December 18, 2013

City of Colorado Springs
Land Use Review
Attn: Larry Larsen and Meggan Herington
30 S. Nevada Ave, Ste 105
Colorado Springs, CO 80903

RE: Majestic Mountain Shooting Range
1170 Kelly Johnson

Dear Larry and Meggan,

We are writing again regarding the above proposed development plan to let you know that we are not opposed to a gun club in general, we are adamantly opposed to a gun club in this location. Nothing about this proposed use and plan are in any way compatible with this neighborhood and the applicant has made no efforts to address our concerns. Also, this use and architecture will significantly degrade are values and the quality of our neighborhood.

We are very concerned about the fact that in the review letter from your department there was no requirement to address the issues brought up by surrounding neighbors. Larry Larson indicated that he asked the applicant to address the neighborhood concerns but, at the neighborhood meeting, the applicant had made absolutely no effort to change the architecture or location of the building. Therefore, the concerns expressed in our last letter are still at issue. Specifically these items include the balcony, outside stairs, overhead doors and stark perimeter walls. Yes, the Presidio building has a couple balconies but they are on the 3rd and 4th floors and can hold just a couple people not 50 people for a party. They also do not have any outside stair cases. Our building directly to the north will be severely compromised by the large stark walls on the proposed north side of this building.

The main criteria for the conditional use is "Surrounding neighborhood: That the value and qualities of the neighborhood surrounding the conditional use are not substantially injured." We contend that this neighborhood will be irreparably injured by

City of Colorado Springs
Land Use Review
Attn: Larry Larsen
November 5, 2013
Page 2

this use and architecture. We have poled the top office brokers in Colorado Springs and all have stated that not only will there be a substantial loss in the value of our buildings but we will also have extreme difficulty leasing space. This use also degrades the entire neighborhood from high end office and retail uses to an industrial use environment. Industrial building values and tenant lease rates are SIGNIFICANTLY lower than office and retail. Not only does the use degrade the neighborhood but so does the architecture. With the outside patio, outside stairs, overhead doors and stark perimeter walls, it has the look and feel of an industrial building which in no way is compatible with the existing buildings in this neighborhood. The applicant states that this will be a high end club with upper middle class members. There is absolutely nothing to stop them from allowing anyone to join or even to make it an open recreational facility once it is approved. This also degrades our neighborhood.

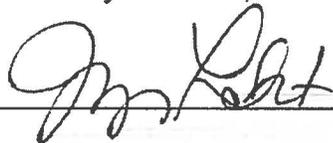
As we stated at the beginning of this letter, we are opposed to this development and if approved, we will exercise all opportunities for appeal. We understand that if this plan is approved by the Planning Commission we have the right to appeal the application to City Council and we will exercise this right. We respectfully request that this application be denied or at a minimum postponed until these issues can be addressed.

Thank you,

Address: 1080 Kelly Johnson Blvd

Owner: 1150 Kelly Johnson, LLC

Signature: _____



Address: 1150 Kelly Johnson Blvd

Owner: 1150 Kelly Johnson, LLC

Signature: _____





December 19, 2013

City of Colorado Springs
Land Use Review
Attn: Larry Larsen and Megan Herington
30 S. Nevada Ave, Suite 105
Colorado Springs, CO 80903

Re: Majestic Mountain Shooting Range

Dear Larry and Megan:

Recently our group purchased a Class A office building at 1465 Kelly Johnson Boulevard, Colorado Springs, which is in the same business park as the proposed Majestic Mountain Shooting Range. We were surprised to learn that the Colorado Springs Planning Department would entertain a gun club in a Class A office park in one of the premier office parks within the City. It is our feeling that a gun club would not be compatible with the original vision and intent of the office park.

The office building we purchased has been stigmatized for several years by the previous owner and ended up being bank owned. Several aspects of the building have been neglected including exterior features. Our company will be investing a significant amount of capital over the next 6 months to change the overall appearance of the building. Attached in this email is a rendering of new canopies proposed for the buildings. This spring we also plan to conduct an extensive landscape remodel. Our concern is that all these improvements could be for naught if the value of the building could be decreasing by having this gun club in the office business park. Our enthusiasm to move forward with these capital improvements may change if we feel the real estate values are changing within the office park.

We are located in Denver and want to continue investing in Colorado Springs, but frankly we are becoming a bit more timid when we see the City of Colorado Springs Planning Department not enforce more stringent development standards. It is our hope that you would take a second look at this project and determine if it meets the original standards of the office business park.

Sincerely,

A handwritten signature in black ink that reads "Travis McNeil".

Travis McNeil
Vice President
NexGen Properties, LLC

Larsen, Larry

From: Margie Wright <Margie.Wright@primew.com>
Sent: Friday, December 20, 2013 8:38 AM
To: Larsen, Larry; Herington, Meggan
Cc: rbe777@iri-cic.com; Joy Focht
Subject: FW: Kelly Johnson

Importance: High

Larry and Meggan,

I would also like to include the response below from broker Kent Mau, Sierra Commercial. I requested his opinion on the impact this facility would have on neighboring commercial buildings on Kelly Johnson Blvd if Majestic Shooting range were approved for development. Thank you for your taking his opinion into consideration.

Margie Wright, RPA
Sr. Property Manager

PLEASE NOTE MY NEW EMAIL ADDRESS: Margie.Wright@primew.com

Prime West Companies
1873 S. Bellaire Street, Suite 500
Denver, CO 80222
Main: 303-741-0700
Fax: 303-741-6988
Email: margie.wright@primew.com
www.primew.com



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This communication may contain confidential, proprietary or legally privileged information. This information is only for the use by the individual(s) or entity to whom it is intended even if addressed incorrectly. If you are not an intended recipient, you may not use, read, retransmit, disseminate or take any action in reliance upon it. Please notify the sender that you have received it in error and immediately delete the entire communication, including any attachments.

From: Kent Mau [<mailto:kmau@sierracre.com>]
Sent: Thursday, December 19, 2013 10:56 PM
To: Margie Wright
Cc: Steve Clarke
Subject: Re: Kelly Johnson
Importance: High

Margie

I am sorry about this late response but here's the deal: there is no upside to having that near your building or even in the project. At best it might not bother some but tenants are going to be aware of the use. If I were choosing between a building on Kelly Johnson next to a shooting range or one in Briargate where I could walk over to the lifestyle center almost year round. It's a non-decision ; I am going to Briargate. I believe the character of use to be a poor one for that location. Let's say I am wrong ; no one really cares about the shooting range , it is at best a slight risk to those who care not for guns and from thereall you have is further downside. There is no benefit.

Again I am sorry about the late response ...I don't think any of those owners will let this happen.

From: Margie Wright <Margie.Wright@primew.com>
Date: Wednesday, December 18, 2013 11:38 AM
To: Kenton Mau <kmau@sierracre.com>
Cc: Steve Clarke <steve.clarke@primew.com>
Subject: FW: Kelly Johnson

Hi Kent,

Steve Clarke thought you might have an opinion/comment on the Majestic Mountain Range indoor shooting facility proposing to build at 1170 Kelly Johnson Blvd. The attached documentation and links below update you on their plans. Several of us attended the neighborhood meeting last night and there weren't any leasing brokers in attendance to discuss the effect this might have on property values and leasing opportunities. The Commercial property representatives in attendance all had concerns as to the impact on our values and what a facility, being sold as a "country club membership", will have on our locations and leasing. Would you be willing to review and comment by mid-afternoon Thursday, 12/19, so we can forward to Planning & Development? Thanks Kent, I appreciate any insight you might have on this.

<http://eoc.springsgov.com/LDRSDocs/LUISPlanner/Documents/App/77966.pdf>

<http://eoc.springsgov.com/LDRSDocs/LUISPlanner/Documents/App/77967.pdf>

Margie Wright, RPA
Sr. Property Manager

PLEASE NOTE MY NEW EMAIL ADDRESS: Margie.Wright@primew.com

Prime West Companies
1873 S. Bellaire Street, Suite 500
Denver, CO 80222
Main: 303-741-0700
Fax: 303-741-6988
Email: margie.wright@primew.com
www.primew.com



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INTERNATIONAL REALTY & INVESTMENT, INC.

December 18, 2013

City of Colorado Springs
Land Use Review
Attn: Larry Larsen and Meggan Herington
30 S. Nevada Ave, Ste 105
Colorado Springs, CO 80903

RE: Majestic Mountain Shooting Range
1170 Kelly Johnson

Dear Larry and Megan,

I am writing this letter regarding the above proposed development plan to let you know I am still adamantly opposed as nothing about this proposed use and plan are in any way compatible with this neighborhood and the applicant has made no efforts to address our concerns.

I am very concerned about the fact that in the review letter from your department there was no requirement to address the issue brought up by surrounding neighbors. Larry Larson indicated that he asked the applicant to address the neighborhood concerns but, at the neighborhood meeting, the applicant had made absolutely no effort to change the architecture or location of the building. Therefore, the concerns expressed in our last letter are still at issue. Specifically these items include the balcony, outside stairs, overhead doors and stark perimeter walls. Yes, the Presidio building has a couple balconies but they are on the 3rd and 4th floors and can hold just a couple people not 50 people for a party. They also do not have any outside stair cases. Our building directly across the street will be severely compromised by the large stark walls on the proposed north side of this building.

City of Colorado Springs
Land Use Review
Attn: Larry Larsen

Page 2

The main criteria for the conditional use is "Surrounding neighborhood: That the value and qualities of the neighborhood surrounding the conditional use are not substantially injured." I contend that this neighborhood will be irreparably injured by this use and architecture. A pole has been taken of the top Commercial Real Estate brokers in Colorado Springs and all have stated that not only will there be a substantial loss in the value of our buildings but we will also have extreme difficulty leasing space. This use also degrades the entire neighborhood from high end office and retail uses to an industrial use environment. Industrial building values and tenant lease rates are SIGNIFICANTLY lower than office and retail. Not only does the use degrade the neighborhood but so does the architecture. With the outside patio, outside stairs, overhead doors and stark perimeter walls, it has the look and feel of an industrial building which in no way is compatible with the existing buildings in this neighborhood. The applicant states that this will be a high end club with upper middle class members. There is absolutely nothing to stop them from allowing anyone to join or even to make it an open recreational facility once it is approved. This also degrades our neighborhood.

As I stated at the beginning of this letter, I am adamantly opposed to this development and if approved, I will exercise all opportunities for appeal. I understand that if this plan is approved by the Planning Commission we have the right to appeal the application to City Council and I will exercise this right. I respectfully request that this application be denied.

City of Colorado Springs
Land Use Review
Attn: Larry Larsen

Page 3

Furthermore I am a Real Estate Broker with 33 years of experience and I cannot think of any use worse than a Gun Range to harm a commercial area. The property values will go down, the rental values will go down and my tenant DeVry University will most likely not renew their lease. Do to the fact that my building was designed for a school and I do not believe any other school would want to move in across the street from a gun range it could render my property useless.

I just want to say one last time that this use just does not work in this commercial area of class A office buildings, apartments, an education facility, etc.

Thank you,

Address: 1175 Kelly Johnson Blvd

Owner: Virginia DY, LLC

Robert Erlich

Signature:

A handwritten signature in black ink, appearing to read 'R. Erlich', written over a horizontal line.



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WAKEFIELD®**

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Commercial**

INDEPENDENTLY OWNED AND OPERATED

2 North Cascade Ave., Suite 610
Colorado Springs, CO 80903
(719) 634-1500

December 18, 2013

Mr. Larry Larsen
Ms. Meggan Herington
Colorado Springs Planning
30 S. Nevada Avenue, Suite 105
Colorado Springs, CO 80903

RE: Majestic Gun Club
Proposed for Kelly Johnson Blvd.

Dear Larry and Meggan:

The idea of placing a shooting range in the heart of a retail and office business park will greatly affect the values of the existing real estate. I am an avid shooter and have a concealed carry permit in El Paso County, so I am not anti-gun, but rather pro-business. In a real estate market that is finally gaining traction for the first time in 7 years, allowing this use would put undue burden on property owners on Kelly Johnson Boulevard.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter M. Scoville".

Peter M. Scoville
Principal

Larsen, Larry

From: Joy Focht <joy.focht@proformaland.com>
Sent: Monday, December 23, 2013 8:12 AM
To: Larsen, Larry; Herington, Meggan
Subject: 1170 Kelly Johnson

Good Morning,

I received an anonymous letter this weekend regarding the Majestic Gun Club and wanted to pass along the concerns. According to the letter, the Colorado Springs sound requirements state that this facility will be required to stay under 45 decibels at all property lines. A large caliber rifle generates 145 decibels. Is the construction of this building enough to mitigate this type of gun? They are also concerned about how the popping sounds even at 45 decibels will affect neighboring properties such as people going to work and hearing gun shots and especially veterans with PTSD. They also brought up the ventilation system asking if gun residue will be smelled in the neighborhood. I thought these were good points that I am hoping will be addressed by both Colorado Springs Planning and the applicant.

Thank you and enjoy the holidays!

Joy Focht

*Joy Focht
Proforma Land Development & Construction
1485 Garden of the Gods Rd, Suite 160
Colorado Springs, CO 80907
719-473-7763 x202 (office)
719-278-5043 (fax)*

Larsen, Larry

From: Chris King <cking@dpccompanies.com>
Sent: Tuesday, December 24, 2013 11:39 AM
To: Larsen, Larry; Herington, Meggan
Subject: Majestic Mountain Range

Dear Megan and Larry,

I am the Managing member of the ownership of the Chapel Hills Atrium office building which is located across the street from the proposed Majestic Mountain Range shooting center on Kelly Johnson Blvd. We have supported the opposition of the Range, and feel that this is not an appropriate use within a business park environment. We, along with the owners of the Presidio next door have invested over \$20 million in this park, with the idea that it is a business park catering to professional businesses. A shooting range does not fit this, and we are concerned that it will create noise, traffic and possibly an element that does not belong in a business setting.

As far as noise, there is a real concern that sounds of shots will be significantly disturbing to people, especially in light of the recent tragedy and Arapahoe High School. This is such a high concern today, and we should not embrace bringing this type of activity into a populated, and high traffic setting.

Please carefully consider what is being proposed and the effect it could have on the area. We would like both planning and council to reject the proposal and deny approval of the use and development plan.

Sincerely,

Christopher R. King
President



CHRISTOPHER R. KING
PRESIDENT

7000 E. Belleview Ave., Suite 300
Greenwood Village, CO 80111

Larsen, Larry

From: Joy Focht <joy.focht@proformaland.com>
Sent: Thursday, December 19, 2013 6:11 AM
To: Herington, Meggan; Larsen, Larry
Cc: Gary Hollenbeck
Subject: FW: Gun Club

Below is the email from our broker regarding the Majestic Gun Club development. Please feel free to contact Gary Hollenbeck directly if you have additional questions.

Thank you,

Joy Focht

From: Gary Hollenbeck [<mailto:GHollenbeck@palmer-mcallister.com>]
Sent: Wednesday, December 18, 2013 9:06 AM
To: Joy Focht
Subject: Gun Club

Joy,

For the record, I am not opposed to gun clubs. However I am opposed to locating a gun club in a Class A office park surrounded by retail , restaurant and hotel users. This type of use and building design could and most likely will have a negative effect on office users considering leasing office space in the Kelly Johnson sub market. There is a high probability this use could negatively affect a landlords ability to lease vacant space, renew existing tenants, and could lower the resale value of their buildings. The use is better served on land in an industrial area surrounded by single story office flex and industrial buildings not midrise office buildings.

Gary Hollenbeck

Palmer McAllister
104 S. Cascade Ave, Suite 210
Colorado Springs, CO 80903
719-630-2222, Office
719-648-5570, Cell
ghollenbeck@palmer-mcallister.com

CITY PLANNING COMMISSION AGENDA

ITEM NO.: 5

STAFF:
PETER WYSOCKI &
TOM WASINGER (CODE ENFORCEMENT SUPERVISOR)

FILE NO:
CPC AP 14-00004 – QUASI-JUDICIAL

PROJECT: 332 EAST COLORADO
APPELLANT: STUDIO A64, LLC. AND K.C. STARK
OWNER: BRADY KENNETH



PROJECT SUMMARY:

1. Project Description: The appellant is appealing a Notice and Order to abate an illegal use of a property at 332 East Colorado as a marijuana smoking facility. City staff made a determination that the marijuana smoking facility was not a permitted use because it is not specifically listed as a permitted use within the FBZ (Form Based Zone) Central zoning district. The appellant believes that the determination was erroneous and that the Notice and Order is clearly contrary to law.
2. Applicant's Project Statement: **FIGURE 1**
3. Planning & Development Department's Recommendation: Deny the appeal and uphold the Notice and Order.

BACKGROUND:

1. Site Address: 332 East Colorado
2. Existing Zoning/Land Use: Form-Based Zoning (FBZ) Central
3. Surrounding Zoning/Land Use:
North: FBZ Central – mixed commercial uses
South: FBZ Central – parking lot
East: FBZ Central – mixed commercial uses
West: FBZ Central – mixed commercial
4. Comprehensive Plan/Designated 2020 Land Use: Regional Center

STAKEHOLDER PROCESS AND INVOLVEMENT:

Not applicable.

ANALYSIS:

Zoning enforcement procedures are set forth in City Code Chapter 7, Article 5, Part 10. Notices of Order can be appealed pursuant to City Code Section 7.5.906. Pursuant to Section 7.5.906, the appeal criteria are as follows:

In the written notice, the appellant must substantiate the following:

- a. *Identify the explicit ordinance provisions which are in dispute.*
- b. *Show that the administrative decision is incorrect because of one or more of the following:*
 - (1) *It was against the express language of this zoning ordinance, or*
 - (2) *It was against the express intent of this zoning ordinance, or*
 - (3) *It is unreasonable, or*
 - (4) *It is erroneous, or*
 - (5) *It is clearly contrary to law.*
- c. *Identify the benefits and adverse impacts created by the decision, describe the distribution of the benefits and impacts between the community and the appellant, and show that the burdens placed on the appellant outweigh the benefits accrued by the community.*

Staff's determination that the use of the property is not a permitted use was based on City Code Section 7.2.107 which states:

Except as herein specified, it shall be unlawful to use any building, structure, or land or to erect, move, structurally alter, convert, extend, or enlarge any building or other structure except in conformity with the requirements established in the zone district in which said structure, building, or land is located and in accord with the provisions of this Zoning Code

And on City Code Section 7.2.108, which states:

When a use is not specifically identified as allowed in a zone district, it shall not be allowed in the zone district unless it meets the following description and criteria of a similar use. The function, performance characteristics, and location requirements of the unlisted, proposed use must be consistent with the purpose and description of the zone district where it is proposed, compatible with the uses specifically allowed in the district, and similar in characteristics such as traffic and parking generation, noise, glare, vibration, and dust. Uses may be allowed as principal permitted, conditional, and accessory uses in any zone district where similar uses are allowed. Similar use determinations shall be made by the Manager or the designee in writing.

A marijuana smoking facility is not defined, permitted or conditionally permitted by City Code, Chapter 7 or the Downtown Colorado Springs Form-Based Code. According to the owner, Studio A 64 should be considered a “private club” as patrons must pay to enter and bring their own marijuana to smoke it at the facility. Drinks and snacks are also sold.

City Code does not specifically define “private club”. The closest definition is a “social club” under the “club” use definition, which is under the “Civic Use Types” category in City Code Section 7.2.302.D.3:

CLUB (Membership): A use providing meeting, recreational, or social facilities for a private, nonprofit or noncommercial association [emphasis added], primarily for use by members and guests, excluding uses with the chief activity being a service customarily carried on as a business.

- a. Recreational Clubs: A club providing indoor and/or outdoor athletic facilities, with or without social facilities. Typical uses include health clubs, country clubs, nonprofit recreation or community centers.*
- b. Social Clubs: A club providing social or meeting facilities. Typical uses include private social clubs and fraternal organizations.*

STAFF RECOMMENDATION:

Item No. : 5 CPC AP 14-00004 – APPEAL OF NOTICE AND ORDER

Deny the appeal and uphold the Notice and Order to cease and desist the use of the property located at 332 East Colorado as a marijuana smoking facility.



LAND USE REVIEW DIVISION
 PLANNING & DEVELOPMENT TEAM

APPLICATION FORM FOR APPEAL OF ADMINISTRATIVE DECISION

Appellant: Studio A64, LLC and KC Stark Telephone 719 930-9846 Fax N/A
 Address: 332 E Colorado Ave, Colo. Sprngs, CO Zip Code 80903 e-mail KC@studioa64.co

Premises Involved:

City Planning File Number (if applicable): _____
 Address: 332 East Colorado Ave, Colorado Springs, CO 80903
 Direction from nearest street intersection NW Corner of Colorado Ave & Wahsatch
 Tax Schedule No. 64181-19-015 Acreage N/A
 (The tax schedule number can be obtained from the El Paso County Tax Assessor located at 27 E. Vermijo Avenue on the 2nd Floor; phone: 520-6600 or at their web site <http://www.land.elpasoco.com>)
 Date of Receipt of Notice and Order or Date of Final Administrative Decision November 21 2013

Appeal of Decision Regarding:

Development/Landscape Plan _____ Subdivision Plat _____ Notice and Order X
 Hillside Site Plan _____ Administrative Relief _____ Non-Conforming Use _____
 Sexually Oriented Business _____ Temporary Use Permit _____ Relocation payments _____
 Similar Use Determination _____ Property Boundary Adjustment _____
 Preservation Area Boundary Adjustment _____ Building Permit to Unplatted Land _____
 Building Permit prior to Platting _____ Historic Preservation Board Determination _____
 Home Occupation Permit _____ Human Service Establishment _____
 Other: _____

OFFICIAL CITY PLANNING USE:

Fee Receipt # 20 25013 Date Application Accepted 12/2/13
 Completed Form _____ Intake Staff KO
 Appeal Statement (2) - Vicinity Map _____
 Authorization - Copy of Notice and Order (if applicable) _____
 Applicant informed of Poster Pickup Date? Yes - No _____ If Yes, Date of Poster Pickup _____
 Notification Options: Waive Notification _____ Adjacent _____ 500' _____ 1,000' _____
 Assigned to: _____ (Notice to be sent at time of CPC/CC Hearing only)

OWNER/APPLICANT AUTHORIZATION:

The signature(s) below certifies that I (we) is(are) the authorized appellant and that the information provided on this form is in all respects true and accurate to the best of my (our) knowledge and belief. I(we) familiarized myself(ourselves) with the rules, regulations and procedures with respect to preparing and filing this petition. I agree that if this request is approved, it is issued on the representations made in this submittal, and any approval or subsequently issued building permit(s) or other type of permit(s) may be revoked without notice if there is a breach of representations or conditions of approval.

KC Stark 2. Dec. 2013
 Signature of Appellant Date

PRE-APPLICATION CONFERENCE:

A pre-application conference with the planning staff is not mandatory for these applications. However, if you would like a pre-application meeting, please call 385-5905 and one will be scheduled for you.

PROJECT TRACKING

City Planning maintains an internet-based project tracking system (**LUIStrack**) that reflects all significant processing benchmarks associated with each development application. Go to <http://www.springsgov.com/luispublic/luispublic.asp> to search for your application in **LUIStrack** project tracking.

PUBLIC NOTICE:

The following public notice requirements will be imposed in conjunction with the review of these applications:

- Written notification to the adjoining property owners within 500 or 1,000 feet (at planner's discretion) of the property site will be required. City Planning will coordinate with the applicant on the required postage amount with the postage amount required to be paid when the applicant picks up the public notice poster.
- A public notice poster will be provided to the applicant a minimum of ten (10) days prior to the public hearing date. The proposed project site must be posted, by the applicant for a minimum of ten (10) consecutive days. The poster should be posted in a very visible location on the site, which can be viewed by passing motorists and/or pedestrians without trespassing. The applicant is required to complete the affidavit (a copy will be attached to the poster) attesting to the specific dates that the site was posted. The applicant must check the site occasionally to confirm that the property continues to be posted throughout the posting period. If the poster is no longer in good shape or has disappeared from the site, please contact the City Planning Office at 385-5905 for a replacement poster.

FEES:

An application review fee will be required to accompany these applications (checks payable to City of Colorado Springs). The fee schedule is as follows:

| | |
|---|--------------|
| Appeal of Administrative Decision to Planning Commission | \$176 |
|---|--------------|

If you are indigent, your fee may be waived; please ask the planning staff for an Indigent Fee Waiver form if you wish to apply for this fee waiver.

APPLICATION REQUIREMENTS:

This application should be submitted to the City of Colorado Springs-Planning Office at 30 South Nevada Avenue, Suite 301. All applications must be completed in full and accompanied by the following information:

APPLICANT

PLANNER

- | | | |
|-------|--|-------|
| _____ | 1. Two (2) copies of an APPEAL STATEMENT identifying the following: | _____ |
| | • A clear DESCRIPTION of the appeal. The file number, ordinance and/or provision must be identified and a brief summary of facts. | _____ |
| | • A JUSTIFICATION based on the review criteria as set forth in Section 7.5.906 Justifying why the appeal should be approved. | _____ |
| _____ | 2. A VICINITY MAP showing the parcel outlined with the adjacent streets within the neighborhood noted on a separate 8½" x 11" page. | _____ |
| _____ | 3. A copy of the NOTICE and ORDER from the issuing agency (if applicable). | _____ |
| | 4. City Planning, City Planning Commission and/or the City Council may require other ADDITIONAL INFORMATION for this application as needed. | |

INFORMATION REGARDING APPEAL OF A NOTICE and ORDER:

If you are appealing a Notice and Order issued by an official of the City of Colorado Springs, you are stating that one or both of the following are true:

1. You are not in violation of City Code and you believe the official is in error; and,
2. The abatement period is unreasonable and should be lengthened.

INFORMATION REGARDING APPEAL OF A NOTICE AND ORDER, continued:

A perfected appeal shall operate as a stay of the enforcement process unless the City Agency which issued the Notice and Order certifies in writing that the condition giving rise to the decision constitutes an imminent hazard to the public health, safety and welfare or the violation is of such a short term nature that by the time an appeal hearing is held, the violation will have been terminated or moved to another site. You should take no further action regarding the alleged violation during this stay of proceedings. Do not continue construction, add on or otherwise modify your property or buildings. If you do, it is at your own risk and a completed project will not guarantee automatic approval. In no event will a variance be granted upon appeal from any order, requirement, decision or determination. Any variance will require the filing of a separate application and payment of applicable fees.

INFORMATION REGARDING AN APPEAL OF AN ADMINISTRATIVE DECISION:

An individual aggrieved by a decision made by an administrative officer of the City may appeal such a decision by filing a written notice specifying briefly the grounds of the appeal within ten (10) days from the date of mailing, posting, or personal service of notice of the decision. City Planning shall place the appeal on the Planning Commission agenda at the next regularly scheduled meeting occurring at least twenty-one (21) days but not more than forty-eight (48) days thereafter. After the public hearing, the Planning Commission shall have the power to affirm, reverse, or modify such decisions.

In accordance with the Zoning Code, individuals filing appeals of an administrative decision made by City Planning staff must substantiate the following in written form:

1. Identify the explicit ordinance provisions which are in dispute.
2. Show that the administrative decision is incorrect because of one or more of the following:
 - a) It was against the express language of the Zoning Ordinance, or
 - b) It was against the express intent of the Zoning Ordinance, or
 - c) It is unreasonable, or
 - d) It is erroneous, or
 - e) It is clearly contrary to law.
3. Identify the benefits and adverse impacts created by the decision, describe the distribution of the benefits and impacts between the community and the appellant, and show that the burdens placed on the appellant outweigh the benefits accrued by the community.

Investigation: City Planning shall investigate the application and the facts bearing on the case to provide the information necessary for action consistent with the intent, purpose and requirements of the Zoning Code. City Planning shall report the findings to the Planning Commission.

Appearance: If making an appearance of record, the following persons, are hereby defined as parties and shall be entitled by themselves or through a representative to participate in a public hearing before the Planning Commission:

1. The applicant or the appellant;
2. Either the owner or lessee of property of agent for the owner or lessee which is directly affected by the matter which is before the reviewing authority;
3. Any person, organization, group or governmental entity who demonstrate to the Planning Commission that they have a significant interest in the subject matter of the hearing;
4. Any member of the City administration.

The "appearance of record" shall mean either:

1. An oral statement sufficiently identifying the person making the same or by his representative made at the hearing, or
2. A written statement giving the name and address of the person making the appearance signed by their representative and filed with the Planning Commission either prior to the beginning of the hearing or when permitted by the Planning Commission.

FINAL DISPOSITION:

In consideration of an appeal, the Planning Commission may affirm, reverse or modify an administrative decision under their jurisdiction in accordance with of the Zoning Code. After receiving testimony, the Planning Commission shall announce its decision at the conclusion of the public hearing. The decisions shall set forth the findings of fact together with conditions of approval considered necessary to mitigate impacts and protect the public health, safety and welfare. The Planning Commission may recommend conditions, which are necessary and reasonable in order to further, the purpose of the Zoning Code. Such conditions may include, but are not limited to, setbacks, from adjacent uses or property lines, landscaping, screening, placement and size of signs, placement and amount of parking and access restrictions.

Appealing a Decision of the Planning Commission:

The decision of the City Planning Commission to approve or deny an application may be appealed to the City Council within ten days from the date of the public hearing decision. The appeal must be in writing and should be submitted to the City Clerk at 30 South Nevada Avenue, Suite 101 along with a \$175.00 non-refundable fee. The appeal must include the file number of the item and specify briefly the grounds for the appeal. If a perfected appeal is filed within this ten-day period, the decision to approve or deny will be suspended until the appeal process is finalized.

Upon receipt of the subsequent appeal, the City Clerk shall schedule a public hearing before the City Council at the next meeting occurring at least thirteen (13) days thereafter. City Council has the power to refer any matter appealed back to Planning Commission for further consideration or affirm, reverse or modify the action of the Planning Commission. In all matters before the City Council relating to the actions of the Planning Commission, the entire file from City Planning pertaining to such matters shall be made a part of the record of the City Council. The file shall include but not be limited to Planning Commission minutes, maps, drawings, departmental reports and application. If the appellant wants to submit additional exhibits to Council to include in the record, the original of such exhibit and twelve (12) copies must be submitted to the City Clerk. If the exhibits are electronic, a disk must be given to the City Clerk. All exhibits are kept for a maximum of ten (10) working days after the time of appeal has expired.

At the public hearing, City Planning staff will summarize their recommendation and the Planning Commission's recommendation for the record. The appellant may present an argument in support of their position. An individual who has not appealed may present an argument in support of the appellant's position. A short rebuttal by the applicant shall be limited to issues raised during the preceding argument. Final comments from the applicant and all other parties are allowed only by permission of the Mayor. Final comments from City staff and staff's recommendation shall conclude the hearing. All questions will be directed through the Mayor who will then direct the question to the appropriate person. Council may then make a decision on the matter or delay the decision. If final action is not taken at the public hearing, the Mayor will advise the audience when the matter will be considered.

Appealing a Decision of the City Council:

Once City Council has made a final decision to grant or deny an appeal, the administrative process shall be deemed to be exhausted. Any subsequent appeal must be made to the court.

DO NOT REMOVE THIS PAGE – IT MUST BE KEPT WITH THE ORIGINAL APPLICATION FORM!

The City of Colorado Springs-Planning Group is committed to ensuring that all of our services are accessible to those with disabilities. We encourage participation by all individuals. If you have a disability, advance notification of any special needs will help us better serve you. Please call City Planning at 385-5905 to request any special service that you may require. A one (1) week advance notice to allow us to accommodate your request is appreciated.

POLICE DEPARTMENT
Code Enforcement
PO Box 2169 MC 1525
Colorado Springs, CO 80901
(719) 444-7891



(719) 444-7890

November 21, 2013

BRADY KENNETH
30 BERTHE CIR
COLORADO SPRINGS, CO 80906

NOTICE AND ORDER

To the owner or other person with an Interest in the property at 332 E COLORADO AVE , Tax Schedule Number 6418119015, pursuant to the code of the City of Colorado Springs, 2001, as amended.

YOU ARE HEREBY NOTIFIED that the following violation(s) of the City Code existed at the above-cited premises.

| Date(s) Inspected | Violations | Comments | Reinspection Date(s) |
|-------------------|---|---|----------------------|
| 11/19/2013 | IU-C - Illegal Use in a Commercial Zone Chapter 7 Article 3 Part 203 | You are hereby notified that the Colorado Springs Police Department – Code Enforcement Unit and Zoning Administration have probable cause to believe that the following violation(s) of the City Zoning Code exists at the above-cited premises. Specifically: Illegal use within the Form-Based Zoning District (FBZ); a marijuana smoking establishment is not an identified use within the City of Colorado Springs Zoning Regulation nor is the use recognized as a permitted or a conditional use within the Zoning District. To bring the property into compliance the illegal use must cease and desist by the next re-inspection deadline. Failure to take proper action according to this notice may result in a summons being Issued requiring a mandatory court appearance or other zoning enforcement action being taken. | 12/2/2013 |

Failure to abate, remove or otherwise correct the above violation(s) may result in legal action to abate the conditions and/or assessment of costs to abate or otherwise correct said condition(s) in the form of a lien against your property pursuant to Chapter 3, Article 4; Chapter 4, Article 204B; Chapter 6, Article 5; Chapter 7, Article 5, Part 1009; Chapter 9, Articles 3,6, and/or 7 of the City Code.

YOU ARE HEREBY ORDERED to do one of the following:

1. Remove, correct or otherwise abate the above violations prior to reinspection date(s) noted in the Violation Table.
2. Appeal this Notice and Order. (See General Information Sheet attached).

Our office is located at the Police Operations Center 705 S. Nevada Avenue, Colorado Springs, CO 80903

Please refer to the attached General Information Sheet for additional information. Failure to Comply Fees in the amount of One Hundred Dollars (\$100.00) and Repeat/Chronic Repeat Offender Fees may be assessed.

CC Post CC Occupant CC Owner

Tom Wasinger
CODE ENFORCEMENT OFFICER

Case Number 1311223

wasinger@ci.colorado-springs.co.us

**APPEAL STATEMENT
FOR
332 WEST COLORADO AVE**

Description of Appeal:

This is an appeal from a Notice and Order dated November 21, 2013 regarding the premises located at 332 East Colorado Avenue, Colorado Springs, CO 80903. The Notice and Order alleges an “illegal use within the Form-Based Zoning District (FBZ); a marijuana smoking establishment is not an identified use within the City of Colorado Springs Zone Regulation nor is the use recognized as a permitted or a conditional use with the Zoning District.” The violation alleged is stated as IU-C – Illegal Use in a Commercial Zone, Chapter 7, Article 3, Part 203.

Statement of Facts:

The Appellant is the Tenant in the building located on the top floor of 332 East Colorado Avenue, Colorado Springs, Colorado. The Appellant is a Colorado limited liability company that operates a private club that, among other things, allows its private members, all of which are over the age of 21 to ingest marijuana in accordance with the provisions of Amendment 64 to the Colorado Constitution. The private club has been operational since February 2013. The use that is being made of the premises is legal under both Colorado law and the Zoning Ordinance.

Justification for Appeal:

The Criteria for Review set forth in City Code Section 7.5.906 provide guidance concerning why this appeal should be granted in favor of the Appellant. Those criteria state in pertinent part:

“b. Show that the administrative decision is incorrect because of one or more of the following:

- (1) It was against the express language of this zoning ordinance, or
- (2) It was against the express intent of this zoning ordinance, or
- (3) It is unreasonable, or
- (4) It is erroneous, or
- (5) It is clearly contrary to law.”

The base assumption behind the Notice and Order is the erroneous presumption that just because a particular use is not expressly mentioned in a Zoning Code, that is it “illegal.” That notion has been rejected by Colorado case law. It is simply not possible for any Zoning Code to outline any and all possible uses. Due to changes in law, social norms, and technological progress, new uses that had previously never existed are created every day. Just because a use is not expressly mentioned in a zoning code does not make it “illegal.” It may be a non-conforming use, but is it not *illegal*. Accordingly, the Notice and Order is clearly contrary to law.

If the City Council desires to make the use illegal, it would have to pass an ordinance, amending the Zoning Code, specifically making it illegal. There is no such ordinance in place.

If such an ordinance were passed, this particular use would be an existing non-conforming use and would be allowed to continue to operate under Colorado law. In short, it would be grandfathered and could not be closed.

Further, as a private club, Studio A64, LLC is entitled to operate in the FBZ in which it is located. The Notice and Order ignores the true use, a private club. Accordingly, the Notice and Order it is expressly against both the intent, and the express language of the Zoning Ordinance.

Representation by Counsel:

The Appellant has retained the services of Charles T. Houghton, Esq., attorney at law, to assist it in these proceedings. Mr. Houghton can be reached via email, cthlaw@msn.com, or by phone, 719-351-4261.

Conclusion:

The use being made of the subject premises cannot be terminated by the City. The use is not illegal, the private club is allowed on the existing City of Colorado Springs Zoning Ordinance. Further, the failure to have a provision concerning a certain use does not render that use illegal and subject to termination. Rather, it makes the use an existing non-conforming use that cannot be terminated.

Dated: December 2, 1013

STUDIO A64, LLC


K.C. Stark, Owner and Manager

Consent of Owner:

I, Kenneth Brady, am the owner of the building located at 332 East Colorado Avenue, Colorado Springs, Colorado and hereby consent to the filing of this Appeal.


Kenneth Brady, Owner
332 East Colorado Avenue
Colorado Springs, CO 80903

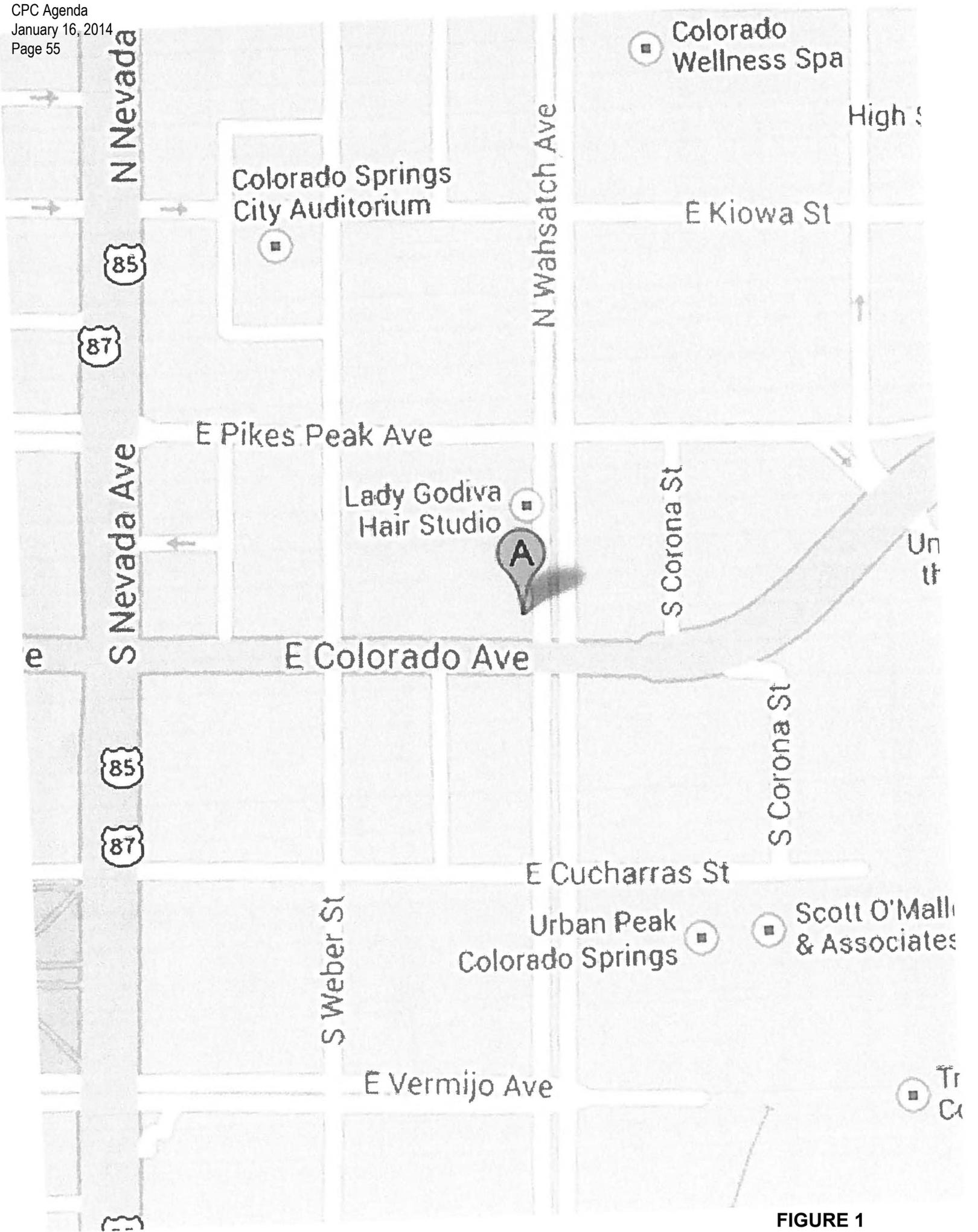


FIGURE 1

CITY PLANNING COMMISSION AGENDA

ITEM NO: 6

STAFF: ERIN MCCAULEY

FILE NO:
CPC CU 13-00077 – QUASI-JUDICIAL

PROJECT: WHISTLING PINES WEST – 4750 PEACE PALACE POINT

APPLICANT: HAMMERS CONSTRUCTION, INC.

OWNER: WHISTLING PINES GUN CLUB WEST, LLC



PROJECT SUMMARY:

1. **Project Description:** The project consists of an indoor shooting range on 2.50 acres at 4750 Peace Palace Point (**FIGURE 1**). The parcel is currently vacant and zoned PIP-2 HS (Planned Industrial Park with Hillside Overlay). The Indoor Sports and Recreation use type is conditional within the PIP-2 zone district.
2. **Applicant's Project Statement:** (**FIGURE 2**)
3. **Planning and Development Department's Recommendation:** Approval of the application, subject to the condition that noise levels measured in accordance with City Code Section 9.8.103 shall be demonstrated not to exceed 45dB(A) prior to the issuance of a Certificate of Occupancy.

BACKGROUND:

1. **Site Address:** 4750 Peace Palace Point
2. **Existing Zoning/Land Use:** PIP-2 HS (Planned Industrial Park with Hillside Overlay) / Vacant
3. **Surrounding Zoning/Land Use:** North: PIP-2 HS and R1-6 HS (Planned Industrial Park with Hillside Overlay and Single-Family Residential with Hillside Overlay) / Vacant
South: PIP-2 (Planned Industrial Park) / Manufacturing
East: PIP-2 (Planned Industrial Park) / Warehouse
West: PIP-2 HS (Planned Industrial Park with Hillside Overlay) / Manufacturing
4. **Comprehensive Plan/Designated 2020 Land Use:** Employment Center
5. **Annexation:** Pope's Bluff Addition, 1965
6. **Master Plan/Designated Master Plan Land Use:** Not applicable
7. **Subdivision:** Garden of the Gods Business Park, Filing No. 12
8. **Zoning Enforcement Action:** None
9. **Physical Characteristics:** The property consists of 2.5 acres of undeveloped ground that sits at the base of a substantial slope with a near-vertical sandstone cliff to the north. The site generally slopes from north to south but features steep cut slopes on the northern and northeastern portion of the site. The most recently approved Geologic Hazard Report, as well as previous Reports, mention that the site may have been a dirt fill "borrow" area for other developments within the vicinity in the past.

STAKEHOLDER PROCESS AND INVOLVEMENT:

The pre-application meeting occurred in late January of 2013 and was followed by an informal meeting attended by the applicant, property owner, members of the Pinecliff Homeowners Association, and City staff in March of 2013. The Homeowners Association agreed to keep its members informed, but stated it would most likely remain neutral throughout the process.

At the internal review stage, the site was posted for 10 days and postcards were sent to 13 property owners within 500 ft. (**FIGURE 3**) of the subject property in accordance with standard procedure. The President of the Homeowners Association was also notified, although after the postcards had been sent, by email. As a result of the initial notification, staff received written responses from five (5) neighbors within the comment period listing concerns and requesting additional information (**FIGURE 4**). Concerns included noise, traffic, property values and safety.

As a result of these enquiries, staff required the applicant to hold a neighborhood meeting.

The neighborhood meeting was held on Tuesday, December 3, 2013 and the site was again posted for 10 days prior to the meeting. Postcards were sent to the original 13 property owners and to four (4) additional neighbors who had provided mailing addresses. Emailed notifications were sent to the Homeowners Association President and to those neighbors who had expressed interest in the project via email; those receiving notifications were encouraged to inform others who may be interested in the project about the upcoming meeting.

Approximately 40 people attended the meeting at which time the applicant presented a brief overview of the project as well as findings of a sound study (**FIGURE 5**) and revised plans. Meeting attendees were originally asked to email any outstanding concerns to City staff by December 13, 2013 but the deadline was extended to December 23, 2013 to allow resubmitted plans, received December 12, 2013, to be reviewed. Staff received responses from 39 properties within the area, 36 in objection (**FIGURE 6**) and three (3) (**FIGURE 7**) in support. Those in objection cited noise, traffic, diminished property values, safety, health hazards, and the proximity to a residential neighborhood as outstanding concerns.

The project was also reviewed by standard buckslip agencies; all comments have been satisfied by the resubmitted documents (**FIGURE 1**).

ANALYSIS OF REVIEW CRITERIA/MAJOR ISSUES/COMPREHENSIVE PLAN & MASTER PLAN CONFORMANCE:

1. Review Criteria / Design & Development Issues:

The Indoor Sports and Recreation land use type is a Conditional Use within the PIP-2 Zone District, and therefore must satisfy the Conditional Use review criteria in addition to the Development Plan review criteria. The property is also zoned with the Hillside Overlay and so the Hillside Development Plan criteria must also be met in order for the project to be approved.

Conditional Use Review Criteria

When reviewing any Conditional Use, the Code specifies the characteristics of the surrounding neighborhood should be analyzed, specifically “that the value and the qualities of the neighborhood surrounding the conditional use are not substantially injured,” when determining whether the use should be allowed. The subject property is unique because it lies within a developed industrial park area, but is overlooked by a developed single-family residential neighborhood.

Early in the process, staff received concerns from neighboring industrial properties about potential traffic and drainage impacts; to staff’s knowledge, those concerns have now been abated. The outstanding concerns have been submitted from residents of the Pinecliff Neighborhood, which is separated from the subject property both by distance and elevation, lying approximately 500 ft. to the north of the property and approximately 300 ft. above the property in elevation. Concerns fit into the following categories, but appear in full form in **FIGURE 6**:

- Noise;
- Safety; and
- Health Hazards.

Noise – Noise is arguably both the largest concern and greatest potential impact to the residents of the Pinecliff Neighborhood. The sound of gunfire has the potential to greatly

affect quality of life for surrounding property owners and residents and was identified early on in the process as an issue to be mitigated. After the initial comment period, staff required the applicant to commission a sound study to ensure the noise attenuation features that had been incorporated into the building design were sufficient (**FIGURE 5**).

Noise regulations are contained in City Code Chapter 9, Article 8. Based on the definitions of “zones” contained therein, staff believes the area qualifies as Light Industrial and is therefore subject to noise maxima of 70 dB(A) between 7 a.m. and 7 p.m. and 65 dB(A) between 7 p.m. and the next 7 a.m. Periodic, impulsive, or shrill noises are declared unlawful when the noises exceed levels 5 dB(A) less than the prescribed maxima. Additionally, the Code states that when a noise measurement can be taken from more than one zone, the more restrictive shall apply. Since the closest residential use lies 500 ft. to the north of the site and 300 ft. in elevation above the site, most likely the Light Industrial noise classification would be applied in the field. However, for purposes of the noise study, the project was evaluated at the residential noise levels which are set at 55 dB(A) between 7 a.m. and 7 p.m. and 50 dB(A) between 7 p.m. and 7 a.m. The applicant has designed the project to contain noise levels at 45 dB(A).

The study was presented at the neighborhood meeting on December 3, 2013, where it was explained that computer modeling software using worst-case scenario wind conditions showed that the finished building would exceed the City Code regulations for noise in industrial zones as described in Section 9.8.104. Just to be sure, the applicant requested an additional study of the existing Whistling Pines Gun Club, located at 1412 Woolsey Heights in Colorado Springs, Colorado and Trigger Time Gun Club at 3575 Stagecoach Road South in Longmont, Colorado (**FIGURE 8**). The additional study asserts that the noise attenuation incorporated into the proposed building will sufficiently mitigate the noise issues.

Some neighbors have still expressed concerns over the validity of these studies (**FIGURE 9**); accordingly staff has placed a condition of approval on the application, to which the owner of Whistling Pines Gun Club and the applicant have agreed, that before issuing the Certificate of Occupancy a 45 dB(A) level must be demonstrated as modeled in the sound study to ensure the noise attenuation features work as expected.

Safety – Another outstanding concern is safety. The shooting range will install interior steel plate baffle systems that deflect bullets into the bullet trap and a bullet trap at the end of the range to trap the projectiles (**FIGURE 10**). Range safety protocols and rules are discussed also in the applicant’s project statement (**FIGURE 2**).

Health Hazards – Finally, concerns about potential health hazards have been raised in **FIGURE 6**. The building itself will feature a filtration system that will ensure no lead particles or gun powder are expelled through the building ventilation. All shooting occurs within the building, so there is no potential for environmental contamination from lead projectiles, etc. All other health concerns mentioned in **FIGURE 6** have to do with range workers and are governed through different agencies such as the Occupational Safety and Health Administration (OSHA) and are not land use impacts.

Development Plan Review Criteria

The site is accessed via a private access easement off of Elkton Drive and as such, is not easily seen from the public right-of-way. The building is tucked back against the

slope and is designed so that classrooms and an outdoor deck may take advantage of mountain views. The parking lot is broken up into smaller areas to lessen the amount of asphalt and the site is nicely landscaped.

Hillside Development Plan Review Criteria

Site design has incorporated the recommendations of the approved Geologic Hazard Study and provided a 10-ft. wide rock catchment ditch at the rear of the building. The building will be placed within the already leveled area and the severe existing cut-slopes will be lessened around the sides of the building area. Finally, building and roofing materials will be earth-toned to blend as much as possible into the hillside.

For the reasons listed above, staff finds the proposed Indoor Sports and Recreation use for an indoor shooting range to comply with the review criteria for a Conditional Use, Development Plan and Hillside Development Plan.

2. Conformance with the City Comprehensive Plan:
Objective LU 4: Encourage Infill and Redevelopment
Strategy LU 801f: Plan and Locate Mixed Uses to Serve Industrial Areas
Strategy NE201c: Preserve the Natural Contours of the Land
Policy NE 204: Protect Hillsides and Ridgelines
Strategy NE 301d: Mitigate Identified Hazards
Policy NE 303: Avoid or Mitigate Effects of Geologic Hazards

Staff finds the project to substantially conform to the goals and objectives of the City's Comprehensive Plan.

3. Conformance with the Area's Master Plan: Not applicable.

STAFF RECOMMENDATION:

Item No: 6 CPC CU 13-00077 – Whistling Pines West – 4750 Peace Palace Point

Approve the Conditional Use for Whistling Pines West, based upon the finding that the request complies with the Conditional Use review criteria found in City Code Section 7.5.704, the Development Plan review criteria in City Code Section 7.5.502.E and the Hillside Development Plan review criteria found in City Code Section 7.3.504.D.3, subject to compliance with the following condition:

Condition of Approval:

Prior to the issuance of the Certificate of Occupancy, noise levels measured in accordance with City Code Section 9.8.103 shall be demonstrated not to exceed 45 dB(A).

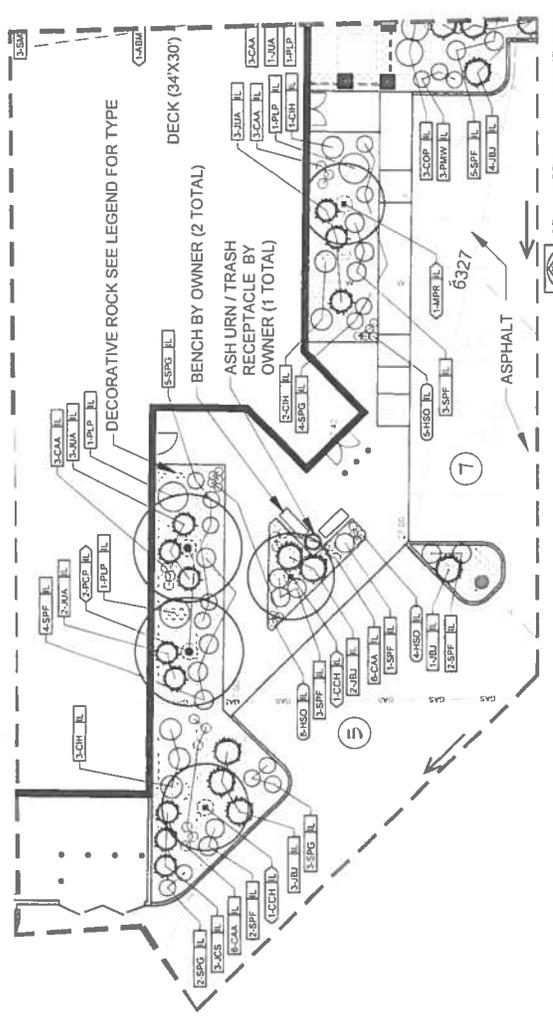
ALL AMERICAN
 LANDSCAPE ARCHITECTURE & IRRIGATION DESIGN
 RESIDENTIAL & COMMERCIAL LANDSCAPE INSTALLATION
 1825 AERONAUTA DRIVE
 COLORADO SPRINGS, CO 80904
 719.431.2013

| | |
|-----------------------------------|--|
| DATE: 1/14/14 | PROJECT: WHISTLING PINES GOLF CLUB 2 |
| CLIENT: COLORADO SPRINGS CO 80907 | LOT 1 GARDEN OF THE GODS BUSINESS PARK FIL. 12 |
| DESIGNER: [Signature] | |
| FOR CONSTRUCTION | <input checked="" type="checkbox"/> NOT FOR CONSTRUCTION |

WHISTLING PINES GOLF CLUB 2
 4750 PEACE PALACE PT.
 COLORADO SPRINGS CO 80907
 LOT 1 GARDEN OF THE GODS BUSINESS PARK FIL. 12

1557-0713
 1/14/14
 SITE CALCS AND NOTES
 5 OF 8

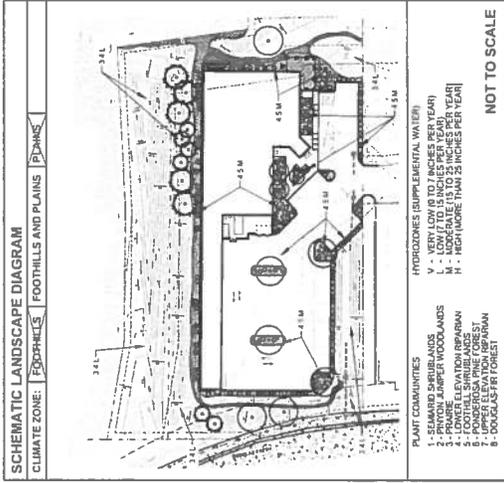
IRRIGATION SYSTEM DESCRIPTION & NOTES
 The irrigation system to be an underground system with a spray or rotor system for turf or seeded areas. Shrub areas to be surface drip irrigated to irrigate all plant material. Irrigation system to be drainable for winter freeze protection. Irrigation to run off of a programmable irrigation controller.
 If an irrigation plan is not submitted with the final Landscape plan submittal, an irrigation plan must be submitted for review 90 days after a building permit is issued. The irrigation plan must be approved prior to any irrigation equipment installation or issuance of certificate of occupancy.



GROUND COVER LEGEND

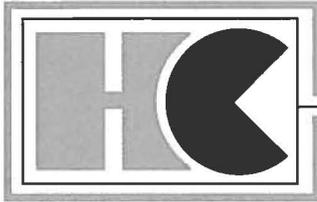
| SYMBOL | DESCRIPTION | QUANTITY |
|----------|--|-----------|
| [Symbol] | 1.1/2" ARKANSAS TAN ROCK 3" IN DEPTH WITH WEED FABRIC | 7,720 SF |
| [Symbol] | 2.4" ARKANSAS TAN ROCK 3" IN DEPTH WITH WEED FABRIC | 8,037 SF |
| [Symbol] | CASCADE MILD C 3" IN DEPTH WITH NO WEED FABRIC QUANTITY AT RIGHT DOES NOT INCLUDE MILD C-RINGS AT PLANTS LOCATED IN ROCK | 183 SF |
| [Symbol] | TRANSPARENT ARKANSAS TAN WEED FABRIC 60% SOLIDS MAX. CONSTRUCTION FOR INSTALLATION EROSION CONTROL BLANKETS ON SEED BEDS 3' AND STEEP SLOPES. SECURE BLANKETS TO SLOPE PER MANUFACTURER'S RECOMMENDATIONS. (SEE NOTES) | 47,662 SF |
| [Symbol] | STEEL EDGING | 500 LF |

PROJECT SITE DATA
 ZONING: P12 HS
 PROPERTY AREA: 106,971 SF
 PARKING SPOTS: 54
 CLIMATE ZONE: Foothills and Plains
 PLANT COMMUNITIES: Foothill shrubland, lower elevation riparian, prairie, upper elevation riparian, ponderosa pine forest, prairie, upper elevation riparian



PLANTING LEGEND

| ABBREV. | CITY | BOTANICAL NAME | COUNTRYSIDE | SIZE | NOTES |
|---------|------|----------------|-------------|--------|-------|
| SCA | | Shrub | | 1 1/2" | |
| CP | | Conifer | | 1 1/2" | |
| CA | | Deciduous | | 1 1/2" | |
| CH | | Herbaceous | | 1 1/2" | |
| CS | | Shrub | | 1 1/2" | |
| CB | | Conifer | | 1 1/2" | |
| CC | | Deciduous | | 1 1/2" | |
| CD | | Deciduous | | 1 1/2" | |
| CE | | Deciduous | | 1 1/2" | |
| CF | | Deciduous | | 1 1/2" | |
| CG | | Deciduous | | 1 1/2" | |
| CH | | Herbaceous | | 1 1/2" | |
| CI | | Conifer | | 1 1/2" | |
| CJ | | Conifer | | 1 1/2" | |
| CK | | Conifer | | 1 1/2" | |
| CL | | Conifer | | 1 1/2" | |
| CM | | Conifer | | 1 1/2" | |
| CN | | Conifer | | 1 1/2" | |
| CO | | Conifer | | 1 1/2" | |
| CP | | Conifer | | 1 1/2" | |
| CQ | | Conifer | | 1 1/2" | |
| CR | | Conifer | | 1 1/2" | |
| CS | | Conifer | | 1 1/2" | |
| CT | | Conifer | | 1 1/2" | |
| CU | | Conifer | | 1 1/2" | |
| CV | | Conifer | | 1 1/2" | |
| CW | | Conifer | | 1 1/2" | |
| CX | | Conifer | | 1 1/2" | |
| CY | | Conifer | | 1 1/2" | |
| CZ | | Conifer | | 1 1/2" | |
| DA | | Deciduous | | 1 1/2" | |
| DB | | Deciduous | | 1 1/2" | |
| DC | | Deciduous | | 1 1/2" | |
| DD | | Deciduous | | 1 1/2" | |
| DE | | Deciduous | | 1 1/2" | |
| DF | | Deciduous | | 1 1/2" | |
| DG | | Deciduous | | 1 1/2" | |
| DH | | Deciduous | | 1 1/2" | |
| DI | | Deciduous | | 1 1/2" | |
| DJ | | Deciduous | | 1 1/2" | |
| DK | | Deciduous | | 1 1/2" | |
| DL | | Deciduous | | 1 1/2" | |
| DM | | Deciduous | | 1 1/2" | |
| DN | | Deciduous | | 1 1/2" | |
| DO | | Deciduous | | 1 1/2" | |
| DP | | Deciduous | | 1 1/2" | |
| DQ | | Deciduous | | 1 1/2" | |
| DR | | Deciduous | | 1 1/2" | |
| DS | | Deciduous | | 1 1/2" | |
| DT | | Deciduous | | 1 1/2" | |
| DU | | Deciduous | | 1 1/2" | |
| DV | | Deciduous | | 1 1/2" | |
| DW | | Deciduous | | 1 1/2" | |
| DX | | Deciduous | | 1 1/2" | |
| DY | | Deciduous | | 1 1/2" | |
| DZ | | Deciduous | | 1 1/2" | |
| EA | | Evergreen | | 1 1/2" | |
| EB | | Evergreen | | 1 1/2" | |
| EC | | Evergreen | | 1 1/2" | |
| ED | | Evergreen | | 1 1/2" | |
| EE | | Evergreen | | 1 1/2" | |
| EF | | Evergreen | | 1 1/2" | |
| EG | | Evergreen | | 1 1/2" | |
| EH | | Evergreen | | 1 1/2" | |
| EI | | Evergreen | | 1 1/2" | |
| EJ | | Evergreen | | 1 1/2" | |
| EK | | Evergreen | | 1 1/2" | |
| EL | | Evergreen | | 1 1/2" | |
| EM | | Evergreen | | 1 1/2" | |
| EN | | Evergreen | | 1 1/2" | |
| EO | | Evergreen | | 1 1/2" | |
| EP | | Evergreen | | 1 1/2" | |
| EQ | | Evergreen | | 1 1/2" | |
| ER | | Evergreen | | 1 1/2" | |
| ES | | Evergreen | | 1 1/2" | |
| ET | | Evergreen | | 1 1/2" | |
| EU | | Evergreen | | 1 1/2" | |
| EV | | Evergreen | | 1 1/2" | |
| EW | | Evergreen | | 1 1/2" | |
| EX | | Evergreen | | 1 1/2" | |
| EY | | Evergreen | | 1 1/2" | |
| EZ | | Evergreen | | 1 1/2" | |
| FA | | Fern | | 1 1/2" | |
| FB | | Fern | | 1 1/2" | |
| FC | | Fern | | 1 1/2" | |
| FD | | Fern | | 1 1/2" | |
| FE | | Fern | | 1 1/2" | |
| FF | | Fern | | 1 1/2" | |
| FG | | Fern | | 1 1/2" | |
| FH | | Fern | | 1 1/2" | |
| FI | | Fern | | 1 1/2" | |
| FJ | | Fern | | 1 1/2" | |
| FK | | Fern | | 1 1/2" | |
| FL | | Fern | | 1 1/2" | |
| FM | | Fern | | 1 1/2" | |
| FN | | Fern | | 1 1/2" | |
| FO | | Fern | | 1 1/2" | |
| FP | | Fern | | 1 1/2" | |
| FQ | | Fern | | 1 1/2" | |
| FR | | Fern | | 1 1/2" | |
| FS | | Fern | | 1 1/2" | |
| FT | | Fern | | 1 1/2" | |
| FU | | Fern | | 1 1/2" | |
| FV | | Fern | | 1 1/2" | |
| FW | | Fern | | 1 1/2" | |
| FX | | Fern | | 1 1/2" | |
| FY | | Fern | | 1 1/2" | |
| FZ | | Fern | | 1 1/2" | |
| GA | | Grass | | 1 1/2" | |
| GB | | Grass | | 1 1/2" | |
| GC | | Grass | | 1 1/2" | |
| GD | | Grass | | 1 1/2" | |
| GE | | Grass | | 1 1/2" | |
| GF | | Grass | | 1 1/2" | |
| GG | | Grass | | 1 1/2" | |
| GH | | Grass | | 1 1/2" | |
| GI | | Grass | | 1 1/2" | |
| GJ | | Grass | | 1 1/2" | |
| GK | | Grass | | 1 1/2" | |
| GL | | Grass | | 1 1/2" | |
| GM | | Grass | | 1 1/2" | |
| GN | | Grass | | 1 1/2" | |
| GO | | Grass | | 1 1/2" | |
| GP | | Grass | | 1 1/2" | |
| GQ | | Grass | | 1 1/2" | |
| GR | | Grass | | 1 1/2" | |
| GS | | Grass | | 1 1/2" | |
| GT | | Grass | | 1 1/2" | |
| GU | | Grass | | 1 1/2" | |
| GV | | Grass | | 1 1/2" | |
| GW | | Grass | | 1 1/2" | |
| GX | | Grass | | 1 1/2" | |
| GY | | Grass | | 1 1/2" | |
| GZ | | Grass | | 1 1/2" | |
| HA | | Herbaceous | | 1 1/2" | |
| HB | | Herbaceous | | 1 1/2" | |
| HC | | Herbaceous | | 1 1/2" | |
| HD | | Herbaceous | | 1 1/2" | |
| HE | | Herbaceous | | 1 1/2" | |
| HF | | Herbaceous | | 1 1/2" | |
| HG | | Herbaceous | | 1 1/2" | |
| HH | | Herbaceous | | 1 1/2" | |
| HI | | Herbaceous | | 1 1/2" | |
| HJ | | Herbaceous | | 1 1/2" | |
| HK | | Herbaceous | | 1 1/2" | |
| HL | | Herbaceous | | 1 1/2" | |
| HM | | Herbaceous | | 1 1/2" | |
| HN | | Herbaceous | | 1 1/2" | |
| HO | | Herbaceous | | 1 1/2" | |
| HP | | Herbaceous | | 1 1/2" | |
| HQ | | Herbaceous | | 1 1/2" | |
| HR | | Herbaceous | | 1 1/2" | |
| HS | | Herbaceous | | 1 1/2" | |
| HT | | Herbaceous | | 1 1/2" | |
| HU | | Herbaceous | | 1 1/2" | |
| HV | | Herbaceous | | 1 1/2" | |
| HW | | Herbaceous | | 1 1/2" | |
| HX | | Herbaceous | | 1 1/2" | |
| HY | | Herbaceous | | 1 1/2" | |
| HZ | | Herbaceous | | 1 1/2" | |
| IA | | Irregular | | 1 1/2" | |
| IB | | Irregular | | 1 1/2" | |
| IC | | Irregular | | 1 1/2" | |
| ID | | Irregular | | 1 1/2" | |
| IE | | Irregular | | 1 1/2" | |
| IF | | Irregular | | 1 1/2" | |
| IG | | Irregular | | 1 1/2" | |
| IH | | Irregular | | 1 1/2" | |
| II | | Irregular | | 1 1/2" | |
| IJ | | Irregular | | 1 1/2" | |
| IK | | Irregular | | 1 1/2" | |
| IL | | Irregular | | 1 1/2" | |
| IM | | Irregular | | 1 1/2" | |
| IN | | Irregular | | 1 1/2" | |
| IO | | Irregular | | 1 1/2" | |
| IP | | Irregular | | 1 1/2" | |
| IQ | | Irregular | | 1 1/2" | |
| IR | | Irregular | | 1 1/2" | |
| IS | | Irregular | | 1 1/2" | |
| IT | | Irregular | | 1 1/2" | |
| IU | | Irregular | | 1 1/2" | |
| IV | | Irregular | | 1 1/2" | |
| IW | | Irregular | | 1 1/2" | |
| IX | | Irregular | | 1 1/2" | |
| IY | | Irregular | | 1 1/2" | |
| IZ | | Irregular | | 1 1/2" | |
| JA | | Juniper | | 1 1/2" | |
| JB | | Juniper | | 1 1/2" | |
| JC | | Juniper | | 1 1/2" | |
| JD | | Juniper | | 1 1/2" | |
| JE | | Juniper | | 1 1/2" | |
| JF | | Juniper | | 1 1/2" | |
| JG | | Juniper | | 1 1/2" | |
| JH | | Juniper | | 1 1/2" | |
| JI | | Juniper | | 1 1/2" | |
| JJ | | Juniper | | 1 1/2" | |
| JK | | Juniper | | 1 1/2" | |
| JL | | Juniper | | 1 1/2" | |
| JM | | Juniper | | 1 1/2" | |
| JN | | Juniper | | 1 1/2" | |
| JO | | Juniper | | 1 1/2" | |
| JP | | Juniper | | 1 1/2" | |
| JQ | | Juniper | | 1 1/2" | |
| JR | | Juniper | | 1 1/2" | |
| JS | | Juniper | | 1 1/2" | |
| JT | | Juniper | | 1 1/2" | |
| JU | | Juniper | | 1 1/2" | |
| JV | | Juniper | | 1 1/2" | |
| JW | | Juniper | | 1 1/2" | |
| JX | | Juniper | | 1 1/2" | |
| JY | | Juniper | | 1 1/2" | |
| JZ | | Juniper | | 1 1/2" | |
| KA | | Kalmia | | 1 1/2" | |
| KB | | Kalmia | | 1 1/2" | |
| KC | | Kalmia | | 1 1/2" | |
| KD | | Kalmia | | 1 1/2" | |
| KE | | Kalmia | | 1 1/2" | |
| | | | | | |



Steve Hammers, President
shammers@hammersconstruction.com

HAMMERS CONSTRUCTION, INC.

1411 Woolsey Heights • Colorado Springs, Colorado 80915-5400
(719) 570-1599 • FAX (719) 570-7008 • www.hammersconstruction.com
• SPECIALIZING IN DESIGN / BUILD •

Project Statement

Owner Information

Whistling Pines Gun Club West, LLC
Robert Holmes
1412 Woolsey Heights
Colorado Springs, CO 80915
Project Name: Whistling Pines Gun Club West

Owner Representatives:

Hammers Construction, Inc.
Lisa Peterson – Design (Applicant)
Jeremy Hammers – Project Manager
1411 Woolsey Heights
Colorado Springs, CO 80915
(719) 570-1599

Site:

Lot 1 Garden of the Gods Business Park, Fil. No. 12
4750 Peace Palace Pt.
Colorado Springs, CO 80907
Lot Size: 108,971 sf / 2.50 acres
Zoned – PIP2 HS CU UV
Parcel number: 73243-07-013

Description

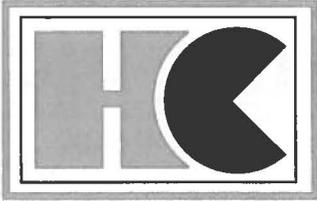
Request approval for the construction of a new 17,728 sf (20,719 gross) building used for an indoor shooting range with office and retail uses. The proposed building will be built on the property indicated above, complete with parking, drive aisles.

Justification

This request is consistent with other businesses that exist already in the area and is an approved use in PIP2 zone.

Additional Information:

Significance: Whistling Pines Gun Club is an indoor shooting range gun club. The facility is a membership only club. There is an existing facility located on the east side of town. After talking to its members, the gun club felt that they needed to expand and provide a north-westerly location. Members and non-members have looked at this expansion with enthusiasm as the location provides additional convenience in location and the gun club will be able to provide a 100 yard rifle



range (something the existing club does not have). The proposed facility will also offer a handgun range with 12 lanes. The facility has an open retail area with a second floor for training classes and a lounge (indoor and outdoor seating) to sit back and relax. Whistling Pines has a family environment and is the safest and cleanest indoor shooting range in Colorado.

Hours of Operation: Whistling Pines Gun Club is open as follows:

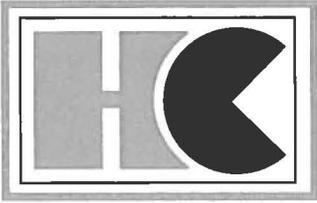
- Monday: 9 am until 8 pm
- Tuesday: closed
- Wednesday-Saturday: 9 am until 8 pm
- Sunday: 9 am until 6 pm

Traffic: Whistling Pines Gun Club will not create undue traffic congestion or traffic hazards in the surrounding areas. The facility has one access off of Elkton Dr that meets requirements from the city and has adequate parking for customers.

Smell: There will be no smells emanating from the building. The facility will be equipped with an air handling system as well as other range mechanical systems that exceed OSHA standards. Every molecule of air brought into the range is flushed within 85-90 seconds. In addition, all air being exhausted from the building goes through a HEPA filtration system; therefore, eliminating any smells or gun powder residues.

Health/Safety: Safety is the first and foremost consideration at the Whistling Pines Gun Club. Safety is very important to them; here are a few things that they do to implement safety:

- Each staff member is a shooter with many years of experience. They are thoroughly familiar with all aspects for shooting safety. The range will be monitored by staff via recording closed circuit television at all times. In addition, bullet proof windows will be provided so the staff can easily see what is going on in the shooting range. The staff is always available to answer questions and assist with any problems.
- This facility is a membership based club, where a membership initiation fee is due as well as a monthly fee. With this being a membership based club, this tends to attract serious and safe shooters. In addition, when a client signs up for membership, they must read and agree in writing to abide by the safety rules (see attachment), which will be clearly posted in the facility.
- Any member, guest or student who engages in unsafe practices may immediately forfeit membership in the club, along with all shooting privileges. In addition, Whistling Pines Gun Club reserves the right to revoke any membership at any time for any violation of posted safety

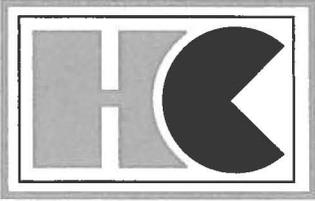


- policy by the member and/or their guest. Unsafe, disruptive, irrespective or unruly behavior is not tolerated.
- Whistling Pines Gun Club reserves the right to inspect firearms and ammunition for safety purposes prior to allowing their use in the facility. Firearms can only be brought into and taken out of the building in the following manner:
 - o Holstered: Holstered firearms may not be drawn until the club member or guest is on the firing line. They may be loaded or unloaded, concealed or unconcealed.
 - o Boxed, bagged or otherwise completely enclosed (unloaded only)
 - o Unboxed, unbagged or otherwise unenclosed firearms may not be carried in hand, loaded or unloaded, in any portion of the building. Carrying a loaded firearm in hand will result in the immediate revocation of membership.
 - Since safety is Whistling Pines Gun Club number one priority. They offer various classes throughout every month for the novice, intermediate, advanced and expert shooters.

The building structure itself does not allow any way for bullets to penetrate the walls. The proposed building will be build using concrete filled 8" and 12" CMU block and the roofs are protected by hanging AR500 steel plates from the roof structure. There is no possibility of bullets ever leaving the building in whole or part.

As mentioned already, due to the air handling, range mechanical systems and HEPA filtration system, there will be no lead dust present in the air at the shooting line. Nor will any lead dust be introduced into the surrounding environment. The range floor is cleaned each evening. The club also recycles over 3,000 lbs of lead and lead compounds each month, as well as hundreds of pounds of cartridge cases. With all these measures in place, this should alleviate any heath/environmental concerns.

Noise: We will be designing the facility to meet the city decibels level guidelines. Due to the proximity of the residential neighborhood we will be designing this facility at a min. decibel level of 50 dB at all property lines. In addition, we will be hiring an acoustical engineer to evaluate and analyze the all sound levels and how we need to construct the facility to maintain the required sound levels. Please understand at the existing facility they were not required to provide any additional sound mitigation or required to meet any certain dB rating.



Surrounding Neighborhood: The immediate surrounding property owners are all within the same zoned area, PIP2 (Planned Industrial Park). The building will more than complement the surrounding neighbors. Most of the existing buildings mainly have an industrial. This proposed building will be an upgrade to this look, by designing the building with an aesthetically pleasing look. Whistling Pines Gun Club wanted to achieve an inviting environment to its members.

The most northern point of this property is approximately 490' away horizontally. And the building will be approximately 700 feet from the nearest residential home. We feel that the proposed facility is more than enough distance from the existing residential neighborhood and will not be detrimental to their values any more than they already have being adjacent to this PIP-2 zoned subdivision. In fact, the gun club is a deterrent of crime and will be an asset to the community.

As mentioned above this facility will be a favorable addition to community and the City of Colorado Springs. This facility will benefit and add convenience to the gun clubs members (and new members that live in the area). We feel we have addressed and alleviated issues regarding safety, noise and smell to name a few. If there are any additional questions or concerns that arise, please feel free to call me at any time to discuss the project in more detail. Thank you for your acceptance and review of this application.

Whistling Pines Gun Club safety rules

1. Shooting safety is ultimately the responsibility of each individual member, guest, and student. The Whistling Pines Gun Club (WPGC) does its utmost to promote and ensure safe gun handling, but must rely on the members to bring unsafe behavior and situations to the staff's attention.
2. All members and their guests are required to conduct themselves in a sensible, responsible, safe manner at all times. Unsafe, disruptive, disrespectful, or unruly behavior is not tolerated. **Members are responsible for the behavior of their guests.**
3. There's no age limit for children, as long as parents ensure the club's high safety standards are upheld. If there is any doubt about a child's safe gun handling skills, the parent must be directly supervising the child at the shooting position.
4. Members are responsible for the safety and proper functioning of their firearms and ammunition, as well as their appropriate use.
5. Sight and hearing protection are required on the range at all times.
6. Firearms may be brought into and taken out of the building only in the following manner:
 - Holstered: loaded or unloaded, concealed or unconcealed. Holstered firearms may not be drawn until the club member or guest is on the firing line.
 - Boxed, bagged, or otherwise completely enclosed: unloaded only.
 - Unboxed, unbagged, or otherwise unenclosed firearms may not be carried in hand, loaded or unloaded, in any portion of the building. Carrying a loaded firearm in hand will result in the immediate revocation of membership.
7. WPGC reserves the right to inspect firearms and ammunition for safety purposes prior to allowing their use in the facility. Use of armor piercing and tracer ammunition is prohibited, since they can damage the backstops.
8. On the range, all firearms must be kept on the individual shooting positions, in boxes or other closed containers, or holstered at all times. Guns at the shooting positions must be positioned with muzzles facing the backstops. Shooters may reload magazines at the tables behind the shooting positions; all unboxed and unholstered firearms, however, must remain on the individual shooting positions with muzzles pointing downrange.
9. Members are expected to sweep up their fired cartridge cases before leaving the range, since they constitute a hazard underfoot. Containers are provided for brass recycling; alternatively, members may simply sweep empty cartridge cases forward from the shooting line. Shooters whose cartridge cases fall behind the shooting line may take them home for reloading. Cartridge cases that fall in front of the firing line may not be retrieved, but become the property of the WPGC, and are recycled.
10. Targets must be taped to cardboard backing sheets provided by the WPGC. Small targets must be positioned with their centers at the member's shoulder height to prevent damage to the baffles and floor. **It is the shooters responsibility to ensure that all rounds land in the steel bullet trap.**
11. Only one door to the sally-port (the small square room between the retail area and the range) may be opened at a time, since gunfire is injurious to human hearing.
12. All ammunition used in WPGC **rental** firearms must be purchased from the club.

13. Rental firearms are reserved for the exclusive use of WPGC members and their guests, as well as students enrolled in WPGC courses. Damage to rental firearms or associated accessories such as laser sights is the responsibility of the member.
14. Member and guest use of the range may be limited to one hour and one lane during peak use periods. The WPGC accepts reservations from members in good standing by telephone, in person, and through this web site.
15. Members who experience problems with firearms while on the firing line are required to leave their firearms at the firing line, pointed downrange, and seek assistance from the WPGC staff. **No firearm, loaded or unloaded, may be carried by hand from the firing line or anywhere else in the building at any time.**
16. All damage to the building, including range facilities, through accidental or negligent actions is the financial responsibility of the member.
17. WPGC reserves the right to revoke any membership at any time for any violation of a posted safety policy by the member and/or his or her guest without refunding the member's initiation fee. Monthly dues are not refundable.
18. WPGC reserves the right to revoke any membership at any time for any reason or no reason whatever by refunding the member's initiation fee. Monthly dues are not refundable.
19. Firearms stored at the WPGC must be retrieved by the same person who left them for storage. Proper identification (government-issued, with photograph) and documentation in a bound acquisition and disposition book are required by B.A.T.F.E. regulations.
20. Firearms left for repair overnight or longer must be retrieved by the same person who left them for repair. If the person who left them for repair presents a signed release, another person may retrieve them, but a B.A.T.F.E. form 4473 and background check are required by law to release the firearm.
21. WPGC reserves the right to make and enforce additional safety rules as needed.

McCauley, Erin

From: McCauley, Erin
Sent: Monday, December 30, 2013 12:30 PM
To: Peterson, Carl [USA] (peterson_carl@bah.com)
Subject: FW: Whistling Pines Gun Club Noise Study Questions

Hi Carl,

I just got the following response from Jeremy Hammers and his sound Engineer. Let me know if this answers your questions.

Thanks,

Erin McCauley AICP LEED AP BD+C

Planner II
Land Use Review Division
Planning & Development Team
30 S. Nevada Avenue, Suite 105
Colorado Springs, CO 80903
(719) 385-5369 - phone
(719) 385-5167 - fax
emccauley@springsgov.com



 Please consider the environment before printing this email.

From: Jeremy Hammers [mailto:jjhammers@hammersconstruction.com]
Sent: Monday, December 30, 2013 12:28 PM
To: McCauley, Erin
Subject: FW: Whistling Pines Gun Club Noise Study Questions

See below...

Jeremy Hammers
Senior Project Manager
Hammers Construction, Inc.
1411 Woolsey Heights
Colorado Springs, Co. 80915
direct: 719-955-4614
office: 719-570-1599
cell: 719-499-4133
fax: 719-570-7008
North Dakota 701-842-6999
jjhammers@hammersconstruction.com
www.hammersconstruction.com

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From: Jeff Kwolkoski [mailto:jkwolkoski@waveengineering.co]
Sent: Friday, December 27, 2013 9:20 AM
To: Jeremy Hammers
Subject: Re: Whistling Pines Gun Club Noise Study Questions

Jeremy,

I have attempted to address the issues raised by Mr. Petersen. Let me know if you have any comments.

What were the calibers and cartridges modeled in the study?

We use a database of sound data for over 100 combinations of weapons and ammunition. However, there are many weapons and cartridges for which good sound data is not available. It is true that the sound level of each weapon and cartridge will vary somewhat. We cannot model every weapon and cartridge that will be used in the ranges, but we believe that the sound levels of these weapons are representative of the vast majority of weapons that will be fired on the ranges.

The representative weapons are:

Rifle M/87 308 cal (.308 Winchester Match 12.3gr)

Rifle M/75 G3 (7.62mm x 51mm Sharp APE)

Beretta 9mm M92F Compact (Norma 9mm Luger safety)

Smith & Wesson .357 magnum (cal.357 Magnum 10.2 gr soft point flat nose)

SigSauer 228 Police 9mm (Action 3, 9mm x 19 Sintox)

Glock 17/9mm (9mm sharp M/41)

Please note that most of these weapon and ammunition designations are European and "gr" means grams, not grains.

As I mentioned before, we do not have sound data for a .50 caliber rifle and Mr. Holmes indicated that he is willing to have the higher caliber weapons measured if necessary.

Were the effects of muzzle brakes also included in the study?

Muzzle breaks were not specifically studied. Muzzle breaks redirect a portion of the sound to the side. They can significantly increase the sound level at the shooter's ear but they do not significantly increase the overall sound energy produced by the gun. As I discussed in the public meeting, the direction of the sound inside the range is not an issue since sound will reflect and reverberate inside the range before it gets to the roof, which is our main concern. In other words, the sound transmitting through the roof will be the same no matter which way the gun is pointed inside the range, and whether or not a muzzle brake is used.

I hope this addresses Mr. Peterson's concerns. Please let me know if you need anything else.

Regards,

Jeff Kwolkoski, P.E., INCE Bd. Cert.
President



P.O. Box 1153, Littleton, CO 80160

720-446-WAVE (9283)
www.WaveEngineering.co

On Mon, Dec 23, 2013 at 12:31 PM, Jeremy Hammers <jjhammers@hammersconstruction.com> wrote:

See below. Some thinking for over the Holiday. Our sound tests sound sufficiently help this out.

I have a muzzle break on my 300 Win Mag that I was shooting during our latest sound testing.

If your going to eliminate the 50 cal. That would help our case so let me know.

By the way is everything ok in the 25 yard range?

Sent from my iPhone

Begin forwarded message:

From: "McCauley, Erin" <EMcCauley@springsgov.com>
Date: December 23, 2013 at 11:52:29 AM MST
To: "Jeremy Hammers (jjhammers@hammersconstruction.com)" <jjhammers@hammersconstruction.com>, "Steve Hammers (SHammers@hammersconstruction.com)" <SHammers@hammersconstruction.com>
Subject: FW: Whistling Pines Gun Club Noise Study Questions

Hi Jeremy & Steve,

I was printing out all of the comments and came across this one that I should have forwarded earlier – do you have answers to these questions or could you get them? I remember your noise consultant mentioning the calibers, but I didn't write them down...

Erin McCauley AICP LEED AP BD+C

Planner II

Land Use Review Division

Planning & Development Team

30 S. Nevada Avenue, Suite 105

Colorado Springs, CO 80903

[\(719\) 385-5369](tel:(719)385-5369) - phone

[\(719\) 385-5167](tel:(719)385-5167) - fax

emccauley@springsgov.com

Please consider the environment before printing this email.

From: Peterson, Carl [USA] [mailto:peterson_carl@bah.com]
Sent: Thursday, December 12, 2013 7:24 PM
To: McCauley, Erin
Subject: Whistling Pines Gun Club Noise Study Questions

Erin,

I have some concerns about the validity of the noise study that was accomplished to support the building of the Whistling Pines Gun Club. We need to know the following in order to determine if the study is accurate:

1. What were the calibers and cartridges modelled in the study?
2. Were the effects of muzzle brakes also included in the study?

Gunpowder burned relates to noise produced. More gunpowder burned, more noise. Regarding rifle rounds, a typical .30-06 will have a little under 60 grains of gunpowder in it, whereas a .460 Weatherby Magnum can have up to 124 grains of powder in it. A 50 caliber Browning machine gun (BMG) round can have up to 238 grains.

Finally, big guns generate a lot of energy at both ends. In order to ameliorate the effects of recoil, many big guns will have a muzzle brake at the muzzle that deflects gas from the gunpowder to the side, with the result that felt recoil is reduced. Another effect of a muzzle brake is increased muzzle blast, hence noise. Does the noise study include the effects of muzzle brakes in the calculations? We need to know what kind of cartridges were used in the noise study calculations and whether or not muzzle brakes were employed. See the attachment for a picture of a .50 caliber muzzle brake.

The best advertisement for the Whispering Pines Gun Club would be that no one knows that it is there because it is so quiet. I'm sure that the gun club wants to be a good neighbor. We want them to be a good neighbor as well. But we need accurate data to answer these questions.

Sincerely,

Carl

Carl H. Peterson



CPC CU 13-00077 500-ft. Notification Buffer

FIGURE 3

This map was prepared by the City of Colorado Springs and is for informational purposes only. It is not intended to be used for any other purpose. The City of Colorado Springs is not responsible for any errors or omissions on this map. The City of Colorado Springs is not responsible for any damages or losses resulting from the use of this map. The City of Colorado Springs is not responsible for any claims or liabilities resulting from the use of this map. The City of Colorado Springs is not responsible for any legal actions resulting from the use of this map. The City of Colorado Springs is not responsible for any other consequences resulting from the use of this map.



Legend

- Project
- 500-ft. Buffer
- Roads
- Parcel

McCauley, Erin

From: morig15@aol.com
Sent: Monday, August 12, 2013 8:20 AM
To: McCauley, Erin
Cc: president@pinecliff-hoa.com
Subject: Gun Club Proposal and neighboring homes

Dear Erin,

I received a public notice postcard this past weekend detailing a request for a gun club to be built on Peace Point Place. It says comments can be provided until August 19th.

I live directly above the proposed site at 4935 Cliff Point Circle E. In fact my property line which ends halfway down the cliff may be adjacent to theirs or possibly yards away. The thought of having a gun club in my backyard brings up many concerns for me, as well as many of my neighbors.

Questions and concerns include;

Legality of having a gun club so close to residential properties

Noise issues effecting residents and their pets

Smell (via vents)

Traffic issues

Light bomb/noise issues for residents above a parking lot with 52 proposed spaces.

Property values

The list goes on, but these are a few of our initial concerns which need to be addressed, as I feel the owner perhaps hasn't considered how many residential homes directly above him will be effected.

Sincerely,
Gail and Angus Morrison

McCauley, Erin

From: weisprings@comcast.net
Sent: Monday, August 12, 2013 3:25 PM
To: McCauley, Erin
Subject: Second location for the Whispering Pines Gun Club (4750 Peace Palace Point)

Hi Erin -

Hope all is well. This is John Wei from the Pinecliff neighborhood.

I have lived in Pinecliff for the last twenty five years. I reason why I built my home back in 1988 is that Pinecliff is so beautiful with all its natural vegetation and the tranquility (i.e. peace and quiet) which Pinecliff offers.

I know about ten years ago a developer wanted to build his first Whispering Pines Gun Club location nearby. I think due to the number of complaints and concerns the developer decided to build his gun club elsewhere (i.e. a more remote location).

As such, I was really surprised to find out again that the same developer already bought a lot (i.e. 4750 Peace Palace Point) and have plans to build the his second location for the Whispering Pines Gun Club.

I live on 4985 Cliff Point Circle East which is near the lot in question. I have spoke with some concerned neighbors who will be directly impacted by this gun club.

I have not received the yellow card from your office yet Erin but I wanted to share with you some of my concerns and questions:

- The noise pollution concerns (i.e. both gun shots as well as customers possibly loitering in the gun club's parking lot)
- Gun powder smell concerns on what will be coming out of the vents and may adversely impact Pinecliff
- The increased traffic / load and impact assessment
- Capability issues with the existing church at the end of Elkton as well as being so close or adjacent to Pinecliff homes
- Safety concerns:
 - Customer's accidentally shooting off their gun or riffle at homes above
 - Customers smoking and chatting in parking lot of this business there by causing additional noise after business or in the evening. Also to fire threat of careless disposing of cigarette butts which can quickly ignite up the side of PineCliff hill side
- Possible devaluation of PineCliff homes right above this gun club
- This business is too close and adjacent to our neighborhood and should be ideally located in a remote area and near homes
- Questions?
 - What are the week day and weekend business hours?
 - Is this lot (i.e. 4750 Peace Palace Point) zoned for this type of business already?
 - Why has the developer come back after ten years to location adjacent to Pinecliff when he decided to open his first gun club at a remote location?

Erin - I appreciate you soliciting Pinecliff neighbors' feedback and concerns since this is a major issue for us and our quality of life. Thanks!

Please let me know if you have any questions.

Regards,

John Wei

(719) 757-2722 (work)



August 14, 2013

City of Colorado Springs
Attn: Erin McCauley, Reviewing Planner
emccauley@springsgov.com

RE: CPC CU 13-00077-A Conditional
4750 Peace Palace Place

Dear Erin,

Comments regarding above Public Notice.

An indoor firing range appears to be more retail type customer traffic than the business office/manufacturing type business typical in the Garden Of The Gods Business Park environment.

On a daily basis we have box trucks and flatbed semi-trucks entering our loading dock area at the rear of our property, which is directly adjacent to the above property in question. Due to the shared driveway easement, and close proximity of our business, I am concerned for the impact on both of our businesses.

I am requesting, that at a minimum, traffic, parking, noise, and drainage studies be conducted prior to any building permit being issued.

Sincerely,
Diversified Machine Systems LLC



Patrick K. Bollar
CEO

McCauley, Erin

From: Linda Mulready [lmulready@gmail.com]
Sent: Friday, August 16, 2013 5:01 PM
To: McCauley, Erin
Subject: Whispering Pines Gun Club

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Erin,

My name is Linda Mulready. I reside at 4925 Cliff Point Circle E. in Colorado Springs, CO. It has been brought to my attention by the Pinecliff HOA that Whispering Pines has plans to build a gun club below my property. This causes several concerns for me as a homeowner.

First, I was surprised that I did NOT receive a public notice postcard this past week as several of my neighbors did detailing a request that Whispering Pines Gun Club be built on Peace Point Place. The lack of communication is a big concern to me as well as to other residents on Cliff Point Circle that did not receive a public notice postcard.

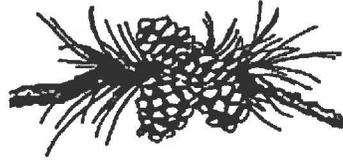
My other concerns include noise levels, smells, traffic studies and zoning issues. I would be very interested in how these issues are being addressed. I am also concerned that this proposed gun club will impact this neighborhood in a negative way.

Sincerely,

Linda and Michael Mulready
4925 Cliff Point Circle E.
Colorado Springs, CO 80919
719-599-4533

McCauley, Erin

From: Bruce Hutchison [bruceh@pcisys.net]
Sent: Monday, August 19, 2013 6:26 PM
To: McCauley, Erin
Cc: vp@pinecliff-hoa.com; 'PATTY CARBONE'; president@pinecliff-hoa.com
Subject: Comment Letter regarding the Whispering Pines Gun Club



Bruce Hutchison
Pinecliff HOA
1170 Popes Valley Drive
Colorado Springs, CO 80919

August 19, 2013

Ms. Erin McCauley
Colorado Springs Land Use Review
30 S. Nevada, Suite 105
Colorado Springs, CO

Dear Ms. McCauley,

On behalf of a number of members of the Pinecliff HOA, I am submitting comments and a request regarding the Hammers Construction's application for a conditional use request that would permit the construction and operation of an indoor firing range south of the Pinecliff neighborhood. The file number for this application is CPC CU 13-00077.

Having studied a map of the area, I estimate that as many as 30 Pinecliff homes along Cliff Point Circle may be adversely affected by this facility once it opens for business. My biggest concern is that these houses may be subject to continuous popping noise from the gun fire throughout most of the day and especially during the summer months when residents are enjoying outside activities. Even if the shooting range satisfies the city's noise ordinance for a commercial enterprise, the noise may be enhanced by the dramatic hillside slope north of the site.

My second concern hinges on whether noise will indeed be a problem or not. If it is, the affected houses would very likely experience a significant drop in their property values. Several of these expensive homes have spectacular views of Pikes Peak and Cheyenne Mountain which enhances their value. Prospective buyers may be dissuaded from purchasing these houses if there are noise problems.

In light of these concerns and uncertainties, I strongly suggest that we organize an informational meeting with Mr. Holmes and his representatives prior to further action on the application. This will give concerned Pinecliff residents the opportunity to learn about the facility and all the measures being taken to address and mitigate the dangers, hazards, and noise associated with an indoor shooting operation. In addition to inviting Pinecliff residents, I suggest inviting other businesses and organizations in the west Elkton Drive area to enlighten them as well.

I look forward to hearing back from you on my meeting proposal and would be happy to assist in creating the agenda and arranging the logistics.

Best regards,
Bruce Hutchison - Pinecliff HOA President
email: president@Pinecliff-HOA.com



September 30, 2013

Jeremy Hammers
Senior Project Manager
Hammers Construction, Inc.
1411 Woolsey Heights
Colorado Springs, Co. 80915

Re: Whistling Pines Gun Club West - Noise Assessment
Wave #1100

Dear Jeremy,

We have completed an evaluation of noise from the proposed Whistling Pines Gun Club west in Colorado Springs. The indoor shooting range site is at 4750 Peace Palace Point which is north of Garden of the Gods Road and East of Centennial Boulevard.

Noise transmitted from the future gun club to residences north of the site is the main concern, and the purpose of this study is to evaluate the impact of that noise. The nearest homes are on Cliff Point Circle north of the site. The homes are at an elevation of approximately 6600' and the floor of gun club building is at 6328.5', so the homes overlook the gun club site by about 250'. The line-of-sight from the new gun club building to all but the closest three or four homes is blocked by the terrain, which drops sharply just south of the homes.

We measured ambient noise levels near the project site at various times of day and night. Then we predicted noise levels from the proposed gun club and compared the predicted levels to the existing ambient noise levels and the permissible noise levels in the City of Colorado Springs noise ordinance.

Noise mitigation measures have been incorporated into the building design and are accounted for in our analysis. The predicted noise levels are equal to or less than the Colorado Springs permissible levels and below the existing ambient noise levels.

Mr. Jeremy Hammers
September 30, 2013
Page 2

Colorado Springs Noise Ordinance, Article 8: Offenses Affecting the Environment, Part 1 Noise Pollution-General

Section 9.8.104 sets permissible noise levels for time periods and zones. Paragraph E of this section states

“...when a noise source can be measured from more than one zone, the permissible sound level of the more restrictive zone shall govern...”

This noise study is focused on the residences north of the project site. The permissible noise level for a residential zone is 55 dBA during the day (7:00a.m. to next 7:00 p.m.) and 50 dBA at night (7:00 p.m. to next 7:00 a.m.).

We understand that the operating hours of the gun club will be 9:00 a.m. until 8:00 p.m., unless the hours are shorter on Sundays or other days. Since the gun club will operate after 7:00 p.m., the nighttime noise limit will apply.

In addition, Section 9.8.106 states

“...Periodic, impulsive, or shrill noises are declared unlawful when the noises are at a sound level of five (5) dBA less than those listed in section 9.8.104 of this part...”

Noise from gun shots is considered “impulsive” and the 5 dBA “penalty” applies to the gun club. **Therefore, the permissible noise from gun shots measured at a residential property line is 45 dBA (50 dBA – 5dBA=45 dBA).**

Noise from steady sources such as the shooting range exhaust fans will need to meet the 50 dBA nighttime limit.

Paragraph B.3 of Section 8.8.103 states

“3. In all sound level measurements consideration shall be given to the effect of the ambient noise level created by the encompassing noise of the environment from all sources at the time and place of the sound level measurement...”

This paragraph means that the ambient sound level shall be taken into consideration. If someone is going to measure noise from the gun club after it is built, they will likely have to take into account the background noise if they are measuring near the residences. Background noise is noise from any noise source in the area other than the gun club. This includes, vehicle traffic, air-conditioning equipment on industrial and commercial buildings in the area, etc.

Mr. Jeremy Hammers
September 30, 2013
Page 3

Ambient Sound Level Measurements

Measurement Locations

Ambient sound levels were measured near the gun club site and the residences to the north on Tuesday, September 3 and Wednesday September 4, 2013. Please refer to Figure 1 below for the measurement locations.

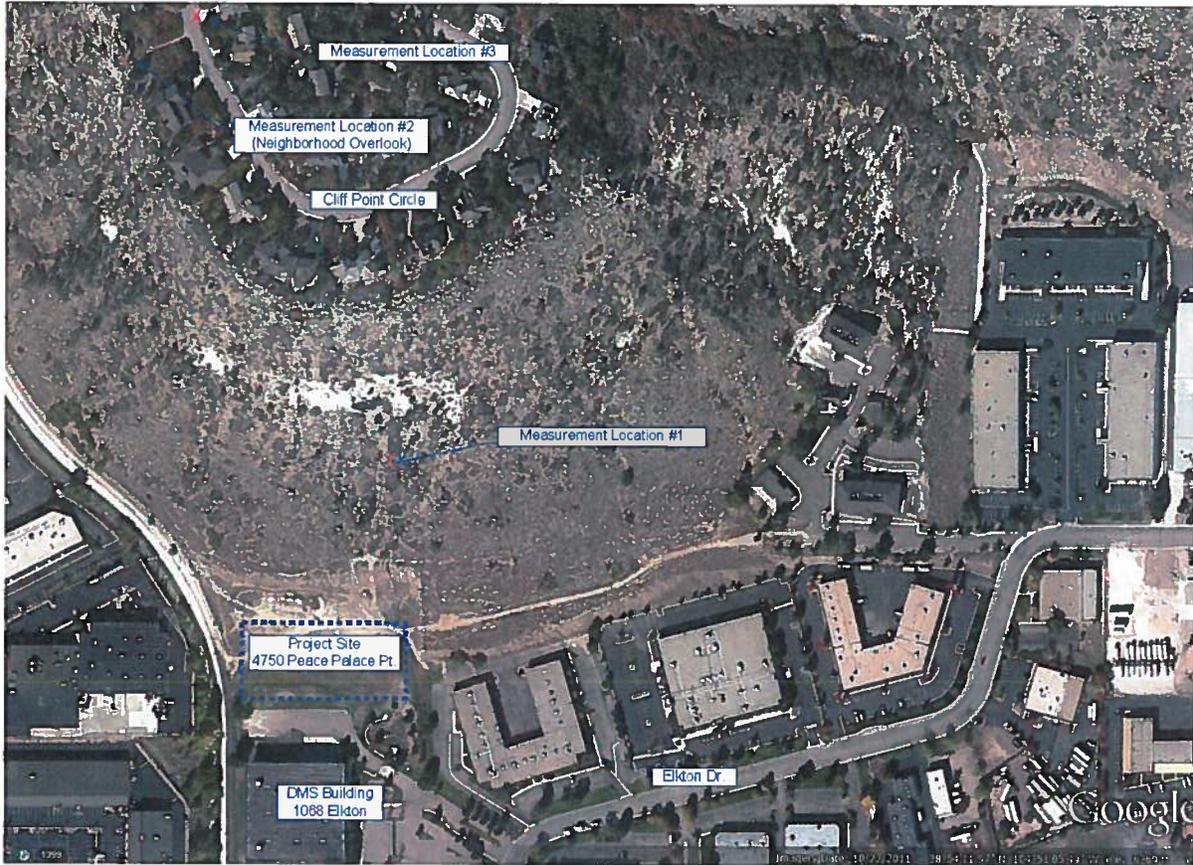


Figure 1: Aerial photo showing measurement locations

Location 1 is on the hill north of the project site, between the site and the nearest residences. Location 2 is at an overlook off of Cliff Point Circle. The noise environment at this location should be very similar to that at the closest homes. Location 3 was at Cliff Point Circle, near the overlook, but at the street and out of the line-of-sight of Garden of the Gods Road and the many industrial and commercial buildings below.

Mr. Jeremy Hammers
September 30, 2013
Page 4

Measurement Equipment and Procedures

The following equipment was used to measure sound levels.

- Larson Davis Model 831 sound level meter, S/N 2878
- PCB Model PRM831 preamplifier, S/N 021453
- PCB Model 377B02 ½” microphone, S/N LW130873
- Larson Davis Electronic Calibrator CAL200, S/N 2905

The system calibration was checked in the field periodically. The calibration of all equipment has been certified by the manufacturer and calibration certificates are available.

Measurement Results

The measured ambient sound levels are shown in Table 1. Sound levels were measured for approximately 15 minute durations at Location 1. The measurements at Locations 2 and 3 were for shorter durations of one to eight minutes each.

Table 1: Measured Ambient Sound Levels

| Date, Start time | L_{EQ} (dBA) | L₉₀ (dBA) |
|--|---------------------------------|---------------------------------|
| <i>Measurement Location 1</i> | | |
| 9/3/13, 3:22 p.m. | 51 | 50 |
| 9/3/13, 10:47 p.m. | 50 | 49 |
| 9/4/13, 6:01 a.m. | 49 | 48 |
| 9/4/13, 11:49 a.m. | 52 | 50 |
| | | |
| <i>Measurement Location 2 (Neighborhood Overlook)</i> | | |
| 9/3/13, 4:09 p.m. | 52 | 51 |
| 9/4/13, 6:39 a.m. | 53 | 50 |
| | | |
| <i>Measurement Location 3 (at street, Neighborhood Overlook)</i> | | |
| 9/3/13 | 39 | 36 |

The measured sound levels are given as L_{EQ} and L₉₀ values.

The L_{EQ} is the Equivalent Sound Level which is essentially the average sound level.

The L₉₀ is the 90 Percentile Sound Level and is the sound level that was exceeded 90% of the time over a given time period. The L₉₀ is often used as a measure of the “residual” sound level, or the relatively steady sound level that excludes short term events such as an occasional car passing or aircraft over flights.

The L_{EQ} and the L₉₀ values in Table 1 are relatively close in all the measurements. This shows that the ambient sound is fairly steady. If the sound level fluctuated greatly due to nearby traffic

Mr. Jeremy Hammers
September 30, 2013
Page 5

or other intermittent sources, the L_{EQ} and L_{90} would be further apart. For the purposes of this noise study, we will use the L_{90} as the existing ambient sound level. This is also called the background sound level when comparing it to noise from the shooting range.

The dominant ambient sound at Locations 1 and 2 was from traffic on Garden of the Gods Road and other area streets, and from HVAC and other mechanical equipment serving the many industrial and commercial buildings surrounding the project site. Since much of the mechanical equipment runs during the day and night, the ambient sound level did not drop significantly at night as it would if it were primarily from traffic.

The main reason for measuring at Location 2 was to show that the sound levels were very similar to those at Location 1. Therefore Location 1 is representative of the sound levels along the edge of the bluff at the nearest homes.

The sound levels at Location 3 were significantly lower than at Locations 1 and 2 since Garden of the Gods Road and the industrial and commercial buildings were out-of-sight and shielded by the terrain.

Effect of Atmospheric Conditions

Atmospheric conditions, including wind speed and direction, can influence the propagation of sound outdoors.

The wind was calm during most of the ambient measurements. On September 3, the wind speed was 2 to 5 mph from the south during the afternoon measurements. The wind does not appear to have changed the ambient sound level much at that time.

Predicted Sound Levels from the Indoor Shooting Range

We used Datakustik CadnaA noise prediction software to predict what noise levels from the shooting range will be near the residential properties. The computer model takes into account sound that radiates from the building from shooting inside, the local terrain, and the atmospheric conditions. It assumes worst case atmospheric conditions with the residences downwind at all times. The predictions are done according to the methodology of ISO Standard 9613-2: Acoustics – attenuation of sound during propagation outdoors, Part 2: General Method of Calculation.

There will be two types of noise sources at the shooting range. The noise from firing guns is short duration impulsive noise. As discussed above, the impulsive part of the noise ordinance applies and the permissible limit at the residential property lines is 45 dBA at night.

There will also be noise from steady sources such as the exhaust fans and make-up air units on the roof. For these sources, the permissible limit at the residential property lines is 50 dBA at night.

Mr. Jeremy Hammers
September 30, 2013
Page 6

For our predictions, we used a database of over 100 handguns and rifles and selected the loudest weapons likely to be used in the range. The shooting noise of the weapons was measured according to Nordtest Method NT ACOU 099.

Shooting Noise

The predicted impulsive shooting noise levels are shown at selected receptor on Figure 2. The receptor locations are shown by target symbols (⊕).

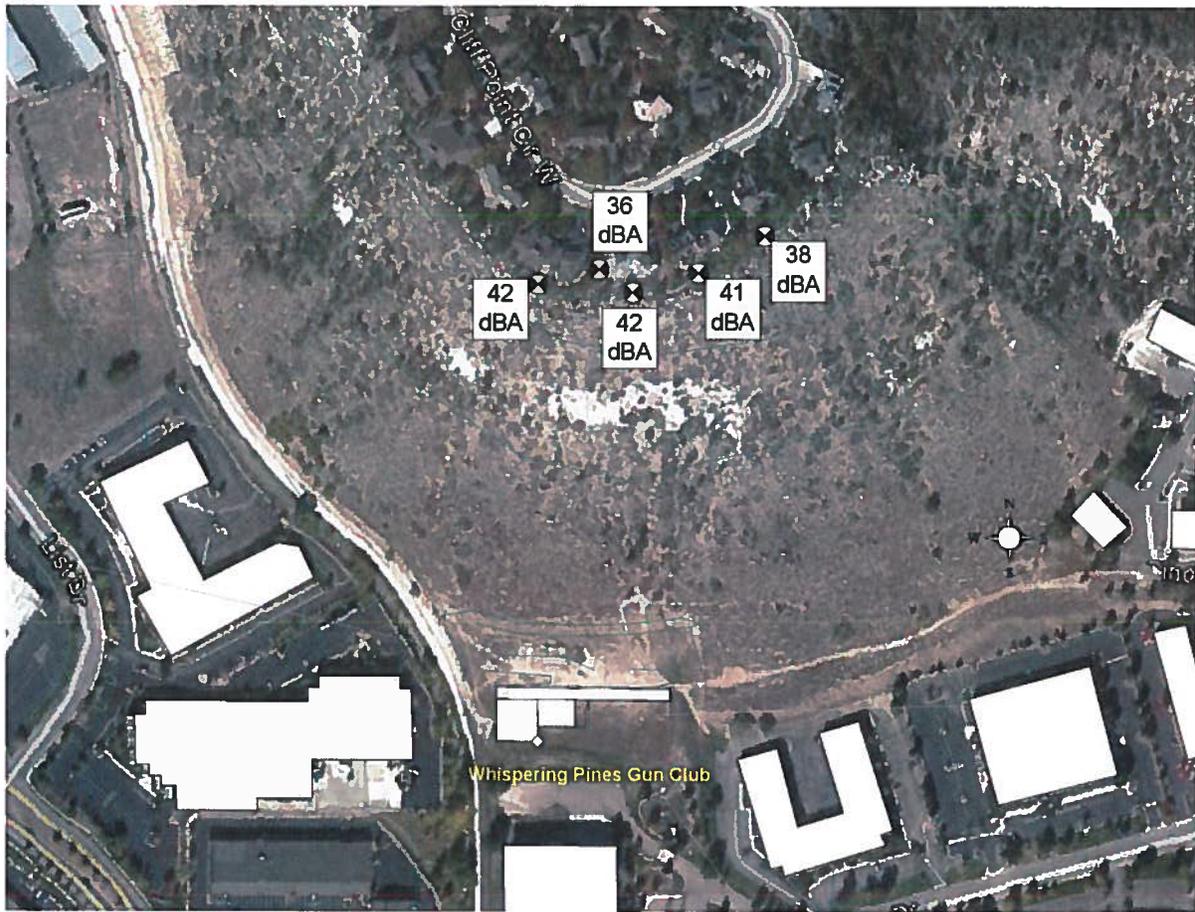


Figure 2: Predicted noise levels from gunshots

The four locations ranging from 38 to 42 dBA are at the edge of the bluff, in clear line-of-sight of the gun club. This is near the residential property lines, but south of the homes themselves. The upper floors of several of these homes are visible from at or near the future gun club site.

The one location shown with the 36 dBA noise level is approximately 50' back from the bluff near the homes themselves. The noise level continues to drop as you move further away from the bluff.

Mr. Jeremy Hammers
September 30, 2013
Page 7

The shooting noise levels at the residential property line are less than the permissible level of 45 dBA.

These levels are the noise levels that occur from simultaneous shots from the rifle range and the handgun range. The sound of a gunshot is very short in duration and in reality shots that are exactly simultaneous do not occur often. If the ranges are fully occupied and many shots are being fired, the shooting noise occurs more often, but the noise level will not be higher.

Steady Noise from Mechanical Equipment

The predicted steady noise levels from the rooftop make-up air units and the shooting range exhaust fans are shown below on Figure 3. This equipment runs continuously when the gun club is operating.

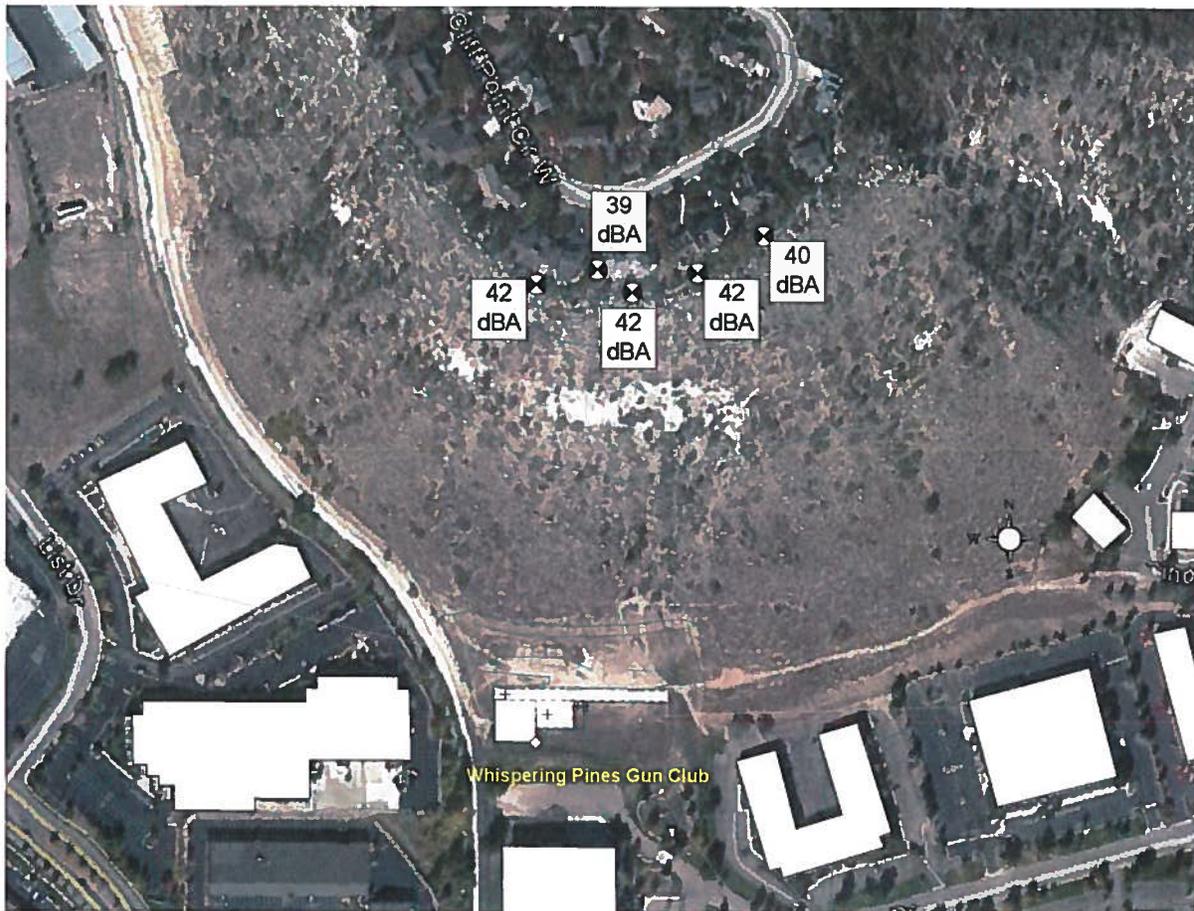


Figure 3: Predicted noise levels from ventilation equipment

The steady noise levels at the residential property line are less than the permissible level of 50 dBA.

Mr. Jeremy Hammers
September 30, 2013
Page 8

Combined Noise from Gunshots and Mechanical Equipment

The mechanical ventilation equipment will always be running while the shooting ranges are in use. The predicted noise levels from gunshots and ventilation equipment combined are shown below on Figure 4.

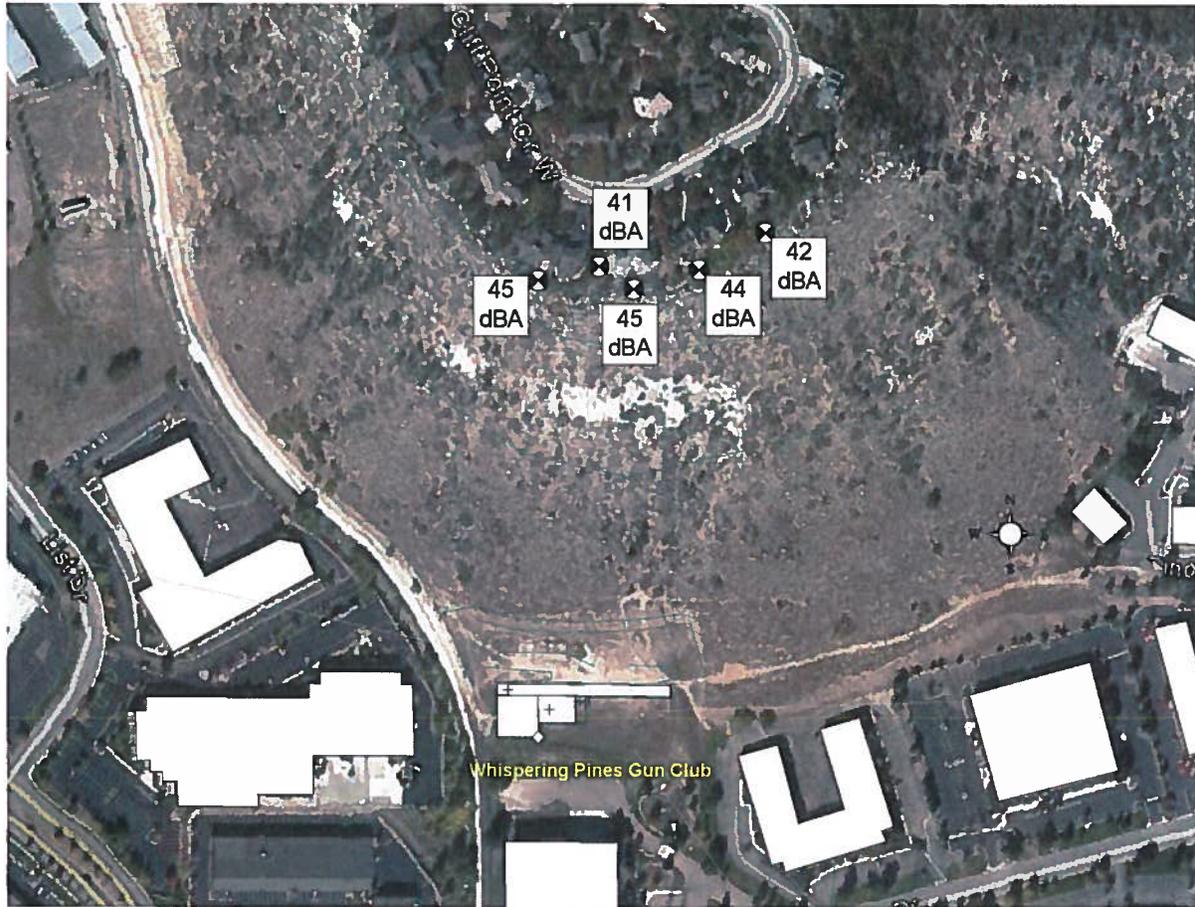


Figure 4: Combined noise levels of gunshots and ventilation equipment

The noise levels of gunshots combined with the noise of ventilation equipment are less than or equal to the permissible limit of 45 dBA for impulsive sources.

Noise Mitigation

A number of noise mitigating measures have been incorporated into the design.

The interior of each range includes Tectum sound absorbing panels to reduce noise levels inside the range, which also reduces noise transmitted out through the building walls and roof.

Mr. Jeremy Hammers
September 30, 2013
Page 9

Range exhaust fans REF-1 and REF-2 will be fitted with 45° elbows to direct air to the south and reduce noise transmitted to the north.

The exterior doors used to access the area behind the handgun and rifle range traps will be STC 50 sound rated doors to reduce noise transmitted to the outside.

The interior door to the rifle range (from the air-lock), behind the firing line, will be equipped with neoprene bulb or closed-cell foam weatherstripping and a door bottom or sweep to make an airtight seal and reduce sound leakage.

The exterior door from the rifle range air-lock will have an STC 50 sound rating.

The exterior door from the south side of the rifle range to the ventilation equipment enclosure will have an STC 50 sound rating.

The rifle range roof will be constructed with three layers of 5/8" Densglass roof sheathing board instead of the normal one layer. The handgun range roof will be constructed with two layers of Densglass roof sheathing board instead of the normal one layer.

Conclusions

We have evaluated the noise impact of the gun club on the residences to the north.

The Colorado Springs noise ordinance gives permissible noise levels for daytime and nighttime hours. Noise from gun shots is “impulsive” and is limited to 5 dBA less than the steady noise of fans and mechanical equipment. Since the gun club will operate after 7:00 p.m., we have applied the nighttime limits.

Figure 2 shows the predicted gunshot noise levels at the residential properties to the north. The noise levels are less than the impulsive noise limit of 45 dBA, which is less than the ambient sound level of 48 to 50 dBA during the hours that the gun club will be open. The ambient sound level drops as one moves away from the edge of the bluff into the neighborhood, but the sound from the gun club will also drop as it is also shielded by the terrain.

Figure 3 shows the predicted noise levels from ventilation equipment at the gun club. The noise levels are less than the permissible limit of 50 dBA.

Figure 4 shows the combined sound levels of gunshots and the ventilation equipment. Even when combined with the ventilation equipment noise, the noise level of gunshots remains equal to or less than the Colorado Springs 45 dBA impulsive noise level limit.

Noise from the indoor shooting range will be below the existing ambient noise level in the residential area to the north. Gunshots may be audible because distinct sounds can be discerned



Mr. Jeremy Hammers
September 30, 2013
Page 10

by the ear even below ambient sound levels. However, they will likely be difficult to measure because they will be below ambient levels.

Please feel free to call if you have any questions.

Sincerely,

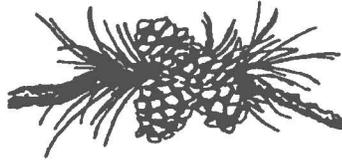


Digitally signed by Jeff Kwolekoski
DN: cn=Jeff Kwolekoski, o=Wave
Engineering, Inc., ou,
email=jkwolkoski@WaveEngineeri
ng.co, c=US
Date: 2013.09.30 05:34:09 -06'00'

Jeff Kwolekoski, P.E., INCE Bd. Cert.
President

FIGURE 6

Figure 6 responses are organized by date, most recent first. Responses from the same property are then grouped together.



Bruce Hutchison
Pinecliff HOA
1170 Popes Valley Drive
Colorado Springs, CO 80919

December 23, 2013

Ms. Erin McCauley
Colorado Springs Land Use Review
30 S. Nevada, Suite 105
Colorado Springs, CO

Dear Ms. McCauley,

On behalf of the Pinecliff HOA and its entire board of directors, I am submitting this letter stating our opposition to the Hammers Construction's application for a conditional use request that would permit the construction and operation of an indoor firing range south of the Pinecliff neighborhood. Our position is based on the fact that the current facility design has insufficient noise suppression to ensure that no gunshot noise will be heard in our neighborhood.

It is important to know that the Pinecliff HOA by-laws specify that the association's purpose shall be: "The creation and encouragement of an environment designed to enhance the quality of life for the people in the community." It was with this purpose that we have examined all the documents, drawings, reports, etc. that were submitted to your office. We have also read quite a few comment letters sent to you from members opposing the application for numerous reasons. We attended the December 3rd public meeting and I personally toured both the Whistling Pines Gun Club East and the Trigger Time Gun Club near Longmont. We feel we have done due diligence prior to submitting this letter.

Here are our specific concerns:

- 1) We were originally told last March that the rifle range would be below ground level which would contain the substantially louder gunshot sounds from rifles. This approach was viewed quite positively by the PHOA board.
- 2) Based on the satellite view in the Wave Engineering's noise assessment report, up to 7 Pinecliff properties have direct, line of sight to the proposed site. These expensive homes with views of Pikes Peak and Cheyenne Mountain are some of the most desirable homes in Pinecliff.
- 3) Based on the noise assessment report, the gunshot noise from this facility would definitely be heard on these properties. While the level of the noise is considered acceptable by Wave Engineering and likely adhere to the city's noise ordinance requirements, the nature of sharp noise bursts emanating from the facility 7 days per week and from 9 AM to 8 PM most days, would be intolerable to most of the homeowners above. This would be especially true during the warmer months when residents want to enjoy outside activities and meals.

4) The above situation would lower the property values of these homes, with the owners ultimately bearing the resulting financial loss.

5) As currently structured, the Land Use Review approval process places the risks of intolerable gunfire noise and the resulting impact to property values only on the affected Pinecliff homeowners. If the application is approved and the facility is constructed, the club owners will bear no responsibility and will have no motivation to offer compensation or remedy.

Please know that the Pinecliff HOA board is willing to drop its opposition if the gun club ownership would incorporate additional noise suppression measures into the facility design to ensure no gunfire noise will be heard within the Pinecliff neighborhood. We would also want a legally binding agreement from the gun club owners stating that they would address and remedy any gunshot noise issues within the Pinecliff neighborhood once the facility begins operation.

Best regards,
Bruce Hutchison - Pinecliff HOA President
email: president@Pinecliff-HOA.com
719-599-3259 Home
719-238-9971 Cell

A handwritten signature in black ink, appearing to read "Bruce Hutchison". The signature is written in a cursive style with a large, sweeping initial "B".

McCauley, Erin

From: Scott Morrison <smorriso@rams.colostate.edu>
Sent: Monday, December 23, 2013 2:06 PM
To: McCauley, Erin
Cc: Wysocki, Peter
Subject: Proposed Whistling Pines Gun Club

Dear Erin McCauley,

My name is Scott Morrison. I am writing this letter of behalf of concerned residents of the Pinecliff area regarding the construction of a gun club downhill from Cliff Point Circle Street. I'm currently a student at CSU with a major in Natural Resources.

As someone who has grown up in this neighborhood I would simply like to express my paradigm and point out a few negative externalities, perhaps overlooked by gun club planners.

As a member of this neighborhood for 21 years I have come very well to understand that most of the residents that live here chose to do so because of the neighborhood's tranquility, privacy, and appreciation of the surrounding natural environment.

My concern is that a gun club encroaching on this quiet residential area will negate the underlying values of this neighborhood and impinge on the privacy of residents.

The noise from continuous gunshot sounds will inevitably disturb and lead to conflict with many private property owners. For instance, my mother is retired; my father often works at home. Although their hearing range may have shrunk a bit at the high-frequency end, low-frequency noises such as gunshots are quite audible and difficult to contain.

While I do not know the specifics of the noise generated by the facility, sound is undoubtedly affected by many factors. I worry residents will be inundated by alarming sounds from the facility, even if decibel levels are low. Having a recreational gun club so close to private property, peace and quiet is impossible to guarantee.

Another concern of mine is that real estate values in the area will be jeopardized. One of the main reasons real estate is highly valued in this area is its tranquil atmosphere and its interconnectedness with nature encompassing it. A gun club could easily diminish these values with audible noises, bothering residents and deterring wildlife that the neighborhood is known for.

Whether or not sound levels can be contained within the facility, the mere presence of such an active recreational facility so close to private properties is a cause for concern and a deterrence to buying real estate.

The point that I am trying to make is that recreation and private property are rarely congruent. Conflict of interest issues and litigation are results when the two overlap.

As someone who very highly values many types of recreational activity, including recreation gun shooting, I have always known to take all possible measures to never let my recreation disrupt others, especially private property owners.

Recreation has its place, but it is always subsequent to the needs of the people who live in that area. As most of us involved with the proposal of the gun club construction are avid recreationalists, we should all know that recreational enjoyment is permissible until it negatively impacts the agendas of the people nearby.

Thank you for taking the time to understand the perspective of a concerned resident who understands the opportunity to recreate is optional; however, being able to live at ones residence with contentment is imperative.

Sincerely,

Scott Morrison

McCauley, Erin

From: morrig15@aol.com
Sent: Monday, December 09, 2013 9:17 PM
To: McCauley, Erin
Cc: Wysocki, Peter; angus911@aol.com
Subject: Response to Dec 3rd Gun Club Meeting

Dear Erin,

We have lived in Pinecliff for 28 years. We located here because of the peaceful tranquility, wildlife, and unparalleled views.

I can assure you being one of two homes closest to the proposed club this has been an issue of great concern for at least 4 months.

It's clear the sound data is deficient, as evidenced at the meeting. The fact remains at the end of the day these are at best predictions.

For the Wave Study to be meaningful they also need to provide margin of errors. Jeff didn't include uncertainties in his estimate

or test on the weekend when 95% of the light industrial area is not there and ambient noise goes way down.

Angus and I (and other neighbors) don't care what the db level is; if we are hearing repetitive shots in or outside our home, it is

unacceptable, equivalent to Chinese Water Torture. We are perched directly on top of the proposed club and our house practically teeters on the cliff. We have a 5000 sq ft. home with a huge wrap around deck with two huge sliding glass doors. We are outdoors much of the time when weather permits. All the floor to ceiling windows in the rear of the house facing the proposed club are open a majority of the time. This home is not air conditioned leaving us further susceptible to sound intrusions. Reverberation/percussions need a thorough evaluation as well,

considering the unique geologic interface. Home values are a huge concern in this \$500,000 and above avg price range - with million dollar views you have some very discriminating buyers. We could face great personal loss and financial risk. You would rule out many potential buyers who would object to finding themselves being perched above a 20,000 sq ft gun club/public retail shop/public classes with all it entails. Potential home buyer loss would come from;

1. Any veteran or anyone with PTSD. A Vietnam Vet already said I could not live in your home.
2. Parents of children who have real and perceived fear about safety including leakage of lead dust particles, a mother of seven children said, "Forget it."
3. Any person with values differing from a gun club would not want to be in proximity.
4. Persons with real or perceived issues of noise, exhaust, safety, traffic, and customer loitering.
5. Anyone with fire hazard concerns, we have lots of people with PTSD issues (myself included) surrounding the Waldo Canyon and Black Forest fires, after witnessing the fire breaching the ridge, the following devastation, and having a 30 min. emergency evacuation. We know no building is immune to fire, especially one filled with ammunition. After two of the most devastating fires in CO history, buyers look at homes differently.

Jeff (Wave Study) pointed to our property and said, "Here we have the worst case scenario, but when you go across the street and back further the **sound** will get better." This was extremely unsettling for your home of 20 years to be

the worst case scenario. It's unlikely but possible we may not hear much, but it's also very clear after the meeting that we probably will.

When the city wrote their noise ordinances for repetitive sound levels, I'm sure they were thinking barking dogs etc., gun shots were probably never factored in. A rewrite would be necessary to protect residents from hearing one of the most alarming sounds imaginable in their homes at any decibel level, that is devastating to physical and mental health. Gunshots are a far cry from the usual ambient noise in a residential neighborhood.

There is no doubt Whistling Pines is a solid, reputable business with good clients, and responsible owners. For us that is not the issue, but rather some of those issues listed above. The owner needs to pick a more appropriate location, not one within 490 feet of established homes. When you have a business that could negatively impact its neighbors because it is not "in harmony" with its surroundings, then that is not the right business for that location. It is in opposition to the conditional use credo which says it must be compatible with the surrounding area and not infringe on the peaceful environment and the quiet enjoyment of home.

A conditional use permit would be unconscionable considering we only have weak predictions of what will exist after the club is built. Since we have no absolutes to protect established properties, a vote of no is the only reasonable, prudent choice.

Sincerely,

Gail Morrison

McCauley, Erin

From: Angus Morrison <angus911@aol.com>
Sent: Tuesday, December 10, 2013 1:26 PM
To: McCauley, Erin
Cc: Wysocki, Peter; morrig15@aol.com
Subject: Concerns on Noise Study for Whistling Pine Gun Club

Erin:

I am contacting you regarding the proposed Whistling Pines Gun Club (WPGC) at 4750 Peace Palace Point, and, specifically, the conditional use request to allow Indoor Sports and Recreation in a PIP-2 zone district. Based upon the presentation given by the applicant (i.e., Robert Holmes of Whistling Pines Gun Club West, LLC) and his development support team on 3 December, 2013, which I attended, the assurance that the noise levels from WPGC will satisfy the Colorado Noise Statute is based on a noise study performed by Wave Engineering, Inc. This study was briefed at the 3 December meeting by Jeff Kwolkoski, who is President of Wave Engineering and the principal investigator of the noise study. While Jeff performed a credible and thorough investigation using state-of-the-art noise prediction software (i.e., DataKustik CadnaA) of the WPGC noise levels, I have a number of concerns in the use of this noise study to support WPGC's compliance with the established noise level thresholds in the Colorado Noise Statute.

First, I am a long time resident of the Pinecliff area, and currently reside in the house whose location was characterized by Jeff Kwolkoski in his briefing as the "worst case" location for the WPGC gunshot noise. My qualifications in this area include an Engineering M.S. from MIT, an Engineering Ph.D. from Stanford University, and over 40 years in the defense industry as a Systems Engineer using computer simulations for technical analysis and decision making support. I am presently employed as a Radar Engineer supporting the U.S. Air Force's Space Surveillance mission. I have led or supported countless numbers of investigations similar to or exceeding the complexity of Jeff's noise study for WPGC. Hence, I am confident that I have some informed insight into the utility of this noise study for the conditional use decision.

The analysis and simulation effort necessary to produce predicted noise levels from gunshots and ventilation equipment in proximity of gun club is ameliorated somewhat by the existence of commercial-off-the-shelf noise prediction software such as the DataKustik CadnaA application mentioned previously. The major difficulty in generating accurate results from these applications is ensuring that the embedded software models and data represent their "real-world" counterparts. Based on the information that was presented at the 3 December meeting, it is unclear if the DataKustik CadnaA application has been independently validated for this intended use (i.e., the prediction of noise levels from gunshots). This is critical for software simulations whose results are going to be used in making real life decisions – conditional use applications, for example.

The noise prediction application must first simulate the source(s) of the gunshot noise which includes both the acoustic muzzle blast as well as an acoustic shock wave if the bullet speed exceeds the speed of sound (which is typical for most rifles). Obviously, the noise characteristics would be weapon dependent, which is of importance since, as Jeff admitted in the meeting, a model for the 50 caliber rifle which WPGC will allow to be fired in their facility was not available for the Wave Engineering noise study. This weapon represents a stressing case for the noise prediction study.

Next, the acoustic energy from the gunshots impacts the facility surroundings which requires modelling not only the geometrical characteristics of the facility relative to the acoustic sources, but also the acoustic properties of the facility construction and noise abatement materials which are typically frequency dependent. The gunshot noise is ultimately transmitted through the facility infrastructure to the outside environment. At this stage, the gunshot noise level is not simply an idealized point source of acoustic energy, but an extended noise source including the facility roof and walls. Hence, the application must take into account this extended noise source by modelling the overall acoustic energy exiting the gun club facility as collection of individual noise sources with their unique noise propagation characteristics. In addition, the ventilation equipment which operates continuously at the WPGC generates a significant contribution to the noise levels, and also must be modelled in order to obtain realistic estimate of the actual noise levels emanating from the WPGC facility.

If modelling the gunshot noise levels from the weapon source through the facility infrastructure to the outside environment is not challenging enough, the predicting the noise levels in proximity of the WPGC as the acoustic energy leaves the building and propagates through the atmosphere is especially difficult because of the broad spectrum of influencing environmental conditions. First, noise propagation in the atmosphere is very dependent on frequency, and noise level calculations must be performed as a sum over individual frequency bands as per the application design. The four main factors which contribute to the noise level predictions through the atmosphere are:

1. The $1/(\text{distance})^2$ power loss
2. Atmospheric absorption
3. Ground effects
4. Wind direction and speed

The power loss due to the spherical divergence of the acoustical wave is same as that experienced by electromagnetic energy, and clearly is the easiest contribution to the noise levels to predict. The attenuation from the atmosphere is significantly influenced by acoustic frequency, temperature, and relative humidity. Consequently, the predicted noise levels at locations in proximity to the WPGC will necessarily have measureable daily and seasonal fluctuations. Unlike light in the form of electromagnetic energy, acoustic waves will be highly influenced by the surrounding terrain due ground surface reflection and diffraction. The simulation of this contribution to the noise propagation is especially difficult given the characteristics of the hillside terrain in proximity to the WPGC. For example, it is quite plausible that the acoustic waves which exit the WPGC and travel directly to the adjacent neighborhood above could be reinforced by the acoustic waves reflecting off the hillside, which would result in a noise level significantly above that predicted from a simulation without the hillside feature. Typically, noise level prediction software assumes downwind propagation conditions in order to produce a conservative estimate of the noise levels. However, it is not at all clear that the wind conditions produced by the unique terrain surrounding the WPGC would not accentuate these conservative estimates.

As the narrative above indicates, the prediction of noise levels in the proximity of the WPGC is a complex problem which necessitates an extraordinary amount of high-fidelity modelling and data. The DataKustik CadnaA application employed in the WPGC noise study by Wave Engineering has sufficient fidelity to provide the desired noise level estimates. It requires the user to select from a menu of national and international standards to implement the sound propagation calculations. Wave Engineering selected the International Standard for Acoustics, ISO 9613-2, for the sound propagation – a reasonable choice. The noise study chose five locations in the residential area adjacent to the WPGC to generate the noise levels. Two sets of calculations were performed by Wave Engineering with their application: 1) the noise levels from only the gunshots inside the gun club facility (Fig. 3 of the study), and 2) the noise levels from the ventilation equipment on the roof of the WPGC (Fig. 4 of the study). The corresponding sound pressure intensities from

these distinct sources were added to yield the combined noise levels (Fig. 5 of the study). The noise study stated that these calculations were performed under worst case atmospheric conditions and a downwind assumption.

The predicted noise levels for two out of the five neighborhood locations were at the allowable threshold for impulsive noise sources, 45 dB(A). First, the meaning of these predicted noise levels, themselves, is unclear. Do they represent mean values when considerations are given to variations in the simulation models and data which comprise the noise level prediction software? Or, are they bounds on the realizable noise levels which could only be extent in extreme circumstances? When Jeff Kowlkoski was queried on this point at the meeting, his response was ambiguous at best. Second, the study was devoid of any estimates on the uncertainties in these predictions given the complexity of the modelling and the supporting data base. Hence, there is no quantitative basis to determine the expected excursions from the predicted values. Any positive noise level prediction error would clearly result in a violation of the noise statute limits at two of considered locations. While the statute states that the noise levels may be exceeded up to 10 dB(A) for a duration of less than 15 minutes in any one hour period during the day (i.e., 7:00 am to 7:00 pm), there is no clear definition of what constitutes a violation during the night time hours, which is of concern since the WPGC is open past 7:00 pm. Consequently, one must assume from this omission that any noise level reading above 45 dB(A) during the night time hours would be considered a violation of the Colorado Noise Statute.

As mentioned previously, the Wave Engineering noise study selected the ISO 9613-2 standard for their sound propagation algorithms. The ISO quotes an uncertainty in their calculations of ± 3 dB(A) for distances between 100 and 1000 meters (see Table 5 of the ISO) when averaged over the assumed downwind conditions of propagation implicit in the algorithms. However, the following quote from the ISO relative to their uncertainty estimates is particularly significant relative to the "real-world" noise level estimates that are of interest for the WPGC conditional use, "They should not necessarily be expected to agree with the variation in measurements made at a given site on a given day. The latter can be expected to be *considerably larger* than the values in Table 5." I have added the italics to the ISO quote. Thus, if the results of the Wave Engineering noise study are to be believed, the variation in the computed 45 dB(A) noise levels would necessarily lead to values in the 48 dB(A) range or higher depending upon the atmospheric conditions and modelling uncertainties (including atmospheric propagation and acoustic energy transmission through the WPGC facility). That is, if measurements were taken at different times of the day and year at the locations in the study with the 45 dB(A) noise level values, one could expect the noise levels to vary in an intensity band between ~ 42 dB(A) and ~ 48 dB(A) if the noise study predictions are accurate. Violations of the noise statute certainly during the night time and possibly during the day time would be a frequent occurrence under these circumstances.

Although this discussion has focused on the noise level issue relative to the statute values, the more important question for us is, will the gunshot noise be audible to the residents of the neighborhood in proximity to the WPGC? If gunshots are being heard continuously throughout the day and night (as residents of Layton, Utah, Blue Ash, Ohio, and Clovis, California have endured), the actual noise level reading is little consequence. Gunshot noise which was be perceived below the statue thresholds would be difficult situation to rectify other than pleading with the owners of WPGC to move (never happen) or improve their noise abatement design and material in their facility (huge cost). Clearly, the Colorado Noise Statue is deficient in this regard. In fact, the Wave Engineering noise study categorically states in their conclusion that in all likelihood the gunshots will be heard by residents nearest to the WPGC.

Therefore, given 1) that the noise study implies noise levels above the statute threshold, and 2) that it is very likely that the gunshots will be audible by neighborhood residents, the issuance of a conditional use for the WPGC in light of these circumstances would be counter to its stated constraints:

1. The value and qualities of the neighborhood surrounding the conditional use are not substantially injured.
2. The conditional use is consistent with the intent and purpose of this Zoning code to promote public health, safety, and general welfare (i.e., PIP-2 zoning explicitly states that the included facilities have industrial uses *with operations which are quiet*).

I urge you to carefully consider the potential disruption to the tranquility of our neighborhood as I have attempted to describe in this narrative from the proposed WPGC operations, and recommend the disapproval of their conditional use application.

Sincerely,

Angus Morrison

McCauley, Erin

From: weisprings@comcast.net
Sent: Monday, December 23, 2013 3:47 PM
To: McCauley, Erin
Cc: Wysocki, Peter
Subject: CPU CU 13-00077

Hi Erin –

Hope all is well. Happy Holidays.

I know that today (23-Dec-2013) is the last day to submit an email expressing concerns and questions for the proposed gun club (i.e. regarding CPU CU 13-00077). As such, over the last few months (i.e. to include the 03-Dec-2013 public meeting held) raised additional questions and concerns for me.

Here are some additional concerns and questions:

- I am the neighborhood watch block captain for Cliff Point Circle (i.e. East & West) which was denoted as the **worst case scenario** by the sound engineer from Wave Engineering.
 - Here are some interesting statistics:
 - Out of the sixteen (16) homes in our neighborhood watch block, ten (10) homes have one or more household members who are retired. As such, the percentage of **retirees per household constitutes approximately 62.5%** (i.e. $10 / 16 = 0.625 \times 100 = 62.5\%$)
 - Also the trend for our block demographic is that more households are nearing retirement age. We have fairly mature residents' demographics.
 - To compound the problem, most of these homes are older (i.e. 20 to 30+ years old and therefore do not have central air conditioning). As such, during the spring, summer and fall these residents often leave their windows and sliding glass doors open for much needed ventilation and cooling
 - Therefore any gun / rifle noise will adversely impact these neighbors and will definitely be classified as an "**objectionable noise**" (i.e. 7.3.302: PURPOSE AND SPECIFIC REQUIREMENTS OF THE INDUSTRIAL ZONE DISTRICTS) from the residential Pinecliff neighbors perspective
- Also out of the sixteen (16) homes in our neighborhood watch block, I personally know of nine (9) veterans in these households and most likely more:
 - Some of the veterans have served in the Korea and Vietnam wars as well as other worldwide conflicts.
 - **Gunshot noise, no matter what level, is not a noise which is tolerable** (i.e. resurrect war time memories; PTSD; cannot use decks due to repetitive noise; etc.) especially not in one's own home where peace and safety are paramount especially during the retirement years when residents stay in their homes more often.
- Adverse impact for animals in Pinecliff:
 - There are an abundance of wild lives (e.g. deers, bears, bob cats, owls, turkeys,, etc.) and animals in general have more sensitive hearing than humans
 - Also a number of households have pets which have more acute hearing and will be adversely impacted by the repetitive gunshot noise
 - Is the planning department also watching out for these animals' interest? If not, who is?

- During the 03-Dec-2013 public meeting, the owners and their developer confirmed that there weren't any geological issues. If this is indeed the case, then why doesn't the developer bury the rifle range (i.e. make it underground) to help mitigate the noise from rifle which will be louder than pistols?
- Property values:
 - Most of the neighbors have been living in Pinecliff for a long time (e.g. 10, 20, 30 + years)
 - As such, we have been paying our mortgages over a prolonged period of time and some of us have paid off our mortgages
 - At some point there might be an interest to down size
 - The proximity (e.g. 490 feet) of the proposed gun club will reduce the pool of prospective buyers (i.e. buyer with children, veterans, etc.)
 - Our home values will suffer and therefore property taxes which will have a domino effect on the rest of Pinecliff since comps are used for comparison purposes in pricing a home for sale
 - What benefit will this proposed club offer to Pinecliff except for a few hobbyists when Magnum shooting range (i.e. scheduled to open in 2014) is only 15 minutes away. As such, a number of Pinecliff residents have already expressed an interest in this new gun club in the Northgate shopping area since it's not right next to an existing neighborhood like ours

Erin – with the above additional concerns, I would encourage the City of Colorado Springs planning department to **revisit the “Conditional Use”** since any repetitive gun noise is not acceptable for any residential neighborhood within the city limits since it can cause physical and psychological harm in the long run.

As such, a **“zero tolerance”** ordinance will need to be considered to properly protect the taxpaying residents of Colorado Springs of their home/property values and quality of life. **Any gunshot noise is not a “natural noise” within the city limits** and therefore residents should not be forced into an unnecessary prolonged exposure to these types of noise, period. After all, it's your fiduciary responsibility to do the right thing.

As stated before, **this is not a gun issue (i.e. many of us own guns); this is a property value, quality of life, and noise issue.** Unfortunately the compelling positive attributes of Pinecliff will drastically change if the “conditional use” is approved for the proposed gun club.

A number of Pinecliff neighbors would be more than happy to show the proposed gun club owners a more suitable lot within the city which is not next to an existing residential neighborhood.

Thanks again for your consideration and time.

Happy Holidays to you and your Family!

John Wei (719) 528-5133

McCauley, Erin

From: weisprings@comcast.net
Sent: Thursday, December 12, 2013 11:04 AM
To: McCauley, Erin
Cc: Wysocki, Peter
Subject: FILE NO.: CPC CU 13-00077

Hi Erin –

Hope all is well. This is John Wei from the Pinecliff neighborhood. Thanks for coordinating the 03-Dec-2013 public meeting with the proposed gun club (i.e. Whistling Pines Gun Club) owners and their representatives.

I thought the presentations were informative and I have no doubt that the owners and their employees of the current Whistling Pines Gun Club are *“nice people”*. A number of us who attended this meeting will take up on Mr. Bob Holmes’ offer for a tour of his current east location facility. Details are to be arranged shortly.

In the meantime, I have lived in Pinecliff for nearly twenty six years. I love the natural beauty, wild animals, panoramic views, peacefulness and tranquility Pinecliff has to offer. Therefore I commuted daily from Colorado Springs to Denver and back for sixteen years with no regrets.

Just to level-set, this is not a gun issue (i.e. many of us own guns); this is a property value, quality of life, and noise issue. Unfortunately the compelling positive attributes of Pinecliff will drastically change if the “conditional use” is approved for the proposed gun club.

As such, I have documented the following in an attempt to “staple myself to the process” and to walk through this process logically. I also documented my rationale for the Planning Department to deny this “conditional use” request:

| City Ordinance / Zoning Code: | Description / Details (i.e. applicable portions highlighted): | Comments / Objections: |
|----------------------------------|---|---|
| 9.7.104: DISCHARGE OF WEAPON: | A. It is unlawful for any person to wrongfully fire or discharge any cannon, gun, pistol, revolver, rifle, shotgun, air gun, BB gun, gas operated gun, spring gun, or firearm within the City. The discharge of firearms using only blank ammunition by the members of any military company when on parade or when engaged in an official ceremony, done in accord with the command of the commanding officers, shall not be deemed a violation, nor shall the discharge of firearms at shooting galleries as a licensed business, or as part of a business licensed or permitted to operate within the City be deemed a violation. | So it is illegal to discharge weapon in the Colorado Springs city limits unless it is within a business permitted to operate with the City. As such, File no. CPC CU 13-00077 – A conditional use request to allow Indoor Sports and Recreation in a PIP-2 (Planned Industrial Park) zone district was submitted for the proposed gun club It appears that the proximity of this club to an existing residential neighborhood (within 490 feet with hillside overlay considerations) is unprecedented |

| City Ordinance / Zoning Code: | Description / Details (i.e. applicable portions highlighted): | Comments / Objections: |
|---|---|--|
| <p>7.3.302: PURPOSE AND SPECIFIC REQUIREMENTS OF THE INDUSTRIAL ZONE DISTRICTS:</p> | <p>A. PIP-1 and PIP-2 - Planned industrial park: These zone districts accommodate a limited group of professional, administrative, research, manufacturing and industrial uses with operations which are quiet and clean to ensure the creation and maintenance of an environment which will serve the mutual interest of the community as a whole, any adjacent residential areas, and the occupants of the industrial park in particular. Planned industrial park zone districts shall be located on lands that are suitable for industrial development, have an acceptable relationship to the major thoroughfare plan and applicable master plans, and are held in single ownership or under unified control.</p> <p>Uses allowed in planned industrial park districts are listed in a table in section 7.3.203 of this article. Some districts will be located near residential neighborhoods; therefore, it is necessary that all activities including manufacturing, processing or assembly of materials and products be carried on in a manner which is not injurious or offensive to the occupants of surrounding properties. Uses shall not cause:</p> <p>a. Glare, vibration, objectionable noise, or emission of smoke, fumes, gas, dust, odor or any other atmospheric pollutant detectable beyond the boundaries of the immediate site.</p> <p>P Physical hazard by reason of fire, radiation, explosion or similar cause to the property in the same or surrounding district.</p> <p>In order to develop a site in a reasonable manner which will not be detrimental to the public welfare or the interests of the City, regulations governing the height, open area, setbacks, off street parking, and loading and maneuvering area may be modified by the</p> | <p>in the City of Colorado Springs</p> <p>Per <u>Jeff Kwolkoski on page 9 of his 30-Sep-2013 Whistling Pines Gun Club West – Noise Assessment</u> stated the following:</p> <p>Noise from the indoor shooting range will be below the existing ambient noise level in the residential area to the north. Gunshots may be audible because distinct sounds can be discerned by the ear even below ambient sound levels. However, they will likely be difficult to measure because they will be below ambient levels.</p> <ul style="list-style-type: none"> • Note: This sound study was done on a weekday. Weekends will have less ambient noise since most factories and businesses are closed. As such, this wave sound study is not comprehensive nor definitive • “Noise” is a sound that disturbs or harms and is categorized as either continuous or impulsive. As such, shooting range noise is consider impulsive and therefore an “objectionable noise” • Per Jamie Prather-Newton (Layton Utah), “Do you know the feeling you get when a car next to you has his stereo volume on high, it’s such an annoying sound, so irritating that you can’t wait until that jerk moves his car away from |

| | <p>Planning Commission or City Council when a PIP district is established or changed. The differences between the PIP-1 and the PIP-2 districts are generally reflected in the development standards.</p> | <p><i>you, well that's the "feeling" we hear in our gut when each shot was taken in this business."</i></p> <ul style="list-style-type: none"> • During the 03-Dec-2013 public meeting, the owner plans to permit .50 caliber machine guns, which were not tested for decibel levels by their acoustical engineer. • Please see additional analysis performed, explicit concerns and questions raised by Dr. Angus Morrison and Dan Oltrogge (i.e. both highly experienced Pinecliff engineers) in their respective emails to the City Planner which questions the Wave Engineering sound study's validity and its accuracy. |
|--|---|---|
| City Ordinance / Zoning Code: | Description / Details (i.e. applicable portions highlighted): | Comments / Objections: |
| <p>7.5.705: CONDITIONS OF APPROVAL:</p> | <p>In approving a conditional use, Land Use Review or City staff may recommend or the City Planning Commission may impose special conditions upon the subject property that are necessary to alleviate or mitigate any potentially significant adverse impacts on other property in the neighborhood, and to carry out the stated purposes of the Comprehensive Plan and this Code.</p> | <p><u>Significant adverse impacts for Pinecliff neighborhood to include:</u></p> <ul style="list-style-type: none"> • <u>Repetitive noise:</u> <ul style="list-style-type: none"> ○ 11 hours per day for 5 weekdays and 9 hours on Sunday ○ Totally a staggering 3328 hours per year (i.e. 64 hours per week times 52 weeks) • Loss of property value and therefore loss of property taxes for city, county, etc. • Loss of tranquility and undue stress for neighbors and veterans • Homes are older in Pinecliff and therefore may not have central AC. |

| City Ordinance / Zoning Code: | Description / Details (i.e. applicable portions highlighted): | Comments / Objections: |
|---|--|---|
| <p>7.5.704: AUTHORIZATION AND FINDINGS:</p> | <p>The Planning Commission may approve and/or modify a conditional use application in whole or in part, with or without conditions, only if all three (3) of the following findings are made:</p> <p>A. Surrounding Neighborhood: That the value and qualities of the neighborhood surrounding the conditional use are not substantially injured.</p> <p>B. Intent Of Zoning Code: That the conditional use is consistent with the intent and purpose of this Zoning Code to promote public health, safety and general welfare.</p> <p>C. Comprehensive Plan: That the conditional use is consistent with the Comprehensive Plan of the City</p> | <p>Repetitive noise will prohibit residents from opening their windows and sliding glass doors for essential cooling and ventilation purposes</p> <p>A. There has been a “pattern of behavior” where “state of the art” gun clubs promised that residents wouldn’t hear the noise but subsequently having serious noise / percussion issues “after the fact” resulting in ongoing litigations:</p> <ul style="list-style-type: none"> • See Blue Ash, Ohio www.fixthegunnoise.com • Search Layton, Utah gun at www.standard.net • Google “Firing Line” in Clovis, CA + www.fresnobee.com <p>B. With the recent devastation of the Waldo Canyon and Black Forrest fires, we know that no buildings are immune to fires and also confirmed by two Colorado Springs firemen. By having a gun club with stored ammunition at the base of Pinecliff it will cause additional safety issues since if the building catches on fire then the whole Pinecliff neighborhood will go up in flames (i.e. like having a fuse at the bottom of our hill / cliff). Also Colorado Springs residents have been traumatized enough by the recent fires and having a gun club so close to an existing neighborhood will be unnerving and cause undue stress</p> <p>C. Per Erin McCauley, the 2020 Comprehensive Plan of the City had planned for an “Employment Center” (i.e. no noise) which is a</p> |

| | | |
|--|--|---|
| | | far cry from the proposed gun club (i.e. will hear gun shots) |
| | | |

In closing Erin, I would like to state that if we were to “weigh” the major issues at hand:

- On the left hand, the proposed gun club which for the most part will cater to hobbyists
- On the right hand, or the preserving the tranquility and property values of Pinecliff neighborhood

The weight and immensity of the issue (i.e. hobby versus property value and quality of life) does not compare. As such, we encourage you to recommend denial of the “**Conditional Use**” for **FILE NO.: CPC CU 13-00077** (i.e. a conditional use request to allow Indoor Sports and Recreation in a PIP-2 (Planned Industrial Park) zone district).

We the Pinecliff residents support development BUT “**responsible development**” and not growth for growth’s sake. As such, I strongly recommend that the planning department deny this “conditional use” request given the apparent incompatibility of its location adjacent to an existing and long established residential neighborhood, as well as the adverse impact this use will have on Pinecliff for decades (i.e. once a gun club always a gun club). Thanks for your time and consideration.

Regards,

John Wei (719) 528-5133

Patty Carbone
5368 Cliff Point Circle West
Colorado Springs, CO 80919
December 23, 2013

Dear Erin, Planning Commissioners, and perhaps City Council members,

I still have the remaining unanswered questions and concerns regarding the Whistling Pines Gun Club proposal (CPC CU 13-00077, Hillside Overlay):

- 1) I have not seen the list of gun ranges that Jeff Kwolkoski of the Wave Study had said he would provide, or received the list of the 100 guns used to create the database used in the Sound Study. Also, I did not get an answer to why no sound readings were taken on weekends, or what the ramifications would have been if “unfavorable” wind conditions were assumed.
- 2) Are there sprinklers being shown on the 12/12/13 drawings? If so, I am not seeing that indicated. What is the fire rating of the rubber membrane on the roof? Has the Fire Dept. even seen the latest drawings showing the relocation of the door from the North side to the West side? Do they approve of the evacuation plan, roofing materials, and the fact that this facility may be built without sprinklers?
- 3) Can we get a copy of the interior floor plan which indicates where the ammunition storage is located?
- 4) Looking at the Terracon geotechnical update letter date December 10, 2013, I would like to be advised where to find the “responses for Suggestions 1 through 3” (the stability analysis of the colluvial slope above the depressed area beyond the lot boundaries and the subsurface foundation investigation) that were supposedly included in the Geologic Hazard Study of March 10, 2008. Has a qualified Civil Engineer been hired yet to review the site grading to repair the eroded channels in the steep cut slopes north of the site and to establish any erosion control plan?
- 5) I understand that the applicant may be willing to meet with some of us to address remaining concerns. I would certainly be happy to have that opportunity.
- 6) Lastly, I do not think that this development would be compatible with an existing neighborhood. I would argue that this proposed use does not meet the **CONDITIONAL USE REVIEW CRITERIA** in City Code 7.5.704., which I’m sure will be enumerated at the Planning Commission.

Thank you in advance for your response to these questions.

Respectfully, Patty Carbone, Pinecliff Development Review Advisor

McCauley, Erin

From: bursell@netzero.net
Sent: Monday, December 23, 2013 1:31 PM
To: bursell@netzero.net
Cc: McCauley, Erin; Wysocki, Peter
Subject: Filing supplemental information for proposed Conditional Use Permit for Whistling Pines Gun Range
Attachments: OSHA fines Gun Range \$2.1 million for exposing workers to lead hazards.pdf

December 13, 2013 (1:32 PM).

Please include the following OSHA, U.S. Department of Labor, news release that discusses a proposed \$2.1 million citation of an indoor gun range for knowingly neglecting to protect employees who clean gun ranges from serious overexposure to lead. It also provided, without medical supervision, non-FDA-approved treatments for lead exposure. The company was cited for more than 50 violations of the Code of Federal Regulations previously discussed in our submission.

In terms of public safety and welfare, I believe this information underscores the necessity to review, in record detail, whether Whistling Pines has not only complied with these requirements for employees at their current location but also what procedures and plans are in place to ensure future compliance ... before approving a requested Conditional Use Permit.

The specific health violations issued by OSHA are available for review at:

<https://www.osha.gov/dep/citations/enrange.html>

Sincerely,

Dick and Pat Bursell

December 22, 2013

Colorado Springs Planning Commission
Attn: Erin McCauley, Planner II and
Peter Wysocki, Planning & Development Director
P.O. Box 1575
Colorado Springs, CO 80901-1575

Re: CPU CU 13-00077, 4750 Peace Palace Point
Proposed Whistling Pines Gun Club near Pinecliff Residential Homeowners

As a 20-year veteran with the U.S. Army, homeowner in the Pinecliff area of Rockrimmon, and an owner of several firearms, I find it imperative to submit the following information for the Planning Commission's consideration regarding the above request for a Conditional Use Permit.

Objection #1 (Lead as a Health Hazard). Insufficient showing of compliance with Occupational Safety and Health Standards regarding exposure to toxic contaminants for indoor gun ranges (e.g., lead dust and vapors) that places a health hazard to the general public as well as all employees in the facility.

Background: Sources of Lead at Indoor Shooting Ranges

Exposure to lead poisoning in indoor firing ranges comes primarily from inhaling lead particles suspended in the air in the range (although it may also be ingested orally, with contaminated food for example). These particles come principally from ignition of the primer, which contains lead styphnate, from microscopic lead particles scraped off the bullet as it passes through the gun barrel, and from lead dust created when the bullet strikes the target or the backstop behind the target.

Both indoor and outdoor ranges share a common problem—lead. Most ammunition used at ranges is made of lead. It has been estimated that between 400 and 600 tons of lead are used each day to make bullets and "a high proportion of it is left to clutter up shooting ranges." It is no wonder, then, that numerous studies—since at least the 1970s—have documented that *outdoor* shooting ranges are major sources of lead pollution in the environment, and that **indoor shooting ranges are significant sources of lead poisoning among people who use them.**

"Until fairly recent years, most shooters wore no hearing protection. As a result, most shooters over 40 have some hearing loss. For many, it is a very significant and noticeable hearing loss. Most of us didn't know how much damage we were incrementally inflicting on ourselves. There was little or no warning about the danger to our health years ago. The same is true with the lead problem. We fired round after round, match after match, without realizing what lead could do to us."

—Joseph P. Tartaro, Second Amendment Foundation news release, January 10, 1998

The danger of lead poisoning extends not only to those who shoot in indoor firing ranges. It also reaches the shooters' families (especially children), and third parties, such as construction workers whose jobs bring them into contact with shooting ranges, and persons who share the building, such as children in a school in which a range is located.

A recent example of an indoor gun range toxic infection of 24 workers was reported in February 2013 in both the Huffington Post (*Inexcusable Exposure: Unprotected Workers, Toxic Lead at Gun Range*) and the Seattle Times (*Gun range under fire over lead in blood of workers*). The Times noted that construction workers and firing range employees who were exposed to excess lead, which sparked multiple government investigations and a lawsuit. Three children and two women in workers' households also tested positive for excess lead suspected to have been brought home on workers' clothes, boots, and tools. Forty-seven gun range workers tested had elevated blood-lead levels and 24 had symptoms possibly resulting from lead exposure. Those two dozen workers experienced headaches, stomachaches, lost appetite, fatigue, irritability and other symptoms of excess lead exposure during expansion of the range.

Health officials are taking the incident seriously because "inhaled or ingested lead can damage the nervous system, kidneys, cardiovascular system and gastrointestinal system," according to King County Environmental Health Director Ngozi Oleru.

Another relatively recent example involving lead workplace violations was reported in November 2010 by the Kentucky Labor Cabinet's Occupational Safety and Health Compliance (KyOSH) office. It issued citations and fines to Lost Lodge Properties LLC, **dba Bluegrass Indoor Range** in Louisville. The range, located was issued four failure-to-abate, three repeat serious, three serious, and one non-serious violations for lead, electrical, hazard communication and respirator hazards. The fines associated with the citations total **\$372,000**. The Division also determined that lead found in the facility could pose a **health hazard to the general public, including children, and a referral was made to the health department**. (Copy of the Commonwealth of Kentucky Labor Cabinet press release is attached).

The applicant makes no mention of compliance with any workplace standards regarding noise and lead contamination for employees such as those recommended by the National Institute for Occupational Safety and Health's publication: *Reducing Exposure to Lead and Noise at Indoor Firing Ranges* (2009, also attached). This particular publication also notes school rifle teams who had extensive lead contamination (2003). The firing range was voluntarily closed down.

No mention is also made to compliance with applicable standards or medical monitoring of employees for lead (29 CFR 1910.1025(j)) or noise 29 CFR 1910.95(d)(e)(g)(h). For example:

1910.1025(a)(1)

This section applies to all occupational exposure to lead, except as provided in paragraph (a)(2).

1910.1025(b)

Definitions. *Action level* means employee exposure, without regard to the use of respirators, to an airborne concentration of lead of 30 micrograms per cubic meter of air (30 ug/m^3) averaged over an 8-hour period.

1910.1025(j)(1)(i)

The employer shall institute a medical surveillance program for all employees who are **or may be exposed at or above the action level** for more than 30 days per year.

1910.1025(j)(1)(ii)

The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician.

1910.1025(j)(2)(iii)

Accuracy of blood lead level sampling and analysis. Blood lead level sampling and analysis provided pursuant to this section shall have an accuracy (to a confidence level of 95 percent) within plus or minus 15 percent or 6 ug/100 ml, whichever is greater, and shall be conducted by a laboratory licensed by the Center for Disease Control, United States Department of Health, Education and Welfare (CDC) or which has received a satisfactory grade in blood lead proficiency testing from CDC in the prior twelve months.

The applicant's file makes only a very general, inadequate, and "sweeping" (no pun intended) comment to this serious health hazard in his application:

As mentioned already, due to the air handling, range mechanical systems and HEPA filtration system, **there will be no lead dust present** in the air at the shooting line. Nor will any lead dust be introduced into the surrounding environment. The range floor is cleaned each evening. The club also recycles over 3,000 lbs of lead and lead compounds each month, as well as hundreds of pounds of cartridge cases. With all these measures in place, this should alleviate any health/environmental concerns.

Well, of course, absent some exemption from the law of physics, contrary to the above comment, lead dust and vapors will be present in the air at the shooting line and potentially throughout the entire facility. Airborne lead contamination is one reason why in-door ranges would have difficulty in opening any sort of "hand to mouth" food operation. I would also be concerned as to what environmental precautions (for employees) are established for removing, handling, and recycling **"3000 pounds of lead and lead compounds each month."** 3000 pounds seems to not only beg the question but cause more to be inquired in terms of OSHA compliance (medical or otherwise)

Pointed Questions:

Has the Whistling Pines Gun Club complied with the above employee workplace health/safety requirements at their current location at 1412 Woolsey Heights? If they do not meet the "action level" for compliance, who measured or certified the level of airborne concentration of lead being less than 30 micrograms per cubic meter of air (30 ug/m³) averaged over an 8-hour period? Any records of such measurements?

Has the application been coordinated with any Health Departments (County or State) for comment/review?

If at some future date Whistling Pines, as a Limited Liability Company, would close due for financial insolvency and its building is left abandoned with a history of lead dust and vapor contaminants, who is responsible for its clean-up?

Should an annual performance bond be required to ensure its solvency to cover this issue so the city is not the recipient of an unwanted hazardous waste clean-up?

Objection #2 (Insufficient sound abatement to residential neighborhood):

The applicant's sound engineer consultant, Jeff Kwolkoski of Wave Engineering, provided many important technical measurements, including ambient and other information on "impulse sounds" that would obviously emanate from the proposed gun range. There were, however, two very significant comments regarding his projections that should be seriously considered before placing adjacent properties at risk for quality of life deterioration, to wit:

"I can't say you'll never hear a gunshot from the range." (and)

"Our testing did not include a .50 caliber machine gun," or words to that effect.

The applicant, on the other hand, made it clear that they intend to permit .50 caliber machine guns to be fired as they do in their current indoor gun range. He attempted to somewhat cavalierly diminish their frequency of use by mentioning that they were "expensive to operate" at "\$5.00 a shell." It is hard to believe that this facility would permit, arguably, multiple .50 caliber machine gun operators to simultaneously fire down its lanes and NOT expect impulse sounds to travel outside the building a mere 492 feet to adjoining properties?

A .50 caliber machine gun uses a very large cartridge and is used by the military primarily against infantry, unarmored or lightly armored vehicles and boats, light fortifications and low-flying aircraft. According to one U.S. Army publication that addresses hearing loss (*TG 250 Readiness thru Hearing Conservation*) an "M2 .50 Cal Mach Gun" emits a decibel level of 161 dB(P). A jet engine at 100 feet is rated generally at 130-140 dB. A firearms db chart (also attached), which unfortunately does

not list a .50 caliber machine gun, does note that some rifles can be even louder depending on the cartridge grain used. The term BOSS in the chart refers to Ballistic Optimizing Shooting System, a muzzle brake and accuracy tuning device.

As a general objection to the acoustical information provided, since the acoustic engineer did not test the decibel levels of an expected machine gun sound level, his projections are ergo, unreliable and should not be given full consideration.

Here is a photo of a .50 caliber machine gun and its cartridge compared to other rifle cartridges. I have fired this weapon. It is extremely loud.



From left: .50 Cal , 300 Win Mag, .308 Winchester, 7.62x39mm, 5.56x45mm NATO, .22LR

Objection #3. Prolonged exposure to unnatural intermittent impulse sounds is unhealthy and potentially physically and psychologically damaging to neighboring properties (even if within “allowable db limits”).

The importance of one's home as a refuge from modern life. Car alarms, horns, sirens. The booming bass of radios and hi-fi, the tinny **noise** leaking from other people's MP3 players. Roadworks, roaring jet planes and people shouting down cellphones. Is there no escape even to one's home?

And so it goes on, every minute of every day. Individually, such sounds can be dismissed as an unavoidable consequence of modern life. Together, they create an incessant wall of sound that experts now say poses a significant threat to our health.

According to a December 22, 2007 issue of the *New Scientist*, the World Health Organization broke new ground by releasing preliminary estimates of the number of Europeans killed or disabled by exposure to **noise**. For example, chronic and excessive traffic **noise** is implicated in the deaths of 3 per cent of people in Europe with ischaemic heart disease. Given that 7 million people around the globe die each year from heart disease, and assuming an average exposure to traffic, that would put the annual toll from exposure to **noise** at 210,000 deaths.

Noise kills in much the same way as chronic stress does, by causing an accumulation of stress hormones, inflammation and changes in body chemistry that eventually leads to problems such as impaired blood circulation and heart attacks. Such insidious effects on our health can happen even when we're asleep and unaware that we're exposed, as our bodies still produce a similar physiological response. Like smoking and its passive effects, making a din may no longer be considered simply antisocial, or even illegal. It might be deemed lethal.

The Colorado Legislature has codified and recognized this problem by noting a “Legislative Declaration” in Colorado Revised Statute 25-12-101, which notes:

The general assembly finds and declares that **noise** is a major source of environmental pollution **which represents a threat to the serenity and quality of life** in the state of Colorado. **Excess noise often has an adverse physiological and psychological effect** on human beings, thus contributing to an economic loss to the community. Accordingly, it is the policy of the general assembly to establish statewide standards for **noise** level limits for various time periods and areas. **Noise** in excess of the limits provided in this article constitutes a public nuisance.

Objection #4, Insufficient Notice to potentially affected residential owners. In terms of notice to residential owners in nearby or adjacent properties, the use of a “500 feet” measure is insufficient as the potential noise from the proposed facility could have a sound magnitude reaching much farther. Arguably, one can easily see that the rooftop ventilation systems required to push and move large amounts of air ... to counter toxic vapors and lead dust would foreseeably permit the exit of large indoor reverberations that bounce around the building's interior and escape to the environment.

A mere handful of residential owners have been notified. Word has been passed, literally, by word of mouth, emails, or through the Pinecliff Homeowners Association website. The PHOA, however, is voluntary and does not include all homeowners in its geographic area. Many residential families could be "left out" of this important process.

A 1000 feet official notification by the Planning Department is requested.

For all the above reasons, the Planning Commission should not approve the application as it is deficient to a degree that it would not "promote public health, safety, and general welfare," Colo. Springs Ord. 7.5.704 B.

Sincerely,



Richard and Pat Bursell
1125 Golden Hills Road
Pinecliff Residents
Colorado Springs, CO 80919



Commonwealth of Kentucky Labor Cabinet

Steven L. Beshear, Governor

J.R. Gray, Secretary

FOR IMMEDIATE RELEASE

CONTACT: Dick Brown
(502) 564-5525

Kentucky Labor Cabinet issues 11 work place violations to Louisville firing range

Company cited for willful, serious violations over three-year period

FRANKFORT, Ky. – (Nov. 16, 2010) – The Kentucky Labor Cabinet's Occupational Safety and Health Compliance (KyOSH) office has issued citations and fines to Lost Lodge Properties LLC, dba Bluegrass Indoor Range in Louisville. The range, located at 4402 Kiln Ct., was issued four failure-to-abate, three repeat serious, three serious, and one non-serious violations for lead, electrical, hazard communication and respirator hazards. The fines associated with the citations total \$372,000.

KyOSH inspectors first issued citations in August 2007 and later settled with the owner to pay a \$5,000 fine with the promise that the issues cited had been abated in a timely manner. In April 2010, KyOSH inspectors found the issues had not been addressed and so have issued the citations and fines. Inspectors determined that the amount and location of lead found in the facility could pose a hazard to customers as well as employees. Should these hazards not be corrected, additional penalties may be assessed and the Cabinet can seek an injunction to close the business until the hazards are abated.

"We always prefer to work with a company or employer before issues reach this stage in order to avoid having to hand out such a large fine," said Labor Cabinet Secretary J.R. Gray. "However, in this case, we found multiple instances of the owners of this facility promising to take care of the problems we initially found, only to discover when we re-visited the site that nothing at all had been done to clean up and take care of the lead problem."

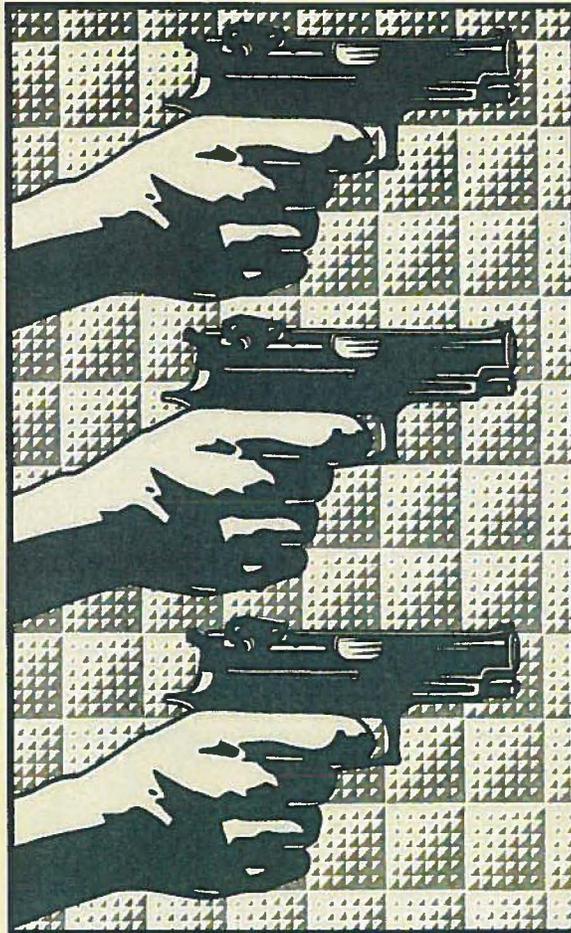
For employers wishing to avoid the situation described above, Secretary Gray encourages those who may have concerns about the safety and healthfulness of their facilities to contact the Division of Education and Training at 502/564-3070 to request a free, confidential, consultative visit.

###

FIRING RANGES

The Airborne Lead Dust Hazard

Employer's Guide



Texas Department of Health

THE AIRBORNE LEAD DUST HAZARD

Exposure to lead dust and fumes
at the firing range may harm the
health of:

Firearm instructors

Other employees

Shooters

The firing range safety plan
should:

Protect their health and

Minimize contamination to
the environment

LEAD DUST IN A FIRING RANGE

Airborne lead dust is created by:

-  Exploding lead styphnate primers
-  Friction from the lead slug against the gun barrel
-  Lead slugs hitting the bullet trap, walls, floors, or ceiling of the range
-  Spent bullets and settled dust
-  Improper range-cleaning methods disturbing settled dust
-  Poor indoor range ventilation
-  Outdoor weather conditions

Other High Lead Dust Sources

Bullet loading creates a fine dust that is very difficult to clean.

Melting lead to cast bullets produces a fume, which turns into tiny dust particles that can stay in the air for up to 10 hours. A person can easily breathe in this fine dust.

The dust also can contaminate surfaces.

NEVER load bullets or melt lead:

- In an unventilated area
- Inside the home
- Anywhere children may live or play

Lead Dust Can Be Carried Home!

When employees and shooters are in the firing range, lead dust can:

- Settle on their bodies
- Settle on their hair
- Settle on their clothes
- Be picked up on their shoes

Then the dust can be carried to their cars and homes, where it can harm their family and children.

HEALTH EFFECTS

Lead is a strong poison that serves no known use once absorbed by the body. Lead dust can enter the body by breathing or eating.

The body stores lead in the:

- BLOOD — for about 1 month
- BODY ORGANS — for several months
- BONES — for decades

It affects the:

- Brain and nervous system
- Digestive System
- Reproductive System
- Kidneys
- Ability to make blood

Small amounts of lead can build up in the body and may cause temporary symptoms or permanent damage.

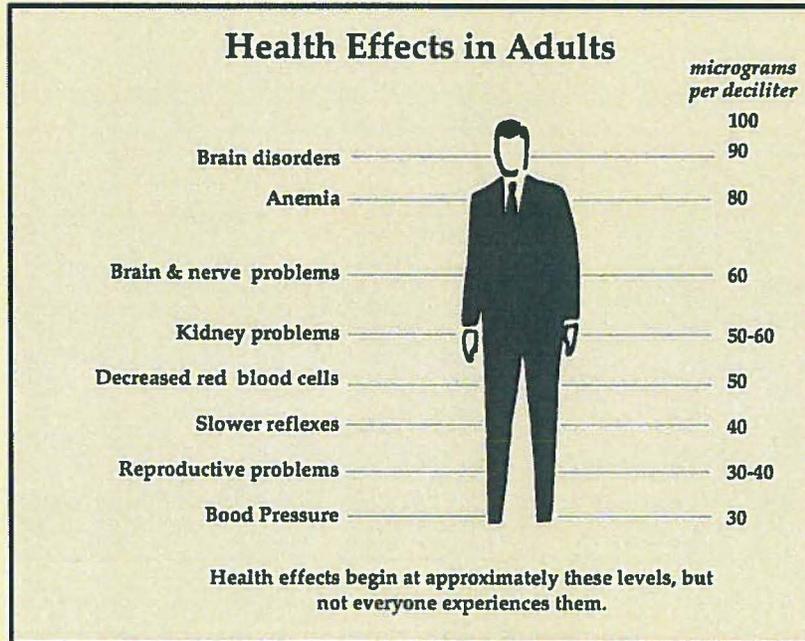
To find the amount of lead in the body, a health professional can take a blood sample from an adult or child and have it analyzed.

An elevated blood lead level is a sign that lead is building up in the body faster than it can be removed.

Adults

Adults can absorb lead at work or from hobbies. Lead dust and fumes can enter the body by:

- Breathing in lead dust and fumes
- Swallowing lead when drinking, eating, or smoking in contaminated areas
- Not washing their hands and faces after being in a contaminated area



WHAT AN EMPLOYER SHOULD DO

INDOOR RANGES

LIMIT EXPOSURE

The Occupational Safety and Health Administration (OSHA) limit for lead exposure for an employee is:

In Air: Do not exceed the PEL (Permissible Exposure Limit) of 50 micrograms of lead per cubic meter of air averaged over an 8-hour day.

In Blood: Levels should be below 40 micrograms per deciliter of blood for a firing range employee working 40 hours per week.

ISOLATE

Instructors are at greatest risk for long-term exposure to lead because they spend more time on the firing range.

A separate booth for the instructor can be installed in the range.

It must have its own tempered and filtered air supply.

It will not reduce lead exposures to other range users, but it will reduce the range instructor's lead exposure.

SUBSTITUTE

Substitution may reduce lead exposure so no additional range alterations are necessary.

To reduce the airborne lead discharged in firing use:

- Copper bullets or
- Nylon-clad bullets and
- Non-lead primers (such as mannitol hexanitrate tetracene)

The ballistic characteristics of non-lead primers do not equal those of conventional primers.

When conventional primers are necessary, use this ammunition loaded with jacketed bullets.

BULLET TRAP

Avoid using angled backstops with sand traps.

Sand traps can generate a large amount of airborne lead dust and require frequent cleaning.

Escalator backstops and their variations:

- Trap bullets and fragments
- Generate less dust and are easier to clean
- Spent bullets can be recovered and sold without sand removal

VENTILATION

- Design ventilation systems for planned use of firing range.
- Ventilation system for range area must be separate from ventilation for rest of building.
- Exhaust air from range should not feed into air supplies for:
 - Offices
 - Meeting rooms
 - Other businesses
- Improper use or maintenance of ventilation system can defeat its purpose and increase lead contamination.
- Effective ventilation system produces smooth airflow.
- Ineffective ventilation system produces eddies and recirculation that can carry fumes and dusts from weapons to the area behind the firing line.
- Recirculation and channeling airflow can be caused by objects such as:
 - Overhead barriers
 - Sound barriers
 - Booth walls
 - Light fixtures
 - Poorly located air inlets
 - Shooters



FIGURE 6

CLEANING

- Indoor firing ranges require frequent cleaning.
- Clean walls, floors, ceilings, and bullet traps on a regular basis to:
 - Prevent settled dust from becoming an airborne hazard and
 - Make ventilation system work better.
- Use appropriate methods to clean.
 - DO NOT DRY SWEEP!
 - Use a vacuum cleaner with a high-efficiency particulate (HEPA) filter to remove lead-contaminated dust.
 - Use a wet cleaning method if vacuum cleaner with a HEPA filter is not available.
 - Employees cleaning range must:
 - Wear appropriate protective equipment
 - Wear an approved respirator
 - Wear work clothing
 - Wear work shoes
 - Shower and change clothes before leaving site
 - Work clothing must be disposable or laundered separately to prevent contaminating the home.

OUTDOOR RANGES

Airborne lead dust is also a concern in outdoor ranges.

Employees or shooters can be exposed to lead dust.

The surrounding environment can become contaminated by wind carrying the lead dust off-site and through water runoff.

BULLET TRAP

Removing spent bullets or removing the face of a berm can create large quantities of lead dust.

Instead of earthen backstops, steel backstops similar to those constructed in indoor ranges, can be used.

- The trap holds the bullets and fragments, minimizing lead pollution in the soil.
- The spent bullets can be recovered and sold without soil removal.

REFERENCES

National Rifle Association, The Range Manual, 1999.

Crouch KG, Peng T, Murdock DJ, Ventilation Control of Lead in Indoor Firing Ranges: Inlet Configuration, Booth and Fluctuating Flow Contributions, NIOSH, 1990 (draft).

Juhasz AA, The Reduction of Airborne Lead in Indoor Firing Ranges by Using Modified Ammunition, US Department of Commerce, 1977.

ATSDR Toxicological Profiles, 1990.

OSHA, Occupational Lead Standard, 29 CFR 1910.1025

WHAT EMPLOYEES AND SHOOTERS CAN DO

Use the ventilation systems.

Make sure they are working properly.

Wash hands and face before eating - drinking - smoking.

Wash hands and face before leaving range.

Wash range clothes separately from family's clothes.

Always load bullets in a ventilated area.

Do not load bullets in the home or in areas where children live or play.

Do not allow children into the bullet-loading area.

Keep bullet-loading area clean by using a high-phosphate detergent.

Publication funded in part by Grant #U60/CCU608464-01 from CDC, NIOSH. Contents are the sole responsibility of the authors and do not necessarily represent the official views of CDC.

For more information on lead exposure and firing ranges, write or call:

Environmental & Occupational Epidemiology Program
Noncommunicable Disease Epidemiology &
Toxicology Division
Texas Department of Health
1100 W. 49th Street
Austin, Texas 78756
512-458-7269
512-458-7699 fax
Toll Free Number 1-800-588-1248



Texas Department of Health
#4644 3/96

Exposure to Lead in Indoor Shooting Ranges

Lead is a well recognized health hazard in indoor shooting ranges. Therefore, managing and controlling lead exposure in this setting is important for protecting the health of those who work at the shooting range, shooters and others who spend time at the facility.

Why is lead a problem in indoor shooting ranges?

When a pistol, rifle or shotgun is fired, the primer ignites and releases very small lead particles into the air at the shooting line. Lead particles are also released as the bullet passes through the gun barrel, and lead particles are ejected into the air as the bullet strikes the target and trap. These lead particles spread through the air and can be inhaled. Although some of the airborne lead may be removed by an exhaust ventilation system, the hazard is not entirely controlled or eliminated. Some of the lead may also travel into other rooms or areas of the facility away from the shooting location. Lead particles may be deposited on surfaces and can build up over time if the range and other rooms are not cleaned frequently or thoroughly. Surface lead can be picked up on the hands and swallowed when eating, drinking or smoking. Lead can also be tracked out of the range area on shoes, clothing and equipment.

What are the health effects of lead exposure?

Inhaled or ingested lead can build up in the body, often without any obvious symptoms. However, frequent exposure, particularly at high levels, can harm the nervous, digestive and reproductive systems and produce a wide variety of symptoms. Lead can harm the brain, damage the kidneys and affect the ability of bone marrow to make blood. The U.S. Centers for Disease Control and Prevention (CDC) and the Pennsylvania Department of Health (PADOH) consider the blood lead level (BLL) to be elevated for both children and adults if it exceeds 10 microgram per deciliter ($\mu\text{g}/\text{dL}$) of blood. Lead levels can be measured through a simple blood test that can be performed by most health care providers and will identify recent exposure. Lead in the bloodstream can take months to be eliminated from the body even, after exposure has ended. Lead that has been deposited in organs, teeth and bones takes much longer to be eliminated and can prolong the elevation of blood lead levels.

Blood Lead Levels and Potential Associated Health Risks

Blood Lead Level (BLL) ($\mu\text{g/dL}$)

| 5-9 | 10-19* | 20-39* | 40+* |
|---|---|--|--|
| <ul style="list-style-type: none"> ➤ Blood pressure changes can occur at BLL >6 | <ul style="list-style-type: none"> ➤ Spontaneous abortions ➤ Developmental delay of fetus ➤ Impaired or abnormal kidney function | <ul style="list-style-type: none"> ➤ Non-specific symptoms ➤ <i>Headache</i> ➤ <i>Fatigue</i> ➤ <i>Sleep disturbance</i> ➤ <i>Poor appetite</i> ➤ <i>Constipation</i> ➤ <i>Diarrhea</i> ➤ <i>Muscle & joint pain</i> ➤ Impaired brain function ➤ <i>Decreased short term memory</i> ➤ <i>Attention problems</i> ➤ <i>Distractibility</i> ➤ <i>Mood swings</i> | <ul style="list-style-type: none"> ➤ Kidney damage ➤ Damage to nerves in arms, legs, and organs ➤ Reduced touch sensitivity ➤ Decreased reaction times ➤ Foot/hand drop ➤ Lowered sperm counts and abnormal sperm ➤ Impaired development of red blood cells |

* Effects are additional to those noted to occur at lower blood level levels

What protection measures should be used at indoor shooting ranges?

FIGURE 6

Persons who use the firing range, as well as those working at or frequently visiting the range, can be exposed to lead in the environment. Lead exposure at the firing range can be minimized through the following practices and procedures:

Air Handling

- Ensure that an adequate ventilation system is in place, working properly and has routine preventive maintenance performed on it.
- The ventilation system should be evaluated by a ventilation engineer or industrial hygienist with shooting range experience at installation and on a periodic basis. Swirling air currents at the shooting line increase airborne lead exposure.
- Keep the range area uncluttered. Airflow patterns and ventilation system efficiency can be disrupted by obstacles.

Cleaning and Maintenance

- Every shooting range should have a routine cleaning and maintenance plan and schedule.
- A high efficiency particulate air (HEPA) filtration vacuum is the only type of vacuum that should be used in order to prevent lead from re-entering the air from surfaces. A HEPA vacuum is different from a regular shop-type vacuum, because HEPA filters trap the very fine lead particles that are too small to see.
- Provide personal protective clothing and equipment to anyone cleaning the range. Include appropriate respiratory protection (a minimum of a half-face air-purifying respirator with P100 cartridges), shoes, clothing, hats and disposable coveralls. Disposable items should be removed and bagged before leaving the facility.
- Never dry sweep (broom/dust mop), as this will increase the level of lead in the air.
- Always use wet method floor cleaning and use high phosphate detergent and water to clean range floors and surface areas.
- Never hand pick spent bullet cartridges without the use of disposable gloves.

Always Use Good Hygiene Practices

- Provide a clean area for people to take breaks and eat.
- Never eat, drink or smoke in the range shooting booths or adjacent areas.
- Always wash your hands, arms and face with cool water and soap before eating, drinking or smoking. Fine particles of lead dust can easily adhere to your skin, hair and clothing, resulting in the accidental ingestion of lead.

- Lead dust can settle on your body, clothing, shooting mats and equipment, where it can be carried into your car and home. Always change out of contaminated clothing articles before leaving the firing range and place them in a non-mesh washable storage bag for laundering.
- Wash range clothing separately from the rest of the clothing; this prevents any possibility of contaminating other clothes.
- Shoes, boots and other specialized clothing used at the range should be left at the range, or stored in a separate sealed plastic bag for use only at the range. This will prevent lead dust from entering your automobile and home.
- Specialized clothing such as vests, jackets, gloves, etc. should be professionally cleaned on a regular basis. This will prevent the accumulation of lead particulates and reduce personal contamination.
- Shower as soon as arriving home, as this ensures that any lead residue is washed out of your hair and off the rest of the body.

Other Measures

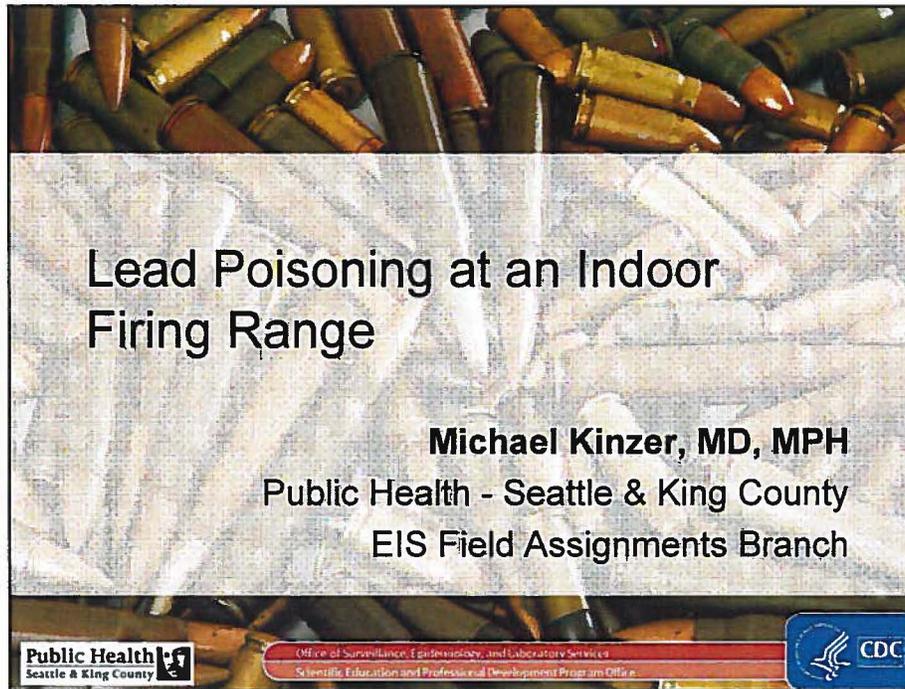
- Provide information on lead hazards and protective measures during firearm safety courses.
- Offer non-leaded ammunition, including jacketed bullets and non-leaded primers, when possible.
- Frequent shooters, coaches and range officers should also have blood-lead tests done on a regular basis. Workers should be offered blood-lead tests on a periodic basis.

For more information about avoiding lead hazards in firing ranges, please visit the following websites:

MMWR—Lead Exposure From Indoor Firing Ranges Among Students on Shooting Teams, Alaska 2002-2004
<http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5423a1.htm>

Fact Sheet: Indoor Firing Ranges, Centers for Disease Control and Prevention, National Institute for Occupational Safety & Health
<http://www.cdc.gov/niosh/topics/ranges/>

Lead Management & OSHA Compliance for Indoor Shooting Ranges www.rangeinfo.org/resource_library/facility.../Lead-OSHA.pdf

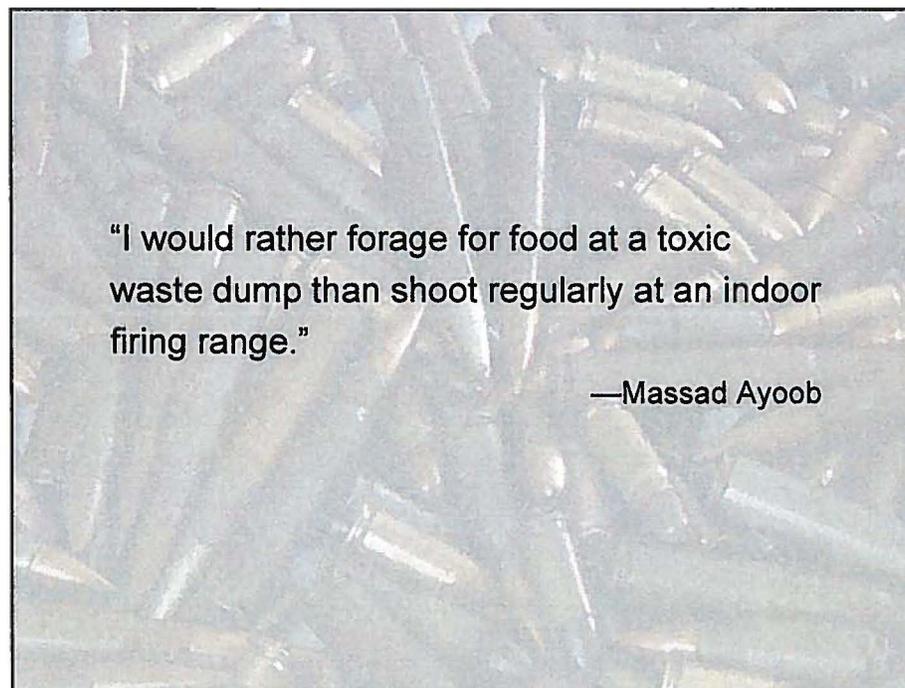


Lead Poisoning at an Indoor Firing Range

Michael Kinzer, MD, MPH
Public Health - Seattle & King County
EIS Field Assignments Branch

Public Health
Seattle & King County

Office of Surveillance, Epidemiology, and Laboratory Services
Scientific Education and Professional Development Program Office



“I would rather forage for food at a toxic waste dump than shoot regularly at an indoor firing range.”

—Massad Ayooob

The Call

- November 30, 2012
- Washington State Department of Labor & Industries (L&I) requests support from Public Health – Seattle & King County (PHSKC)
- An unknown number of workers at an indoor gun range had elevated blood lead levels (BLLs)
- Some as high as 48 µg/dL

Outline

- Lead in ammunition
- Lead poisoning
- The investigation
- Conclusions

Lead

- Soft, malleable metal
- Widespread
- Easy to extract
- Easy to work with

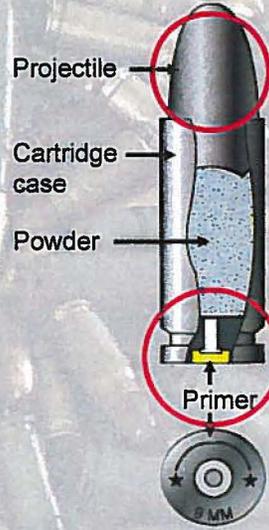


Uses for Lead



Lead in Ammunition

- Projectile (bullet)
 - Elemental lead
- Primer
 - Lead styphnate
 - Lead azide
 - Lead peroxide
 - Lead nitrite



From Ammunition to the Environment

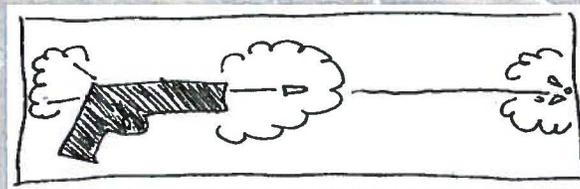
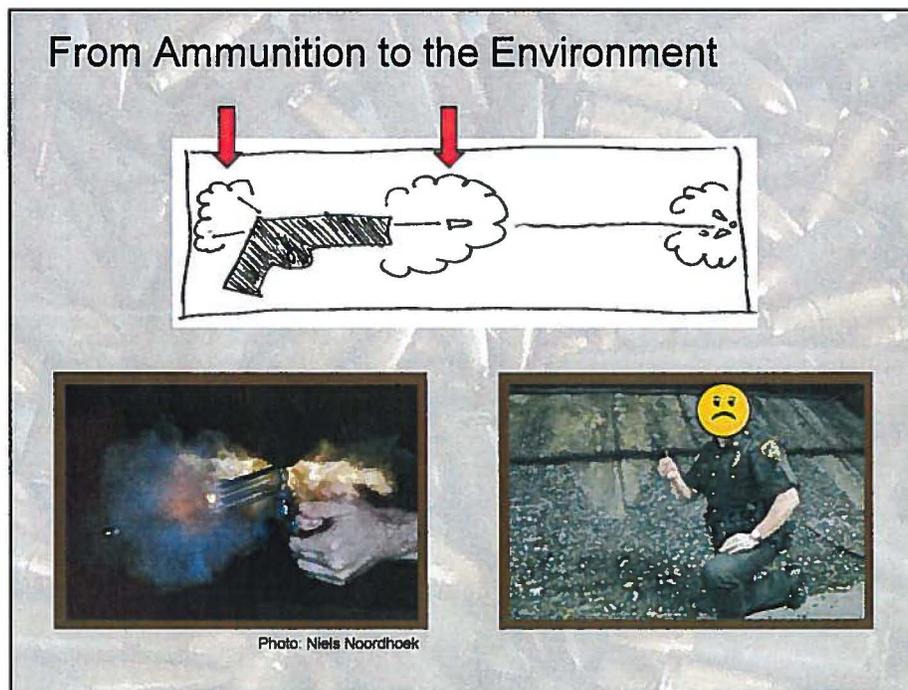
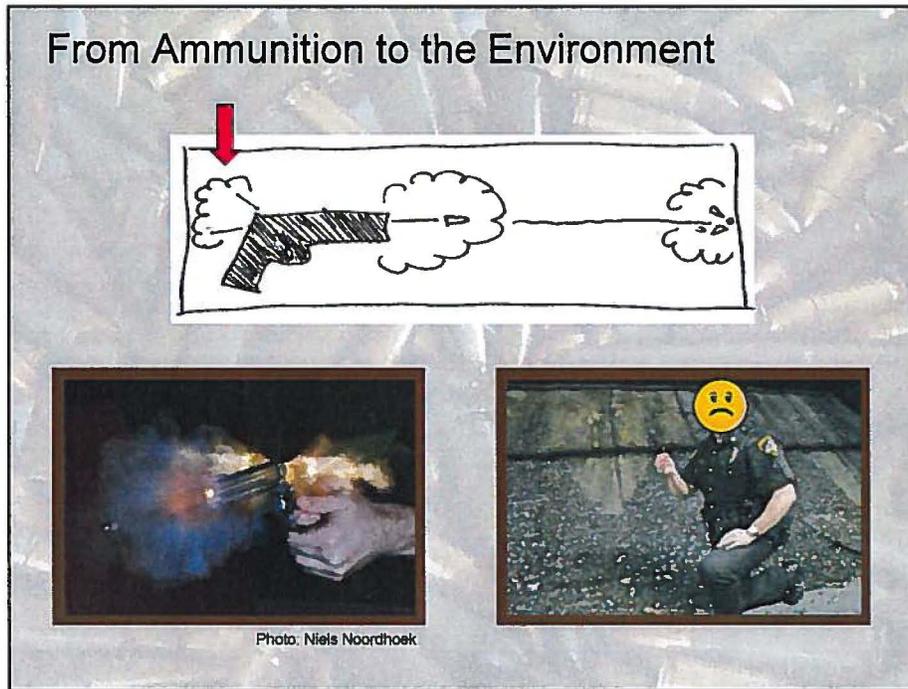
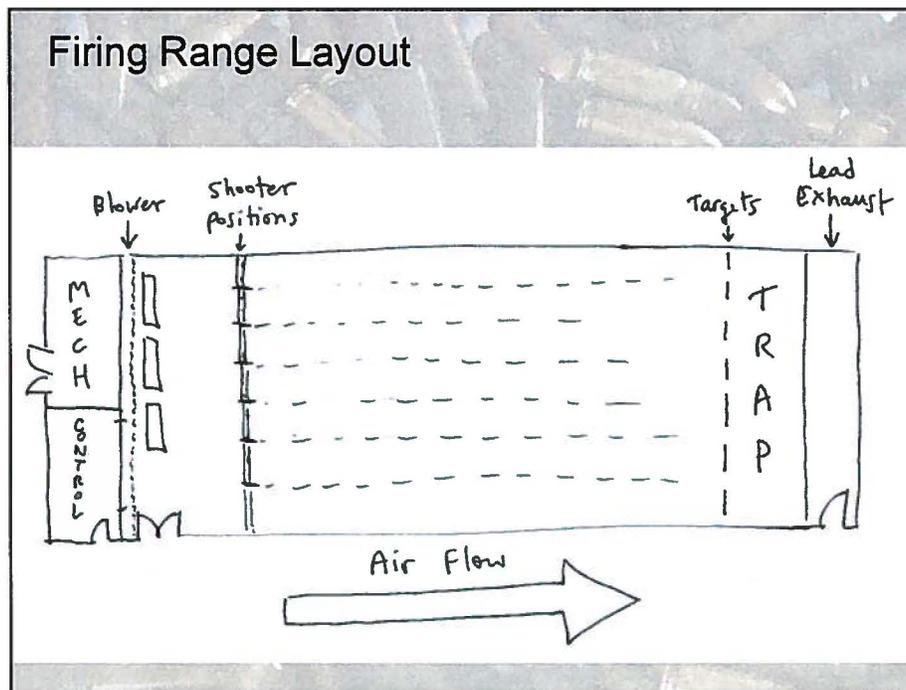
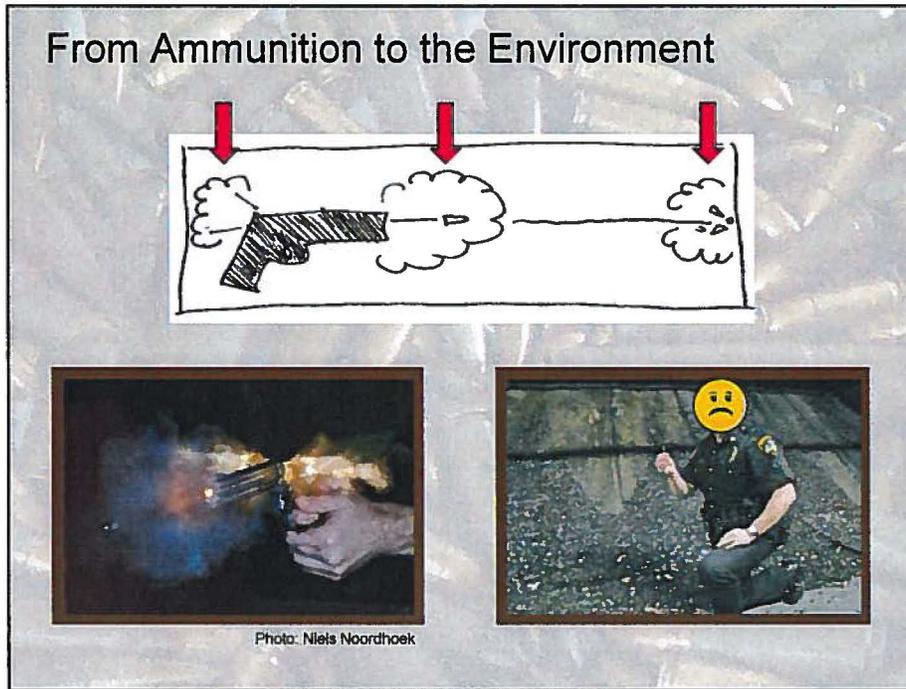
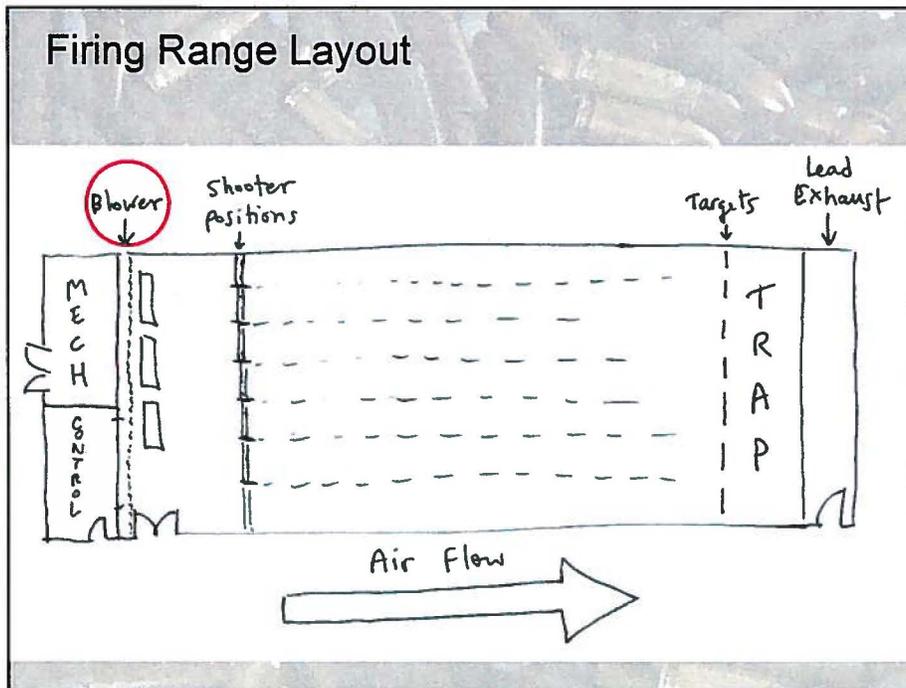
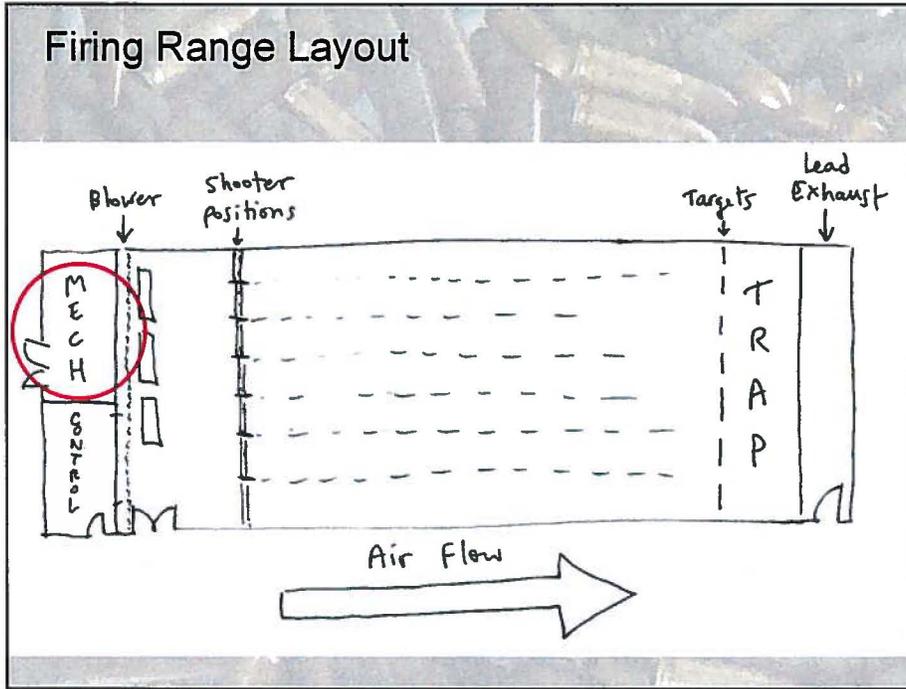
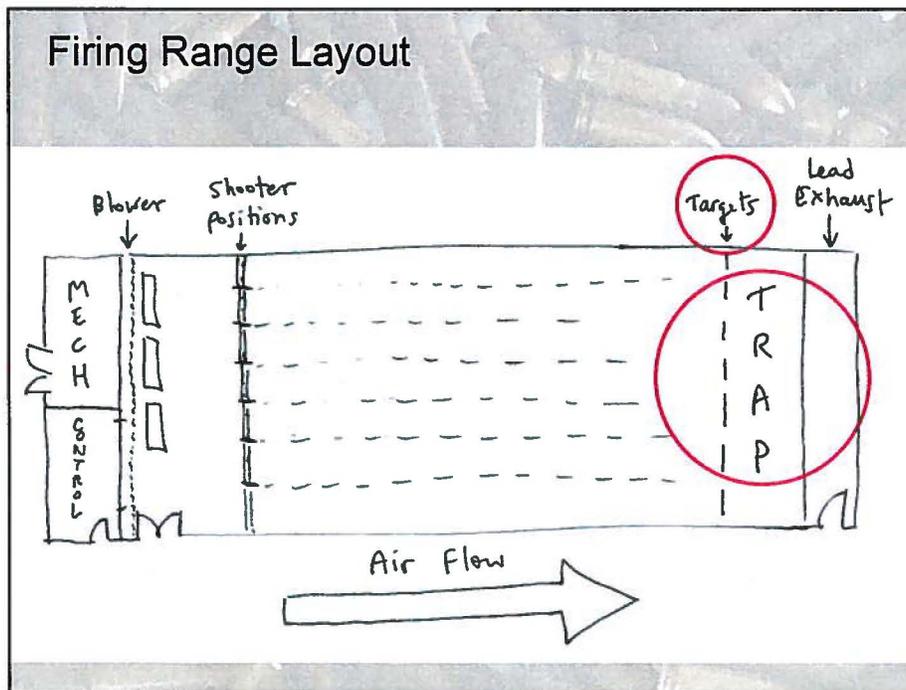
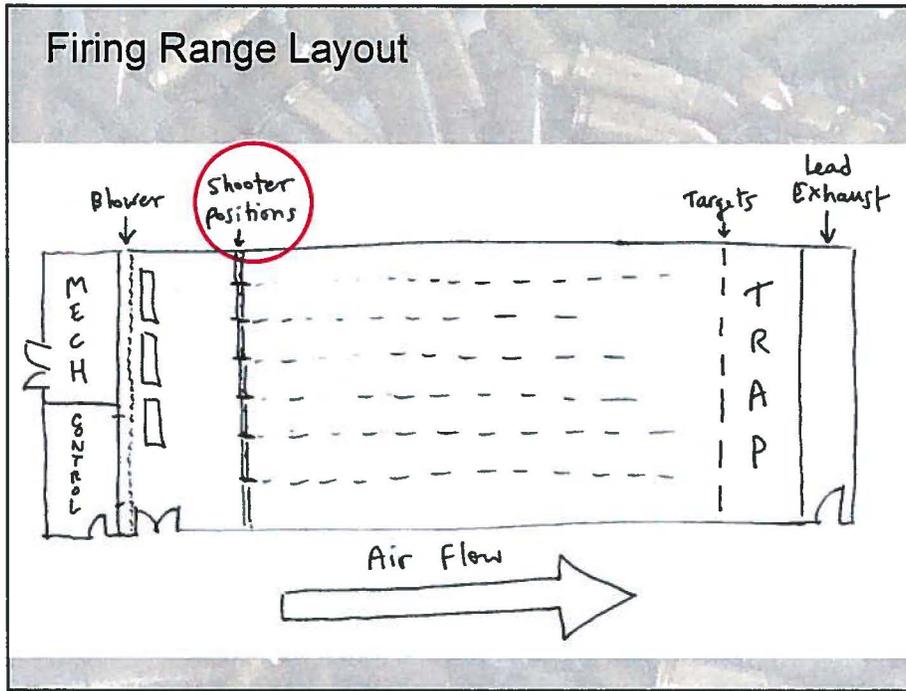


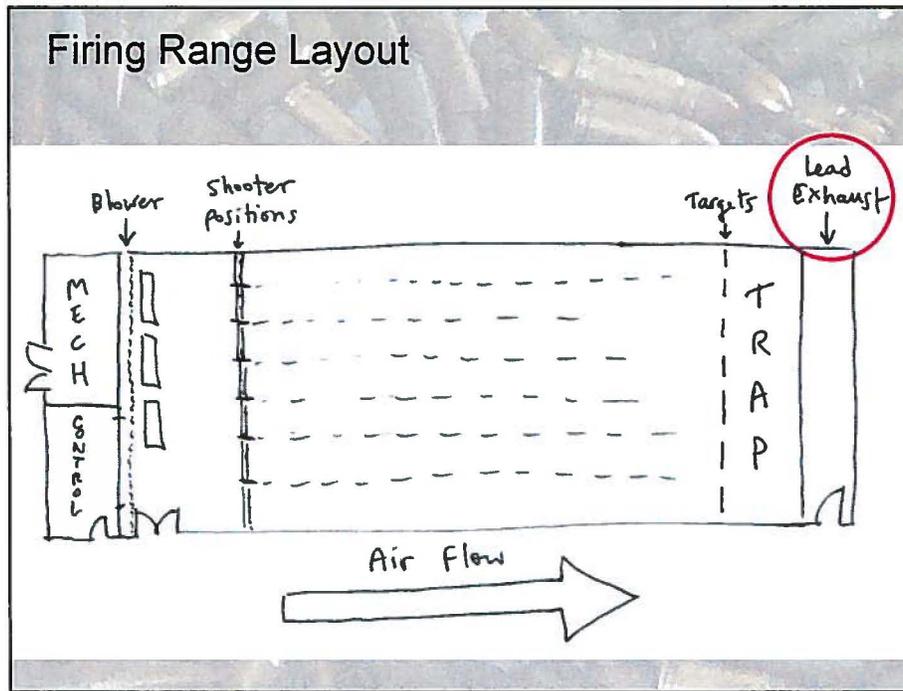
FIGURE 6











From the Environment to You

Shooters

- Inhaled directly during shooting
- Ingested from unwashed hands
- Ingested from contaminated game meat

Non-shooters

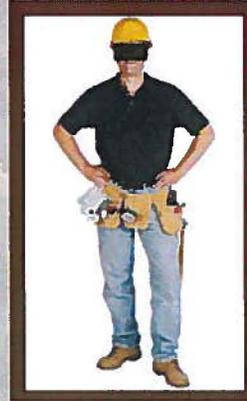
- Take-home lead on shooters' clothes or skin
- Contaminated game meat
- Working in contaminated areas

Lead Toxicity

Neurological, cardiovascular, renal, reproductive, immunological, gastrointestinal systems

Symptoms

- Numbness/tingling
- Muscle weakness
- Headache
- Memory loss
- Insomnia
- Mood changes
- Cramps, nausea/vomiting



Diagnosis & Treatment



Diagnosis

- Blood lead level (BLL) in $\mu\text{g}/\text{dL}$
- Toxicity with levels $\geq 5 \mu\text{g}/\text{dL}$



Treatment

- Removal from lead exposure
- Chelation

Your Examples

There are no regulations to protect the shooting public at any of the nation's 16,000 to 18,000 indoor gun ranges. Yes, the health department in Seattle decided to act. **Do you have other examples of taking action without clear regulatory authority?**

Type your examples in the chat box.



Firing Range

- Indoor firing range
 - 8 bays, 24 lanes
- Sand bullet trap
- Jacketed ammo
- Historical lead safety issues
 - BLLs as high as 83 $\mu\text{g}/\text{dL}$



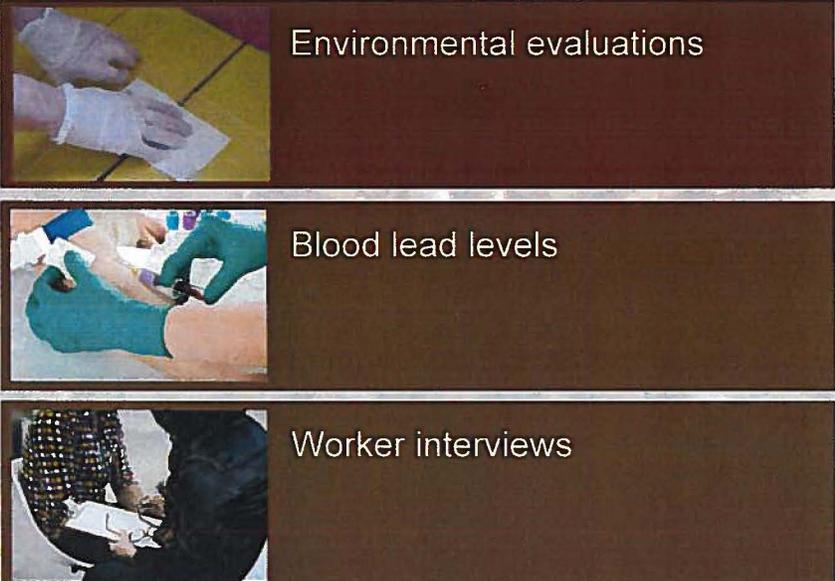
Remodeling Operations

September 2012

- Sand removal and lead recovery
- Construction of second floor range begun



Methods



-  Environmental evaluations
-  Blood lead levels
-  Worker interviews

Environmental Evaluation

- L&I
 - Inspection, follow-up
- PHSKC Environmental Health
 - Surface wipes, interviews
- Contractors & range owner
 - IH consultants
- Sampling
 - Surface ($\mu\text{g}/\text{m}^2$)
 - Air ($\mu\text{g}/\text{m}^3$)
 - Personal breathing zone (PBZ) ($\mu\text{g}/\text{m}^3$)



Blood Lead Levels

- All directly or indirectly exposed individuals
- Sources
 - Employers
 - Clinics
 - Laboratories
 - State and local blood lead registries



Interviews

- Informal discussions with range owner and construction employers
- Standardized phone interviews with workers
 - Demographics, household members
 - Extent of exposure
 - Lead safety
 - Blood lead testing
 - Health status
 - Any other lead exposures





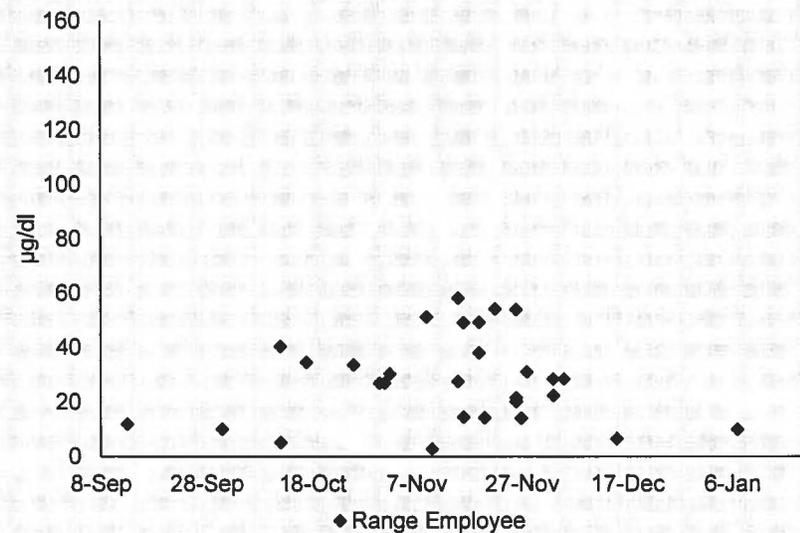
Environmental Evaluation

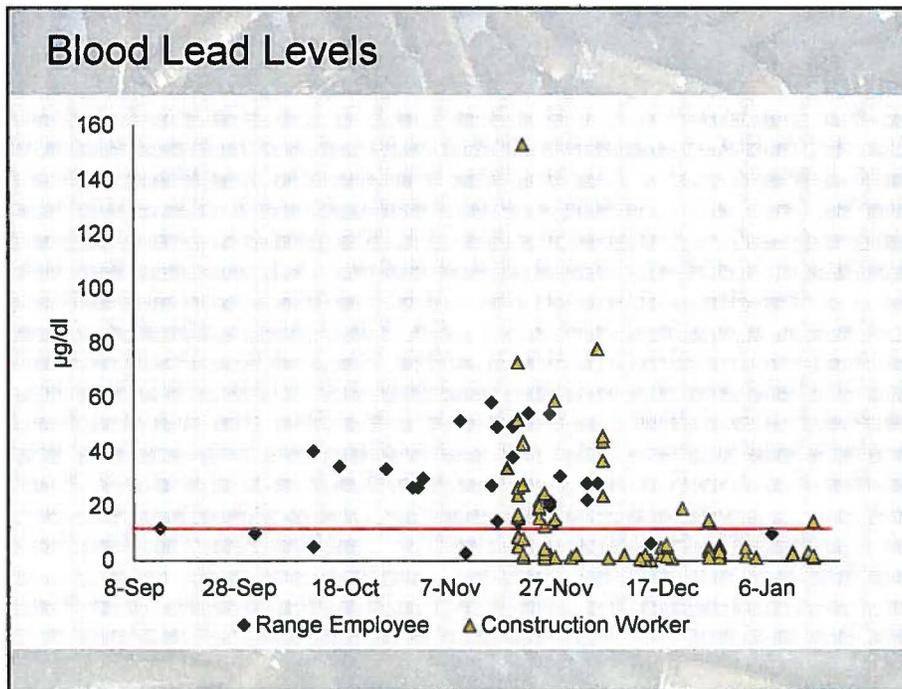
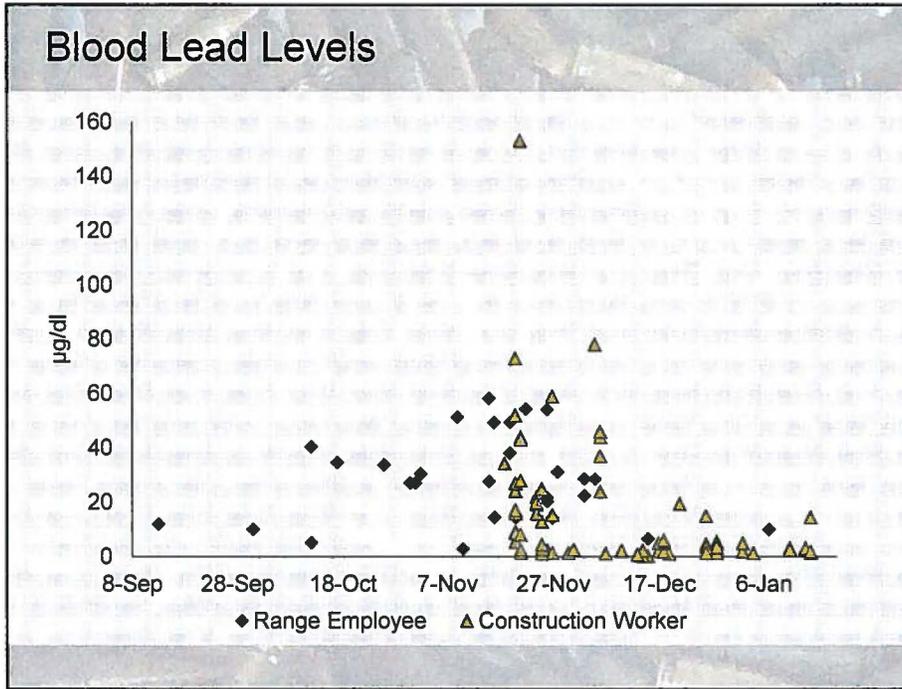
- L&I
 - High surface and air levels in off-limits and public areas
 - Range air limits exceeded after 30 minutes exposure
 - Inappropriate ventilation
 - Inadequate lead safety behaviors
- PHSKC Environmental Health
 - High surface lead levels
 - Contamination beyond worksite

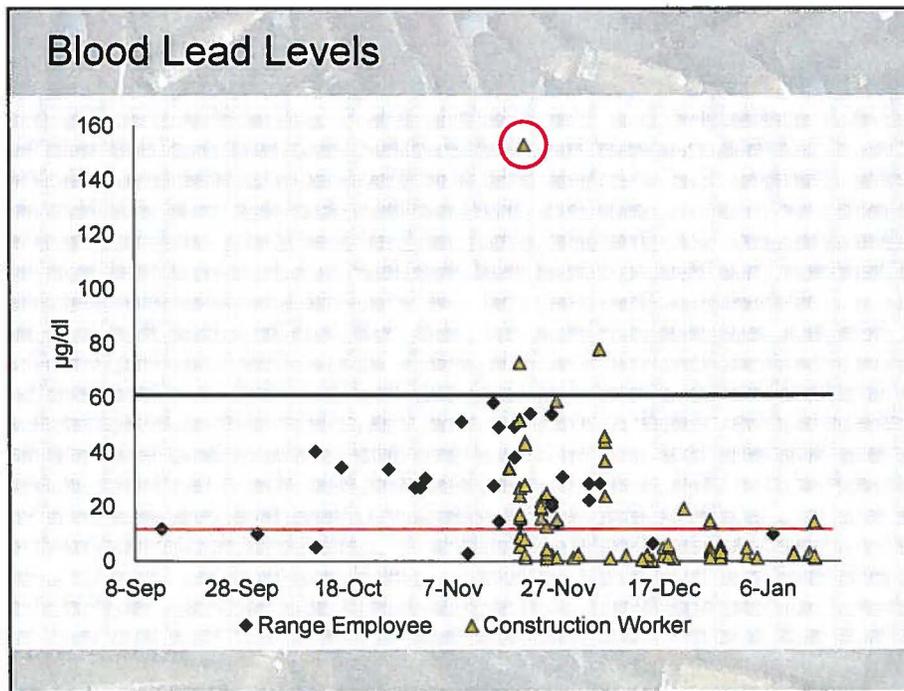
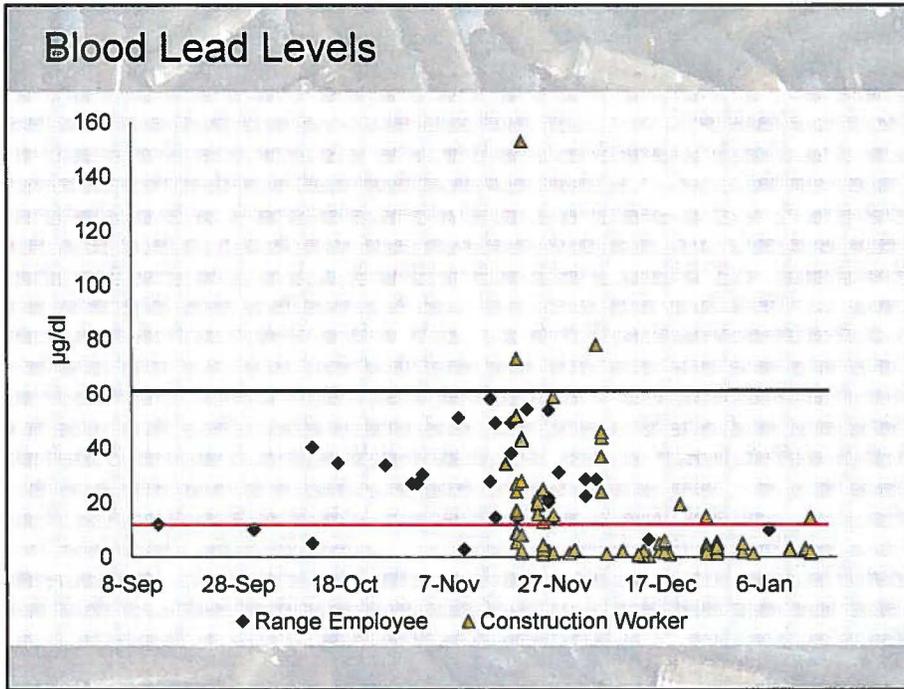
Environmental Evaluation

- Contractors
 - High surface and air levels early in construction
 - Surface contamination in vehicles, homes, hotel rooms
- Range owner
 - Poor ventilation in some lanes – closed
 - Contamination in men's restroom – closed
 - Closed range for three days, hired contractor to clean
 - Improved ventilation system, but...
 - Volunteer shooters with high levels during shooting
 - Public surfaces still contaminated

Blood Lead Levels







Range Employee Interviews

- 39/42 range employees
- None had other significant occupational or home lead exposures
- Highest BLLs
 - Supervising shooters
 - Cleaning the range
 - Removing and sifting the sand
 - Longer hours
- Lack of support by management for personal protective equipment (PPE)

Contractor Interviews

- 100/117 workers interviewed
- Highest BLLs: longer hours, metal workers, demolition, cleaning
- 75% without lead safety training
- 55% without any respirator use on-site
- Non-occupational lead exposures
 - Hunting, fishing
 - Home remodeling
 - Car repair
 - No indoor shooters

Public Exposure

- Many single males among workers
- Household members
 - Of range employees – all BLL <5 µg/dL
 - Of construction workers – 6 with BLL >5 µg/dL
- 9 construction workers stayed in a hotel
- Public notice
 - Pamphlets sent to workers
 - Posted lead hazard warnings at range
 - Print, web, and television news
- One frequent shooter had BLL 12.9 µg/dL

“Gun range under fire over lead in blood of workers”
— Seattle Times, 13FEB2013

“Inexcusable Exposure: Unprotected Workers, Toxic Lead At Gun Range”
— Lynne Peeples, Huffington Post, 20FEB2013

“Gun range workers claim they were poisoned by lead”
— King 5 News, Seattle, 12FEB2013

NOTICE:

The construction activity at the Bellevue Indoor Range is creating higher than normal lead levels in the shooting range. This problem is in the process of being corrected. However, until the renovation of the ventilation system is complete, we cannot ensure that the air within the shooting range is lead-free. You may be exposed to lead levels that could pose a health risk. Pregnant women and children are particularly vulnerable to the harmful effects of lead.

If you have questions or need additional information, please ask the Range Management.

Clinical Impact

- Symptoms with $>10 \mu\text{g/dL}$
 - 11/20 range employees
 - 14/26 construction workers
 - Headache, muscle/joint pain, irritability, insomnia, fatigue, abdominal cramps, vomiting, constipation, loss of appetite, dizziness
- Decreasing BLL after removal from work
- None needed chelation
- None hospitalized

Limitations

- Lack of authority to compel cooperation
- Possible bias from 60% response
- Only 6–13% response among household members
- Did not have historical BLL data
- Historical versus current lead exposure



Conclusions

- Largest reported occupational lead exposure at an indoor gun range
- Both construction workers and range employees were exposed to disturbed lead dust without adequate PPE or lead safety training
- Number affected was likely higher

Discussion

- Occupational lead safety standards should have been enforced by both range management and contracting employers
- OSHA occupational lead standards date from 1978
 - Medical removal at $\geq 50 \mu\text{g/dL}$
- No protective standards for firing range customers

Worker Recommendations

- Update worker protection standards
 - Lower environmental lead limits
 - Increase frequency of testing
 - Remove from exposure lower blood lead levels
- Require medical monitoring of indoor firing range employees



- ### Public Recommendations
- Increase awareness of lead hazards among shooters
 - Ensure “best practices”
 - Lead-free ammunition
 - Solid bullet traps
 - Cleaning and testing of air and surfaces
 - Routine blood lead testing
 - Medical removal at 10 µg/dL
 - No hand-to-mouth on the range
 - Cleaning skin and clothes

Public Recommendations

- Specify environmental lead levels to keep BLL <5 $\mu\text{g}/\text{dL}$
 - Integrated Exposure Uptake Biokinetic Model (IEUBK)
 - Predict BLLs from inhalation and hand-to-mouth exposures
- Discourage use of indoor ranges by children and women of child-bearing age

Marketing to Women and Children



Marketing to Women and Children

“Texas Gun Range to Host Birthday Parties for Children”

—ABC News, June 8th, 2012

Public Health Opportunities

- Educate contractors on the lead hazards expected with firing range construction sites
- Educate range operators and shooters who consider lead exposure as “normal”
- Incorporate lead exposure controls into firing range permits
- Develop in-house testing capability
- Secure stable funding for lead registries
 - Detection
 - Inspection
 - Enforcement

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Washington State Dept. of Health
Rad Cunningham, Glen Patrick

CDC/ATSDR
Karen Larson, Ric Robinson, Mary Jean Brown

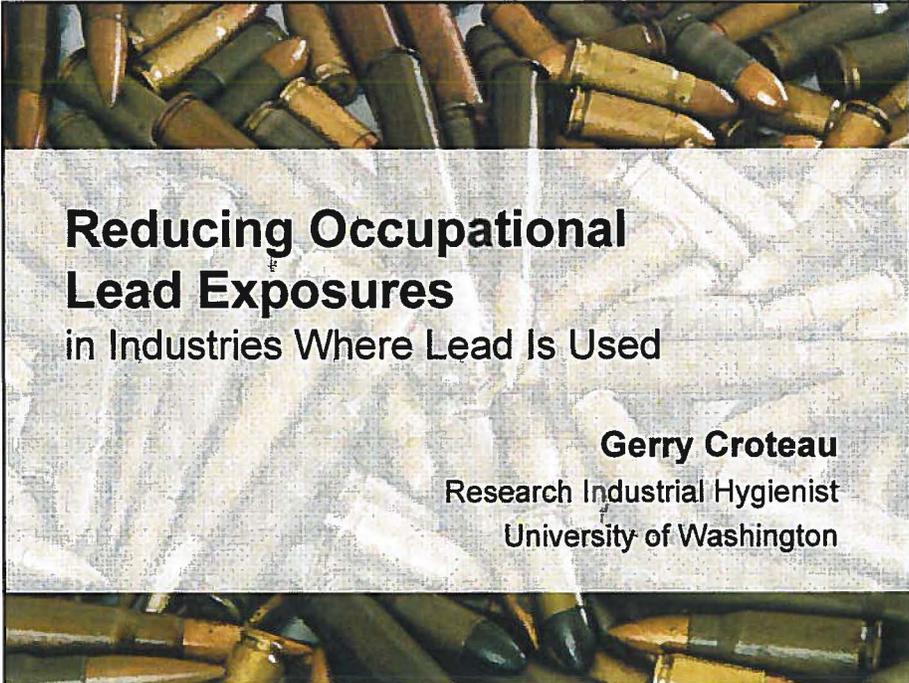
USHW
Clyde Wilson, Erika Figueroa

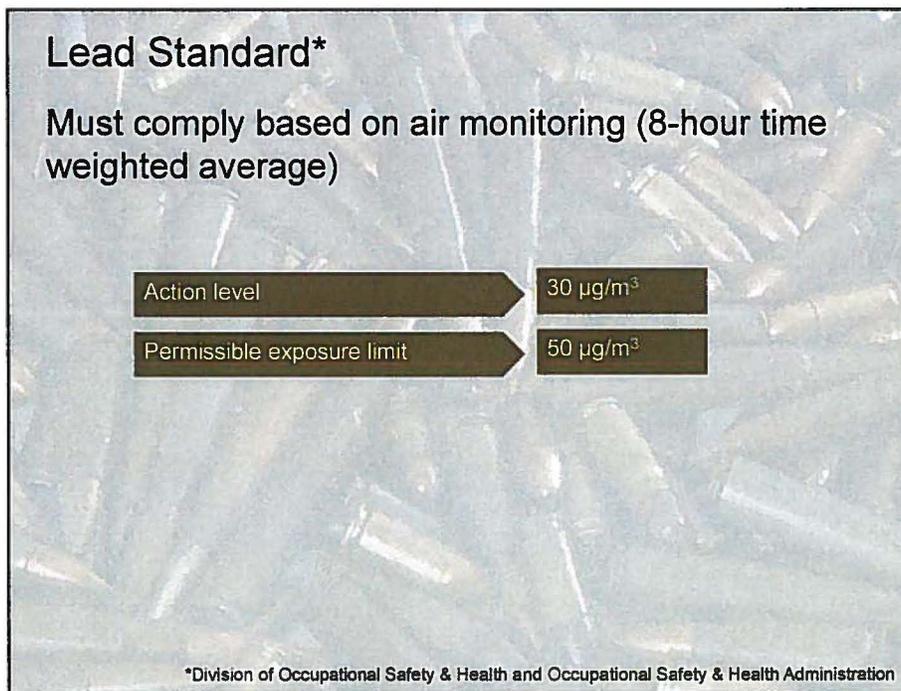
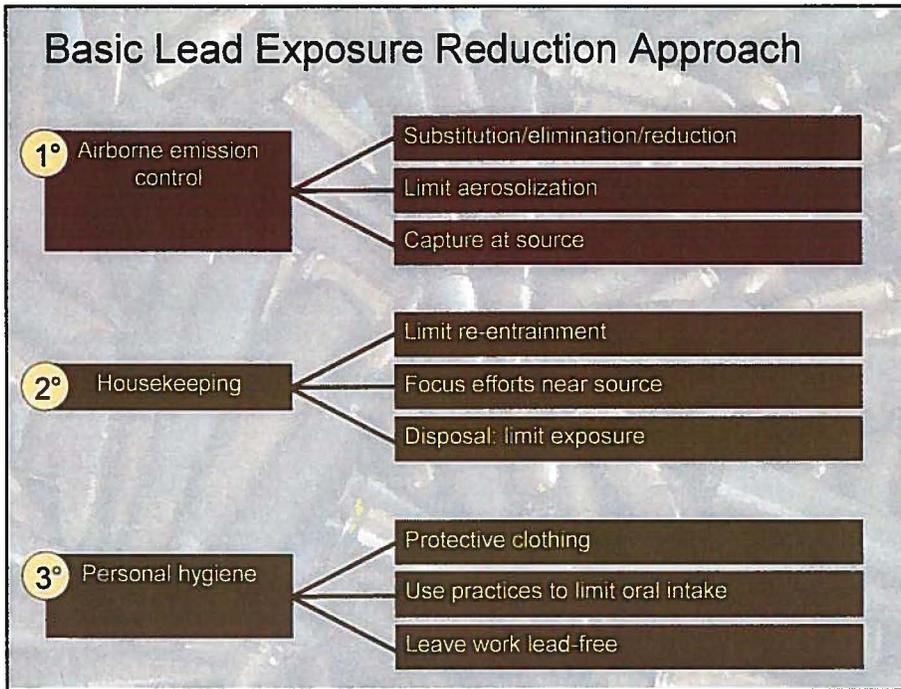
The findings and conclusions in this report are those of the authors and do not necessarily represent the official position of the Centers for Disease Control and Prevention.

Reducing Occupational Lead Exposures in Industries Where Lead Is Used

Gerry Croteau
Research Industrial Hygienist
University of Washington





Regulatory Elements

- Exposure monitoring (2 or 4 times annually)
- Engineering control and work practices
- Respiratory protection
- Protective work clothing
- Housekeeping
- Hygiene facilities and practices
- Medical surveillance (blood lead level monitoring)
- Worker training

Exposure Control Hierarchy



Engineering controls

- Material substitution
- Ventilation
- Noise controls



Administrative controls

- Job rotation
- Change in work practices
- Housekeeping



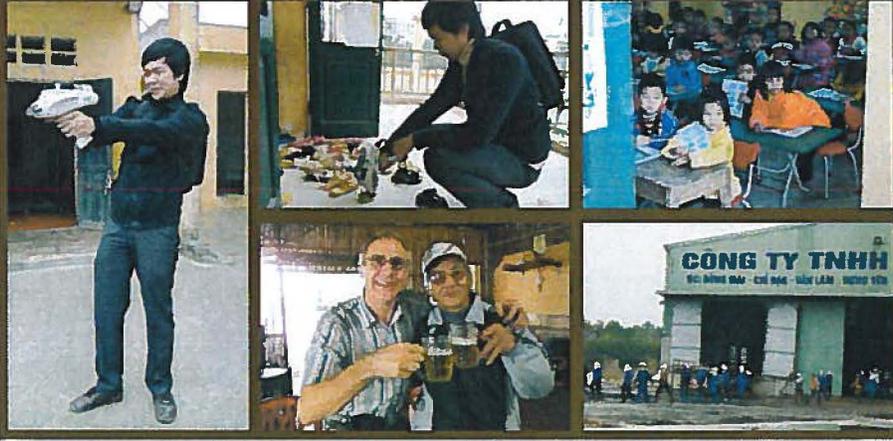
Personal protective equipment

- Head, hand, body, foot protection
- Respiratory protection

Assessing Lead Exposure

| | |
|---|--|
|  | <p>Personal air sampling</p> <ul style="list-style-type: none">• Worker's breathing zone• Monitored for 8-hour workshift |
|  | <p>Surface samples</p> <ul style="list-style-type: none">• Not regulatory requirement• Housing & Urban Development 200 $\mu\text{g}/\text{ft}^2$ guideline |
|  | <p>Blood lead level (BLL)</p> <ul style="list-style-type: none">• Every 6 months• BLL >40 $\mu\text{g}/\text{dL}$; every 2 months• Removal at 60 $\mu\text{g}/\text{dL}$; BLL monthly |

Assessing Surface Lead Levels in Vietnam Using Hand Held X-ray Spectrometer





Substitution Example

- Galvanize welds in marine setting
- Pb (35-55%), Sn (20-25%) and Zn (15-25%)
- Exposure levels: 21-35 $\mu\text{g Pb/m}^3$ air (> 30 $\mu\text{g/m}^3$ AL)
- Company apprised of regulatory compliance effort
- Alternative Pb-free product put in use

Preparation (grinding & heating)

Application (rubbing stick or wire brush)

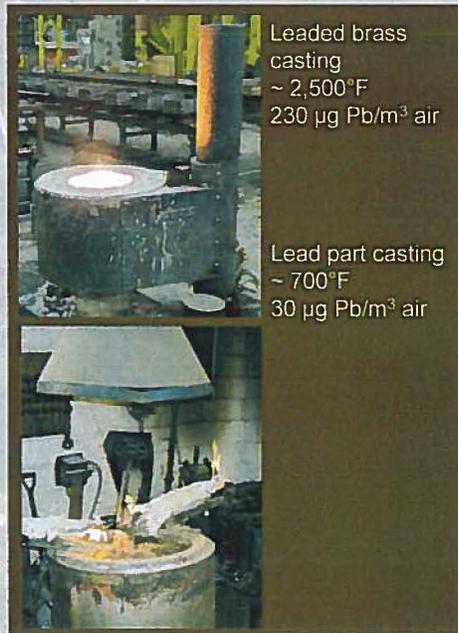
The block contains a list of bullet points on the left and two photographs on the right. The top photograph shows a worker in a white hard hat and safety vest using a grinding tool on a metal surface. The bottom photograph shows a worker in a white hard hat and safety vest using a wire brush on a metal surface. The text labels describe these actions as 'Preparation (grinding & heating)' and 'Application (rubbing stick or wire brush)'.

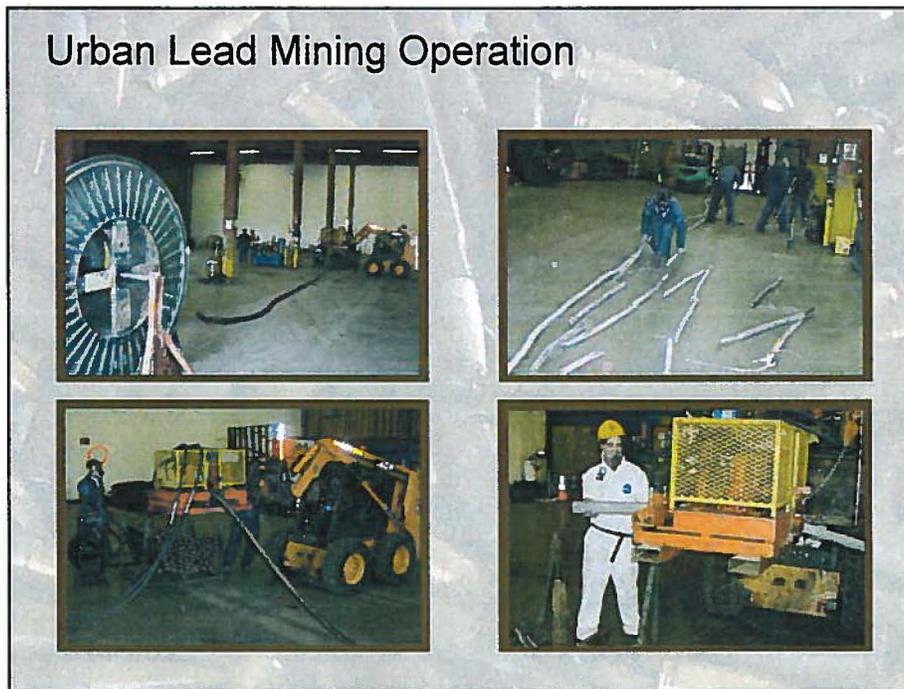
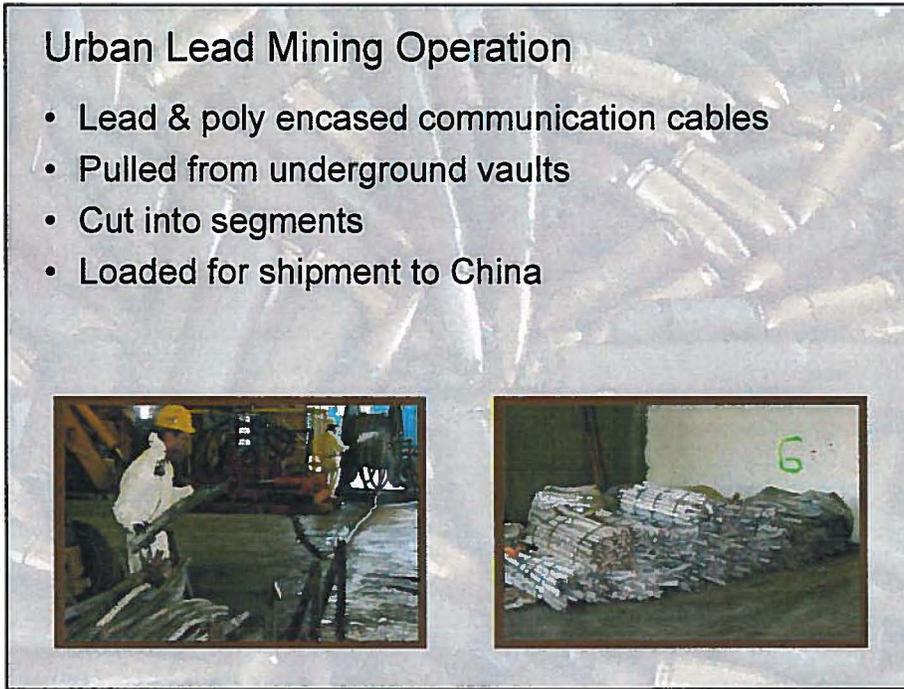
Reducing Lead Dust Generation

- Example: cleaning floors with a vacuum instead of sweeping
- Observe and understand process
- Monitor airborne lead levels to identify factors that affect generation

Melting Lead

- Melting point: 621°F;
- Boiling point: 3164°F
- Lead vapors → cool → fume (“tiny” particles)
- Melt lead at low temp, prevent vapor generation





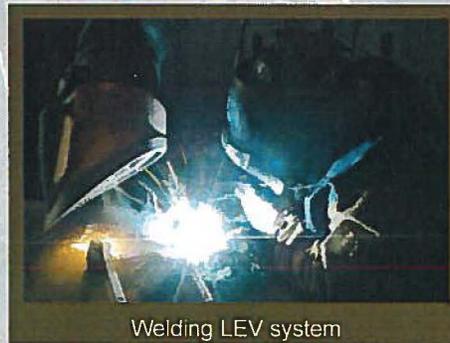
Exposure Monitoring Results

- Personal exposure: 67 to 153 $\mu\text{g Pb}/\text{m}^3$ air
- Exposure thought to be from cutting
- Air samples collected for different tasks:
poly & lead cable, different cutting devices
- 135 $\mu\text{g}/\text{m}^3$ cutting lead cable
108 $\mu\text{g}/\text{m}^3$ cutting poly cable
- Lead deposited on floor from dragging lead cable

Recommendation: modify operation to eliminate cable dragging on floor

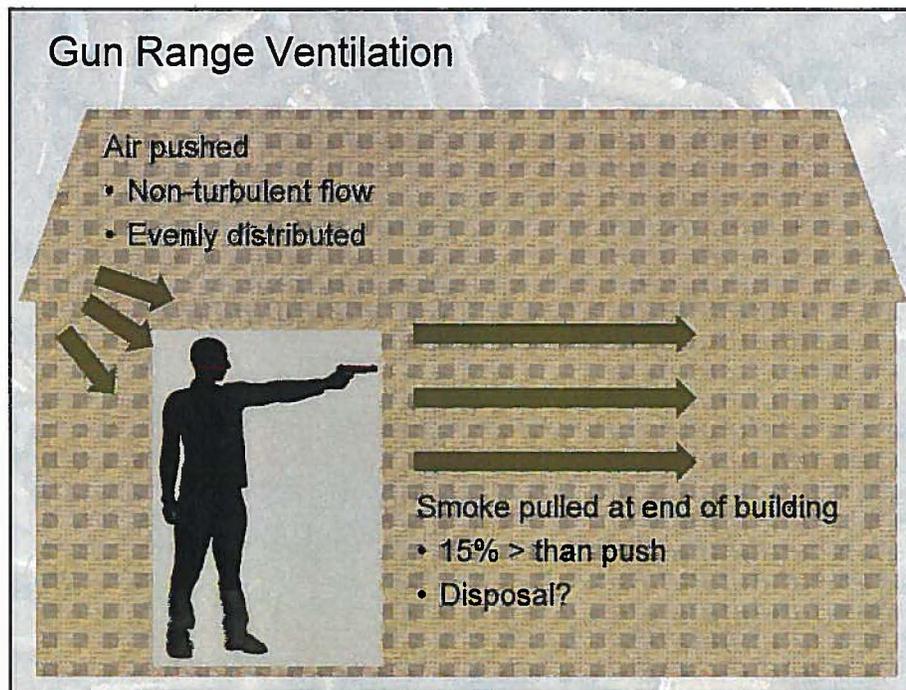
Ventilation

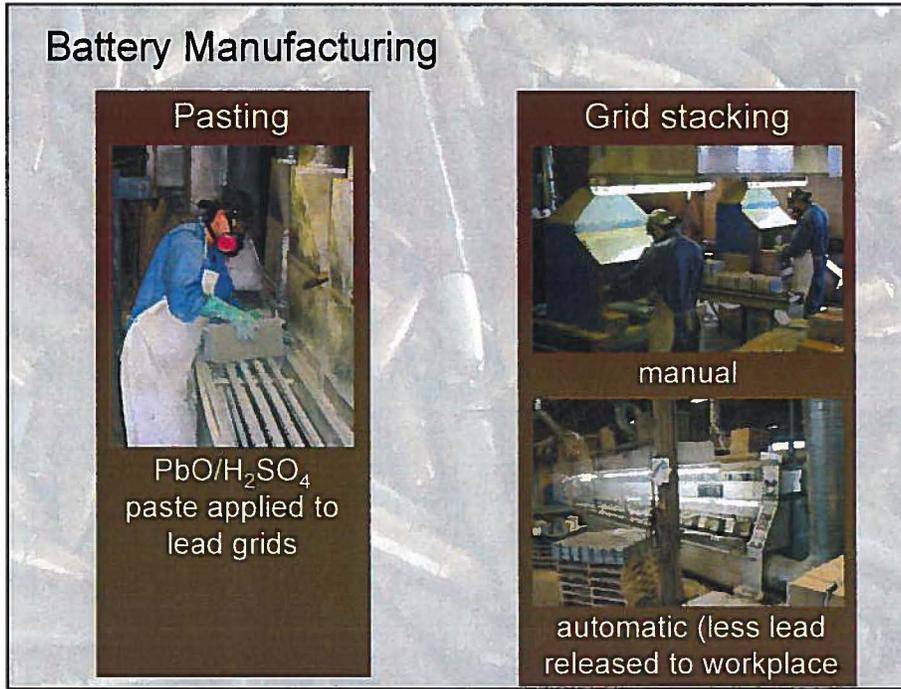
- Suction to capture contaminant
- Most effective if captured at source (local exhaust ventilation)



Gun Range Ventilation

- Source capture not possible
- General (or dilution) ventilation
- Sophisticated push/pull system needed





Personal Hygiene

- Limit skin contact with protective clothing
- Provide clean & dirty change rooms and showers
- Eliminate possibility of taking lead home

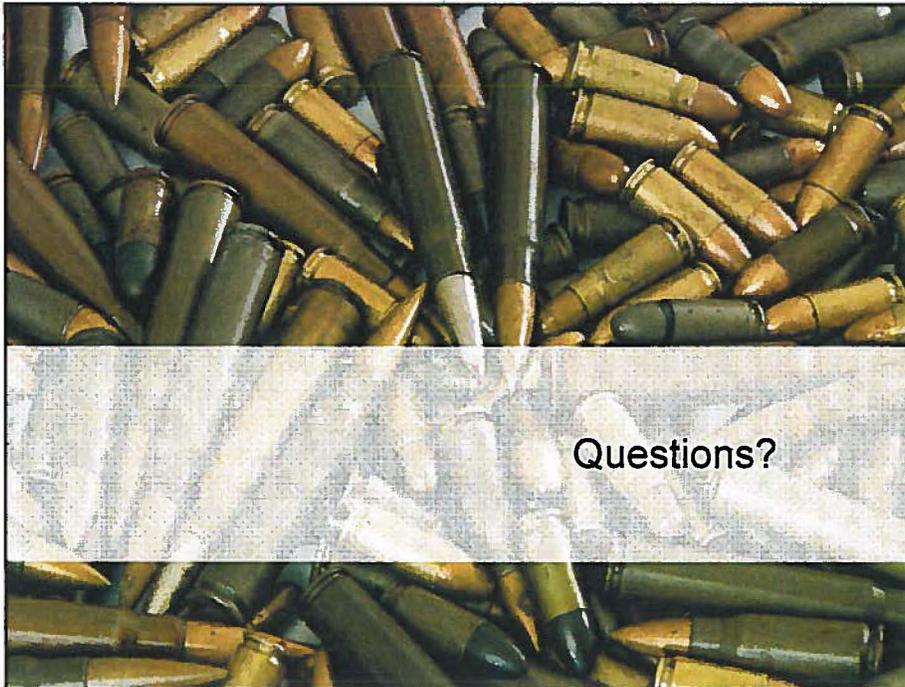


Worker Training

- Worker understands hazard and how to reduce exposure
- Essential elements
 - Health effects
 - Operations that result in exposure
 - Medical surveillance, ventilation controls
 - Housekeeping and hygiene practices to limit oral intake
 - Potential for taking lead home

Summary

- Lead exposure and associated blood lead levels minimized through diligent practices
- Control, housekeeping, and personal hygiene
- Respiratory exposure relatively easy to control
- Oral ingestion exposure route requires great diligence and attention



WORKPLACE SOLUTIONS

From the National Institute for Occupational Safety and Health

Reducing Exposure to Lead and Noise at Indoor Firing Ranges

Summary

Workers and users of indoor firing ranges may be exposed to hazardous levels of lead and noise. The National Institute for Occupational Safety and Health (NIOSH) recommends steps for workers and employers to reduce exposures.

Description of Exposure

According to the Bureau of Justice Statistics, more than 1 million Federal, State, and local law enforcement officers work in the United States [DOJ 2004]. They are required to train regularly in the use of firearms. Indoor firing ranges are often used because of their controlled conditions (see Figure 1). In addition to workers, more than 20 million active target shooters practice at indoor firing ranges. Law enforcement officers may be exposed to high levels of lead and noise at indoor firing ranges. NIOSH estimates that 16,000 to 18,000 firing ranges operate in the United States.

Several studies of firing ranges have shown that exposure to lead and noise can cause health problems associated with lead exposure and hearing loss, particularly among employees and instructors. Lead exposure occurs mainly through inhalation of lead fumes or ingestion (e.g., eating or drinking with contaminated hands) (see Figure 2) [NIOSH 2009].

Exposure Limits

Lead

OSHA has established limits for airborne exposure to lead (see 29 CFR 1910.1025*). The standard creates the action level and the permissible exposure limit (PEL). The action level for airborne lead exposure is 30 micrograms per cubic meter of air ($\mu\text{g}/\text{m}^3$) as an 8-hour time weighted average (TWA). The OSHA PEL for airborne exposure to lead is 50 $\mu\text{g}/\text{m}^3$ as an 8-hour TWA, which is reduced for shifts longer than 8 hours.

The NIOSH recommended exposure limit (REL) for airborne lead is 50 $\mu\text{g}/\text{m}^3$ as an 8-hour TWA. A worker's blood lead level (BLL) should remain

*Code of Federal Regulations. See CFR in References.



Figure 1. Law enforcement officers during shooting practice.

below 60 μg lead/100g of whole blood [NIOSH 2009].

Noise

For noise exposure, the OSHA limit is a maximum PEL of 90 decibels, A-weighted (dBA), averaged over an 8-hour time period (see 29 CFR 1910.95).

The NIOSH REL for noise (8-hour TWA) is 85 dBA using a 3-dB exchange rate [see NIOSH 1998]. Exposure to impulse noise, such as that

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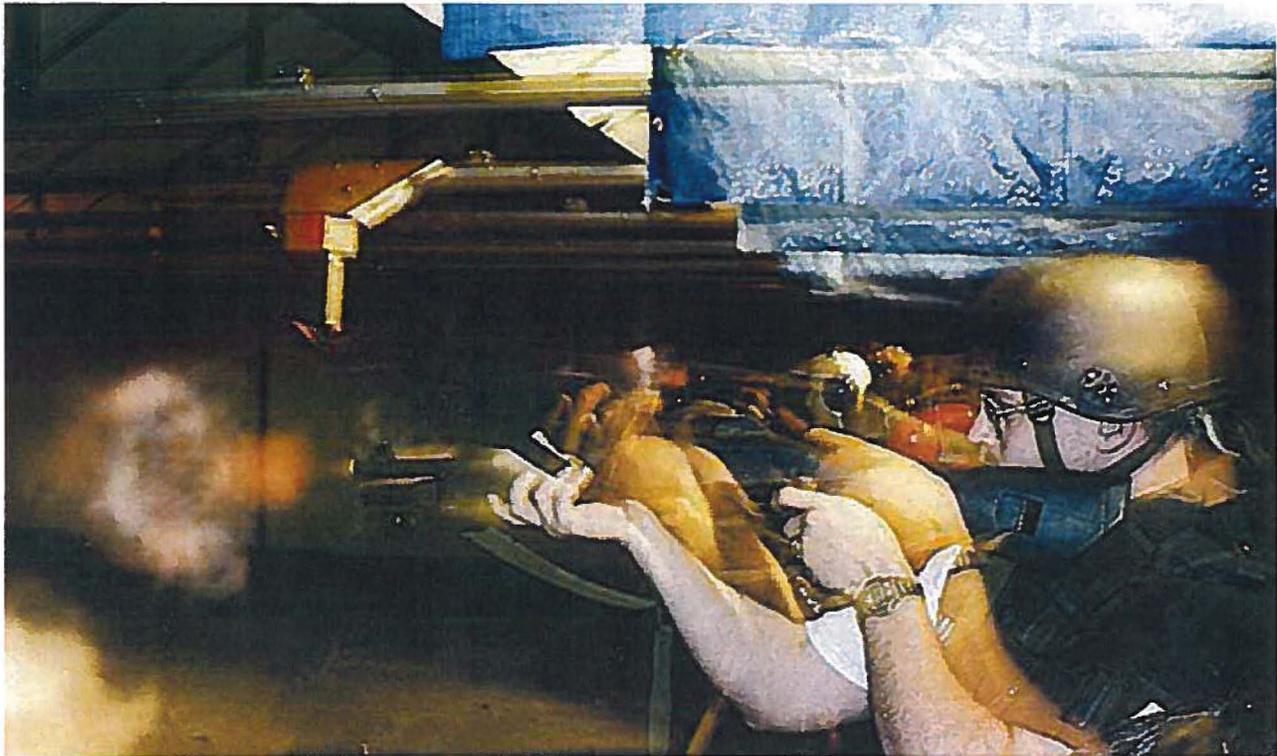


Figure 2. Emissions from the discharge of firearms.

which comes from weapons, cannot exceed 140 dB sound pressure level (SPL).

Case Studies

Case 1—Lead exposure of school rifle teams

The Alaska Environmental Public Health Program initiated a statewide review of school-sponsored rifle teams after a team coach was found to have an elevated BLL of 44 $\mu\text{g}/\text{dL}$. The review examined six rifle teams using three indoor firing ranges. Teams using two of the firing ranges did not show elevated BLLs. The other three teams used a firing range with extensive lead contamination. The teams showed elevated BLLs. The highest level was 31 $\mu\text{g}/\text{dL}$, which is above the level considered elevated (25 $\mu\text{g}/\text{dL}$). The firing range was voluntarily closed and arrangements were made for a thorough evaluation [State of Alaska 2003; NIOSH 2009].

Case 2—Noise exposures of Federal and local law enforcement officers

NIOSH investigators conducted live-fire noise exposure evaluations of Federal and local law enforcement officers

at indoor and outdoor firing ranges. Measurements were conducted on a variety of law enforcement firearms. Peak sound pressure levels ranged from 155–168 dB SPL. A-weighted, equivalent (averaged) levels ranged from 124–128 dBA. Hearing protectors were also evaluated. Earmuffs had a mean peak reduction of 26 dB; earplugs alone had a mean peak reduction of 24 dB. The mean peak reduction for combined earmuffs and earplugs was 44 dB. NIOSH recommended the use of this double protection for impulsive noise and also noise abatement strategies, modifications to the firing range structure, and a hearing conservation program [NIOSH 2009].

Recommendations

Workers and shooters at firing ranges should take the following steps to protect themselves:

- Take training, follow safe work practices, and participate in health monitoring programs.
- Use personal protective equipment (PPE):
 - Use double hearing protection (earplugs and earmuffs).
 - Wear respirators and full protective outer clothing for maintenance activities that involve close contact with lead dust or spent bullets.

- Wear gloves and eye protection when using chemicals to clean weapons or firing range surfaces.
- Practice good hygiene:
 - Wash hands, arms, and face before eating, drinking, smoking, or contact with others.
 - Change clothes and shoes before leaving the facility.
 - Wash clothes used at the firing range separately from family's clothes.
- Report symptoms to your employer and get medical attention when needed:
 - Common health effects of lead poisoning in adults include reproductive effects, nausea, diarrhea, vomiting, poor appetite, weight loss, anemia, fatigue or hyperactivity, headaches, stomach pain, and kidney problems.
 - If you suspect you have been exposed to lead, even if you have no symptoms, get your blood lead level tested.
 - Exposure to high noise levels can cause hearing loss, tinnitus (ringing in the ear), stress, high blood pressure, fatigue, and gastro-intestinal problems.

Employers should take the following steps to protect workers and shooters at firing ranges:

- Provide workers and shooters with training and information about hazards:
 - Inform pregnant workers and shooters about possible risks to the fetus.
 - Ensure that workers are aware of symptoms that may indicate a health problem.
 - Tell workers about participating in medical surveillance programs and getting blood lead levels tested, even if they don't show symptoms.
- Establish effective engineering and administrative controls:
 - Install an effective supply air and exhaust ventilation system.
 - Maintain and replace air filters regularly.
 - Apply appropriate noise control measures to limit noise inside the range and in nearby areas.
 - Keep the firing range and other workplace areas clean using proper cleaning procedures such as wet sweeping and HEPA vacuuming of surfaces.
 - Provide workers with lockers and places to wash to avoid take-home contamination.
 - Limit length of time that workers and shooters use the firing range: rotate assignments and provide quiet, clean, break areas.

- Provide workers with protective equipment:
 - Provide hearing protection devices such as earplugs and earmuffs.
 - Provide skin protection, eye protection, and NIOSH-approved respirators for workers who clean lead-contaminated areas.
 - Provide floor mats, knee pads, and shoe covers to limit transfer of lead to clothing.
- Review OSHA requirements for medical monitoring for lead (29 CFR 1910.1025(j)) and noise (29 CFR 1910.95(d)(e)(g)(h)).
- For best medical and lead management practices, consult the Association of Occupational and Environmental Clinics, Kosnett et al. [2007] and NASR [2005].

Acknowledgments

This document was prepared by Chucri A. Kardous (Division of Applied Research and Technology) and Susan Afanuh (Education and Information Division), NIOSH.

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For More Information

More information about firing ranges and noise and lead exposure can be found on the following NIOSH Web sites:

- <http://www.cdc.gov/niosh/topics/ranges/>
- <http://www.cdc.gov/niosh/topics/noise/>
- <http://www.cdc.gov/niosh/topics/lead/>

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Reducing Exposure to Lead and Noise at Indoor Firing Ranges

DHHS (NIOSH) Publication No. 2010-113

WORKPLACE SOLUTIONS

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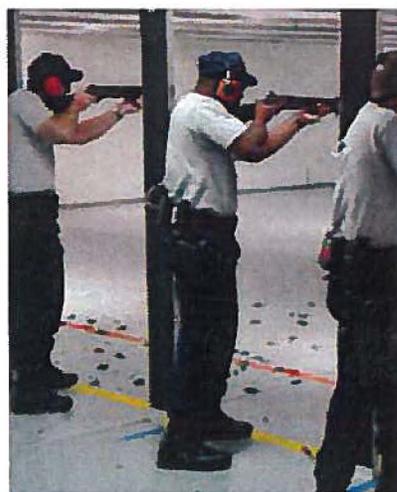


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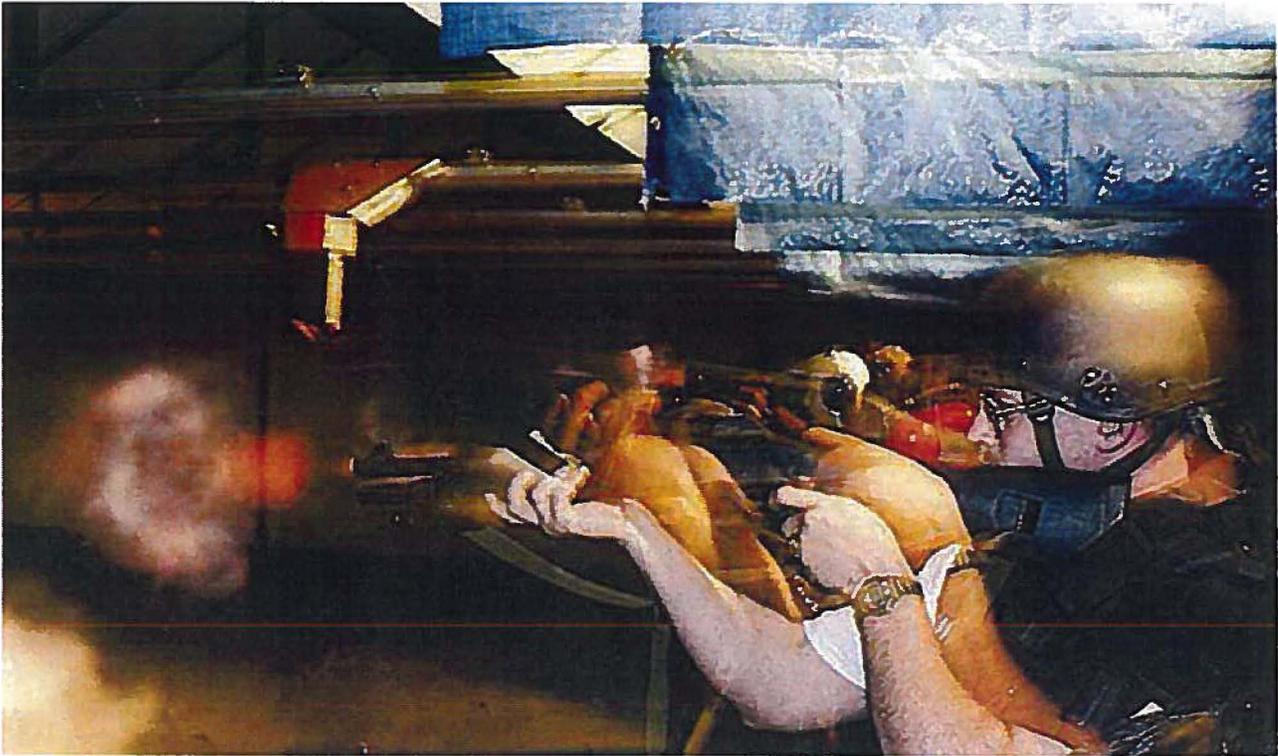


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Reducing Exposure to Lead and Noise at Indoor Firing Ranges

DHHS (NIOSH) Publication No. 2010-113

Table 1. Peak Pressure Levels of Various Firearms

| <u>Rifle #</u> | <u>Description</u> | <u>dB PPL (SLM)</u> | <u>Pascals peak (RTA)</u> |
|----------------|---|---------------------|---------------------------|
| 1. | 7 mm Mouser | 154.9 | 1160 |
| 2. | .270 cal with BOSS; 130 grain Power Point | 164.6 | 3140 |
| 2. | .270 cal with BOSS; 150 grain | 163.9 | 3110 |
| 2. | .270 cal with attachment—No BOSS; 130 grain | 158.1 | 1660 |
| 2. | .270 cal with attachment—No BOSS; 150 grain | 157.3 | - |
| 3. | (?) No BOSS, no attachment; 130 grain | 157.9 | 1520 |
| 3. | (?) No BOSS, no attachment; 150 grain | 157.1 | 1400 |
| 4. | Browning .22/250 with BOSS; 40 grain | 163.1 | 2960 |
| 4. | Browning .22/250 with BOSS; 55 grain | 162.9 | 2790 |
| 4. | Browning .22/250 with cover—No BOSS; 40 grain | 155.3 | - |
| 4. | Browning .22/250 with cover—No BOSS; 55 grain | 154.1 | - |
| 5. | .300 Win Mag bolt with cover—No BOSS; xxx ammo | 157.5 | 1630 |
| 5. | .300 Win Mag bolt with cover—No BOSS; high velocity | 161.5 | 2380 |
| 5. | .300 Win Mag bolt with BOSS; xxx ammo | 164.8 | 3170 |
| 5. | .300 Win Mag bolt with BOSS; high velocity ammo | 165.5+ | 3240 |
| 6. | 7 mm “Plain Jane”; 140 grain | 158.3 | 1660 |
| 6. | 7 mm “Plain Jane”; 160 grain | 157.5 | 1545 |
| 7. | 7 mm with BOSS; 140 grain (same as #6 ammo) | 163.6 | 3110 |
| 7. | 7 mm with BOSS; 160 grain (same as #6 ammo) | 163.5 | 3110 |
| 7. | 7 mm with cover—No BOSS; 140 grain (same as #6) | 159.5 | 1880 |
| 7. | 7 mm with cover—No BOSS; 160 grain (same as #6) | 157.8 | 1460 |
| 8. | .300 Win Mag plain barrel; 180 grain | 158.3 | 1650 |
| 8. | .300 Win Mag plain barrel; 180 grain high velocity | 158.8 | 1780 |
| 9. | .338 Win with cover—No BOSS; 210 grain | 157.1 | 1470 |
| 9. | .338 Win with cover—No BOSS; 250 grain | 156.8 | 1430 |
| 9. | .338 Win with cover—No BOSS; 250 grain high energy | 161.5 | 1530 |
| 9. | .338 Win with BOSS; 210 grain | 164.5 | 3230 |
| 9. | .338 Win with BOSS; 250 grain | 163.8 | 3100 |
| 9. | .338 Win with BOSS; 250 grain high energy | 164.5 | 3200 |

Table 2. Duration of Peak Pressure Levels for Various Firearms

| <u>Rifle #</u> | <u>Description</u> | <u>dB PPL (SLM)</u> | <u>Duration (millisec)</u> |
|----------------|---|---------------------|----------------------------|
| 1. | 7 mm Mouser | 154.9 | 3.3 |
| 2. | .270 cal with BOSS; 130 grain Power Point | 164.6 | 3.5 |
| 2. | .270 cal with BOSS; 150 grain | 163.9 | 3.8 |
| 2. | .270 cal with attachment—No BOSS; 130 grain | 158.1 | 3.5 |
| 2. | .270 cal with attachment—No BOSS; 150 grain | 157.3 | - |
| 3. | (?) No BOSS, no attachment; 130 grain | 157.9 | 3.4 |
| 3. | (?) No BOSS, no attachment; 150 grain | 157.1 | 3.2 |
| 4. | Browning .22/250 with BOSS; 40 grain | 163.1 | 2.9 |
| 4. | Browning .22/250 with BOSS; 55 grain | 162.9 | 3.1 |
| 4. | Browning .22/250 with cover—No BOSS; 40 grain | 155.3 | - |
| 4. | Browning .22/250 with cover—No BOSS; 55 grain | 154.1 | - |
| 5. | .300 Win Mag bolt with cover—No BOSS; xxx ammo | 157.5 | 3.5 |
| 5. | .300 Win Mag bolt with cover—No BOSS; high velocity | 161.5 | 3.0 |
| 5. | .300 Win Mag bolt with BOSS; xxx ammo | 164.8 | 4.1 |
| 5. | .300 Win Mag bolt with BOSS; high velocity ammo | 165.5+ | 3.5 |
| 6. | 7 mm “Plain Jane”; 140 grain | 158.3 | 3.7 |
| 6. | 7 mm “Plain Jane”; 160 grain | 157.5 | 3.4 |
| 7. | 7 mm with BOSS; 140 grain (same as #6 ammo) | 163.6 | 3.7 |
| 7. | 7 mm with BOSS; 160 grain (same as #6 ammo) | 163.5 | 3.6 |
| 7. | 7 mm with cover—No BOSS; 140 grain (same as #6) | 159.5 | 2.8 |
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| 9. | .338 Win with BOSS; 210 grain | 164.5 | 3.4 |
| 9. | .338 Win with BOSS; 250 grain | 163.8 | 3.8 |
| 9. | .338 Win with BOSS; 250 grain high energy | 164.5 | 3.8 |



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News Release

U.S. Department of Labor

Release Number: 10-1079-ATL
Aug. 23, 2010
Contact: Diana Petterson Michael D'Aquino
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E-mail: Petterson.Diana@dol.gov D'Aquino.Michael@dol.gov

US Department of Labor's OSHA cites E.N. Range Inc. in Miami, Fla., more than \$2 million for exposing workers to lead and other hazards

FORT LAUDERDALE, Fla. - The U.S. Department of Labor's Occupational Safety and Health Administration has issued citations to E.N. Range Inc. in Miami, Fla., alleging the company knowingly neglected to protect employees who clean gun ranges from serious overexposure to lead. It also provided, without medical supervision, non-FDA-approved treatments for lead exposure. The company was cited for more than 50 violations of the lead standard and others, with total proposed penalties of \$2,099,600.

"This company was well aware of what it needed to do to protect its workers from a well known hazard. It not only failed to provide that protection, it misled employees - most of whom had limited knowledge of English - into believing that it was providing them with appropriate medical treatment," said Secretary of Labor Hilda L. Solis. "Such a blatant disregard for the health of workers will not be tolerated under this administration."

E.N. Range has been cited for 42 willful and serious violations of the lead standard with proposed penalties of \$1,884,000. OSHA's lead standard requires employers to protect their workers from lead exposure which can cause many serious health issues including brain damage, paralysis, kidney disease, and even death.

OSHA's lead standard also addresses the use of chelating agents, which are medicines intended to reduce blood levels that can have significant adverse side effects. The standard prohibits the use of these agents prophylactically, and permits their therapeutic use only under the supervision of a physician in an appropriate clinical setting. Willful citations were issued alleging that E.N. Range violated this provision by giving its workers non-FDA-approved chelating agents without medical supervision.

"This is an egregious situation where the employer deliberately refused to provide the necessary protections to keep workers safe from overexposure to lead," said Assistant Secretary of Labor for OSHA Dr. David Michaels. "The company even knew its workers suffered from lead poisoning, yet avoided proper medical attention in favor of providing an unapproved and potentially unsafe treatment."

The citations allege that E.N. Range did not use engineering controls to prevent overexposure to lead, perform air sampling to determine the extent of its workers' exposure, provide showers for workers who had been exposed to lead, or provide blood testing to exposed workers every six months, all of which are required by the lead standard.

The company was also found in violation of the respiratory protection standard for failing to provide medical evaluations and fit testing for respirators. Additionally, the company is being cited for failing to abate a previously-cited violation discovered during an inspection in February 2009. That failure-to-abate notice charges that the employer had neglected to implement a job rotation schedule to reduce lead exposures. The company is also being cited for additional serious violations, including a spliced electrical cable and failure to ensure the blades of a box fan were adequately guarded.

A willful violation is one committed with plain indifference to or intentional disregard for employees' safety and health. A serious citation is issued when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known. Two other-than-serious violations have been issued with no penalty for failing to label bags used to dispose of contaminated clothing.

The company has 15 business days from receipt of the citations and proposed penalties to comply, request a conference with OSHA's area director or contest the findings before the independent Occupational Safety and Health Review Commission. The site was inspected by staff from OSHA's Fort Lauderdale Area Office, 1000 S. Pine Island Road, Suite 100, Fort Lauderdale, FL 33324; telephone 954-424-0242. To report workplace accidents, fatalities or situations posing imminent danger to workers, call OSHA's toll-free hotline at 800-321-OSHA (321-6742).

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA's role is to assure these conditions for America's working men and women by setting and enforcing standards, and providing training, education and assistance. For more information, visit <http://www.osha.gov>.

###

U.S. Department of Labor releases are accessible on the Internet at <http://www.dol.gov>. The information in this news release will be made

FIGURE 6

McCauley, Erin

From: Tom Jones <saedc0@hotmail.com>
Sent: Monday, December 23, 2013 5:15 PM
To: McCauley, Erin
Cc: pattycarb@msn.com
Subject: Whistling Pines Gun Club Development

Hello:

I am a concerned resident that has a direct line of sight (and thus direct sound path) to the proposed development.

If the noise levels are what they are now in the nearby light industrial area, most people would not have a concern that a new business is added to the area. However, due to the nature of the proposed new business this is not likely to be the case.

I really think that the city should pay particular attention to the decibel levels that are going to be produced by the high-powered weapons that are likely to be discharged in the club. We would like to request assurances that at any point in time the dB produced will be no higher than what we currently experience. Average 24-hour noise levels offer little correlation since the club is not likely to be opened 24-hours. Did they specify what the maximum dB noise level is likely to be at 500 ft?

In addition, has an environmental impact assessment been conducted. Is the new site going to affect the nearby park? Are the reports available? Also sounds are waves that bend and bounce hard surfaces. Due to the rocky nature of the hills, it seems it would be impossible to determine which way the sound will travel. I would think that the least the developer could do is show an independent noise report and not only something they prepared themselves.

Furthermore, if the project goes forward and at the end we find the noise intolerable? Do we, as residents, have any recourse? The builder will be long gone by then.

We understand that we are located next to a light industrial area. However, most of us knew and accepted existing sound levels at the time our residences were purchased. The new development might be driven by a profit motive and that is to be respected. We only ask that the same respect be afforded to us. It would not be fair that our property values decrease because potential buyers feel that the area sounds like downtown Damascus, nor it would be fair that our quality of life gets affected because of undue noise during daily activities.

Respectfully,

Edgar Coss
719-535-0515

McCauley, Erin

From: Carolyn Cochran <carolynsunbird@centurylink.net>
Sent: Monday, December 23, 2013 12:00 PM
To: McCauley, Erin
Subject: Re: Whistling Pines Gun Club

Thank you for the clarification. It is even closer to my neighborhood than I thought. Also the original proposal was to be underground and now it is to be above ground. For the sound factor, that is a big difference. Also allowing machine guns or their equivalent. We can hear the big gun fire from Fort Carson often times so imagine the problems with sound we will have when It is just below us. I can't imagine this being approved.

I hope you don't support this project.

Sent from my iPad

On Dec 23, 2013, at 8:58 AM, "McCauley, Erin" <EMcCauley@springsgov.com> wrote:

Hi Carolyn,

I think there may be some confusion – the site for the proposed indoor firing range is not behind the Albertson's on Centennial but rather within the industrial area off of Elkton Drive. Here's a map:

<image006.png>

The area in yellow is the proposed site and the red circle is the Albertson's. If you'd like to view the plans or more information about the proposal, please click on this link: <http://web-plan/pds/LDRSearch.htm> and type "CPC CU 13-00077" into the "Enter the File Number" box. You'll be able to view everything that's been submitted on the proposal. If you have specific concerns about the site in yellow, please feel free to email them to me.

Thanks,

Erin McCauley AICP LEED AP BD+C

Planner II
Land Use Review Division
Planning & Development Team
30 S. Nevada Avenue, Suite 105
Colorado Springs, CO 80903
(719) 385-5369 - phone
(719) 385-5167 - fax
emccauley@springsgov.com

<image007.png> <image005.png>Please consider the environment before printing this email.

From: Carolyn Cochran [mailto:carolynsunbird@centurylink.net]
Sent: Monday, December 23, 2013 7:24 AM
To: McCauley, Erin
Subject: Whistling Pines Gun Club

Erin,

Please consider me a voice against this proposed rifle range site behind the Albertsons on Centennial. I can't imagine the City approving this proposal in such a heavily developed area. If it is, I will certainly vote against all present board members that vote for approval and hope that you will send that information to the Pinecliffs Homeowners Association. If that is not available, I will hold the mayor and his staff accountable.

I appreciate your help in this matter.

Sincerely,

Carolyn Cochran

McCauley, Erin

From: Kim Young <younglingsmom@gmail.com>
Sent: Monday, December 23, 2013 9:44 AM
To: McCauley, Erin; Wysocki, Peter
Cc: morrig15@aol.com
Subject: Proposed Whistling Pines Gun Club

Dear Ms Cauley and Mr. Wysocki,

My name is Kimberlee Young. I live at 4941 Cliff Point Cir W and have lived here for 22 years. I have substantial concerns about repetitive noise pollution for our neighborhood and therefore, home values for our neighborhood. Pinecliff is a quiet, remote-feeling residential neighborhood. It has high resale value because it is a refuge from the hustle and bustle of living, yet conveniently located to the programs and services our city has to offer.

I am not an engineer; I am a homeowner. I can speak to noise in my neighborhood. Noise here on the bluff is quite an interesting phenomenon. There are times when I can hear the coal trains go by on tracks that are more than a mile away from my home. Fireworks (sadly) which are set off in Mountain Shadows reverberate to our home, as well. Even explosions from the rock quarry on the western ridge of Mountain Shadows find their way here to my home, as well. I mention these noises not to complain, but to illustrate the varied ways noises act on our bluff. They are not problems as occasional happenings, but they would be completely unacceptable on a regular basis. The repetitive rat-a-tat-tat of an outdoor shooting range, no matter how quiet, will not be acceptable. I equate this to a dripping faucet. The loudness of the sound is not what is at issue. It is the ongoing drip that causes one to get up from the chair and turn off the water.

I was out of town when the community meeting was held to address the proposed gun club or I would have attended to express my opposition to having the gun club placed so close to a residential neighborhood.

Thank you for your time and consideration.

Kimberlee Young
4941 Cliff Point Circle W
Colorado Springs, CO 80919-8110

MM of Jeffrey D Young; Brazil São Paulo Interlagos Mission 10/12 - 10/14
<http://mormon.org/me/1P7X>

On ne voit bien qu'avec le coeur. L'essentiel est invisible pour les yeux. One cannot see well except with the heart. The essential is invisible to the eyes. -- A. de Saint-Exupéry

McCauley, Erin

From: Robert Berta <bberta@msn.com>
Sent: Monday, December 23, 2013 7:35 AM
To: McCauley, Erin
Cc: president@Pinecliff-HOA.com
Subject: Whistling Pines Gun Club

Dear Ms. McCauley,

We are residents of Pinecliff that have several concerns regarding the proposed gun club.

Our concerns are about noise and the effect on our quality of life and property values. Another concern are the changes that the developer seems to be trying to "sneak" by.

Many homes in the neighborhood do not have air conditioning. We currently hear noise from businesses on Elkton in the warmer months while our windows are open. We certainly do not want any additional noise and constant reverberations.

We also feel the developer's change from an underground rifle range to an above ground range is unacceptable. Also unacceptable are the plans to permit .50 caliber machine guns, that were not tested by an acoustical engineer. These changes will have drastic impacts on our neighborhood and the city needs to review the developer's request for a "conditional use change to allow Indoor Sports and Recreation in an existing PIP-2 zone. This is not a request for a quiet indoor climbing gym or an ice rink, its a request for a 20,000 sq ft above ground firing range located only 500 ft of homes in our neighborhood.

The residents of Pinecliff have been very active in preserving the tranquility and property values of our neighborhood. We have a active homeowner's association, several neighborhood watch committees and we have been vital in acquiring additional land to expand Ute Valley Park.

Please take our valid concerns into consideration when reviewing this project.

Sincerely,

Robert and Catherine Berta
4960 Nightshade Circle
Colorado Springs, Co 80919
(719) 535-0259

McCauley, Erin

From: Marcia Oltrogge <marcia_oltrogge@qwest.net>
Sent: Sunday, December 22, 2013 5:40 PM
To: McCauley, Erin
Cc: Wysocki, Peter
Subject: Whistling Pines Gun Club

Erin,

Please include one additional comment from me with the concerns about the Whistling Pines Gun Club.

The drawings posted last week do show a deck which is fully open to the north, facing our neighborhood, as well as the west. This means that noise from that second level deck is an additional factor in this issue, and I have not seen it addressed in any of the noise studies. Please factor this into your data when considering the conditional use permit. It's another unknown factor to add to the already uncertain gun noise levels (no margin of error used in the sound study, no study done for the loudest guns that may be used, and no guarantee that the building material will dampen noise as suggested).

With the use of the land as zoned, the light industry and neighborhood successfully co-exist. Guns are loud. The probability for noise coming from a gun club make it incompatible in this particular area. Since the gun club doesn't need to be there and doesn't add to the general welfare of those currently using the adjacent land, why jeopardize what's already working and risk our home values in the process?

Sincerely,
Marcia Oltrogge
5040 Cliff Point Circle East

McCauley, Erin

From: Dan & Marcia <dm@oltrogges.com>
Sent: Sunday, December 22, 2013 4:53 PM
To: McCauley, Erin
Cc: Wysocki, Peter
Subject: Whistling Pines Gun Club Concerns

To: Erin McCauley, City Planning

My name is Steve Oltrogge, and I am a resident at 5040 Cliff Point Circle East. I am concerned about the Whistling Pines Gun Club asking for a conditional use permit for the area zoned as light industry just south of Cliff Point Circle in the Pinecliff neighborhood. I understand the gun club is installing features that will attempt to reduce the noise outside the building, but why should our neighborhood take the risk of having our peace ruined by a building used as a hobby for a few people, especially one that doesn't fit the use of the land as planned?

Another risk that came to my mind is safety. All it takes is one person not thinking intelligently and one shot at the abundant wildlife on our hill to put a resident in danger. We regularly spot large bucks, bear, bobcats, and mountain lions here. Quite often we'll have 6 – 10 mule deer munching the vegetation in our yard. The current gun club isn't surrounded by wildlife, so we can't say this won't be an issue. Just the perceived risk may affect the value of our neighborhood as well.

Please consider a use for this land with less risk to the peace and safety of our neighborhood and the light industry that already exist in this area.

Thank you,
Steve Oltrogge

McCauley, Erin

From: Dan & Marcia Oltrogge <oltroggedm@qwest.net> on behalf of Alainao@qwest.net
Sent: Sunday, December 22, 2013 5:41 PM
To: McCauley, Erin
Cc: Wysocki, Peter
Subject: Whistling Pines Gun Club

Ms. McCauley,

I am writing to oppose the Whistling Pines Gun Club asking for a conditional use permit to build just south of the Pinecliff neighborhood. I grew up in the neighborhood and can attest to the quietness of the area. As a kid, it was possible to feel like I was out in the forest while I was only in my backyard. Please preserve this quiet, peaceful neighborhood. I know that's a big reason my parents bought our house here. One selling point of this neighborhood is being close to the city yet away from it.

The city has zoning in place to ensure that our neighborhood and "light industry" below our hill will be compatible. A gun club doesn't fit this area, because of the potential of it ruining one of the main features of this area. Guns make loud noise, and I don't see any proven evidence that this particular gun club won't produce sounds we will hear in our neighborhood either now or in the future as guns become more powerful. Please preserve the integrity of Pinecliff and do not allow this conditional use. It certainly doesn't promote public safety and health. Instead it will allow recreation for a few at the expense of the tranquility of many residents of Colorado Springs that have been part of this neighborhood long before the gun club owner bought this land.

Sincerely,
Alaina Oltrogge
5040 Cliff Point Circle East

McCauley, Erin

From: Dan & Marcia Oltrogge <oltroggedm@qwest.net>
Sent: Wednesday, December 11, 2013 11:30 PM
To: McCauley, Erin; Wysocki, Peter
Subject: Whistling Pines Gun Club Concerns

Erin,

I am a resident of 5040 Cliff Point Circle East, in the neighborhood above the proposed Whistling Pines Gun Club. Please include these questions and comments for the planning commission review.

I hope that the planning commission will consider that the one of the main appeals of this established neighborhood of Pinecliff is the tranquility it offers while still being easily accessible to the city. The existing light industry, for which the area to the south of the Pinecliff bluff is zoned, is compatible with a residential neighborhood, because the businesses are quiet and do not produce objectionable noises or impulsive sounds. Since it appears likely that the gun club will exceed the city's noise thresholds for impulsive sounds and threaten the tranquility of this neighborhood, I do not see this proposed gun club as being compatible with a nearby neighborhood.

1. As came out in the neighborhood meetings, guns used at the gun club will be louder than the gun dBA levels used in the sound study. Jeff, the sound engineer, gave the dBA levels used for the study at 130 dBA for a rifle and 125 dbA for a hand gun. The gun owner confirmed that guns of higher calibers (.50 cal BMG given as an example) can and will be used at the club. These guns, and any gun louder than that used in the study, will cause the noise levels to exceed 45 dBA in our neighborhood.
2. Gun technology will continue to evolve. In the future, more powerful, and therefore louder, guns used at the facility will cause sounds to exceed the permitted sound levels in our neighborhood. How would this be monitored once the gun club is established?
3. Gun dBA levels can be measured in different ways. The study actually used an averaged sound level as opposed to an instantaneous sound level which more accurately represents the sound. This should be considered as an additional uncertainty in the study showing that the sound will not exceed the 45 dBA level.
4. The ambient noise sounds recorded by the sound study were taken only during the week. Residents of our neighborhoods spend time on evenings and weekends outside, and many houses up here have beautiful decks that are extensions of our homes in the summer. We also keep our windows open in good weather, since most of us lack A/C. The estimated 45 dBA rating may well exceed the weekend ambient noise, making the sounds audible when we most want to enjoy being outside and also be heard inside our homes.
5. I question the sound study's findings of ambient noise level being consistent throughout the day. As a regular dog walker around Cliff Point Circle, I can say with certainty that the ambient sound in the neighborhood is quieter when I walk my dog in the evenings and weekends than during the day or especially near "rush hour."
6. Guns shots are impulsive and irregular. As the sound engineer stated, that makes them more audible. Consider what it's like to have to listen to a barking dog, also an impulsive and irregular sound. Even at a low volume, which may be under the noise ordinance maximum, a barking dog is a disturbance to one's peace and tranquility, and existing city ordinances prevent dogs from barking for longer than 15 minutes. In a similar manner, we do not want the possibility of persistent impulsive sounds to exist in our neighborhood. A continuous barrage of gunshots, even at that 45 dBA limit or lower, will be like a barking dog.

7. No margins of error were assumed in the sound study. The sound engineer's estimated that the uncertainty around his number may be 2-3 dBA, and that just his estimate. Adding 3 dBA to 45 dBA only increases the possibility that we will hear sound. Is this compatible with a neighborhood environment?
8. In addition to the 45 dBA sound level threshold at residential property lines, Colorado Springs city ordinance 9.8.103 – 9.8.104 indicates that the gun club design must have sound levels at or lower than 60 dBA within 25 feet of the proposed gun club property on all sides. The noise at the existing businesses was never discussed at the neighborhood meeting. Wouldn't redirecting the fans, as discussed in the meeting, just make the noise level louder to the south?
9. We have been told that the new design includes an upper level patio (although we have yet to see a current design). If the doors to this patio are open on a nice summer day (when residents of Pinecliff will also be outside), will the gun noise be louder and potentially exceed the 45 dBA limit? Were other noises (e.g. loud or raucous conversation on the deck) included in the overall sound measurements? This brings to mind a restaurant/café set-up, another use which this area is not zoned for.
10. We moved into this neighborhood when our children were young. If the gun club had existed at that point, I would have been less likely to consider this neighborhood just from the prospect of the gun club bringing people with guns into the area. In addition, although the gun club will have security measures to prevent break-ins, the prospect of living near a business that may be more of a target for crime than the existing industry might be a deterrent to others considering buying in this neighborhood. Both these cases may negatively impact our property values.
11. Who determines the actual sound level produced by the gun club? Once it's built, would a study be done using all possible types of weapons that would be fired in the gun club, including simultaneous firing? What guarantee do we have that if the sounds are audible, that the situation will be rectified, and to whose satisfaction and in what time frame?

In summary, a gun club, while being a business I would certainly consider frequenting, will have a negative impact upon our neighborhood and doesn't seem to be a compatible with a residential neighborhood. This is surely not the only property that could fit a 100-yard rifle range. Other land exists in this city that would better suit the purpose.

Sincerely,
Marcia Oltrogge
5040 Cliff Point Circle East
Colorado Springs, CO 80919

McCauley, Erin

From: Dan Oltrogge <Dan_Oltrogge@qwest.net>
Sent: Wednesday, December 11, 2013 12:27 PM
To: McCauley, Erin
Cc: Wysocki, Peter
Subject: FW: Pinecliff Proposed Gun Club Questions and Concerns

Erin - -

My wife participated in the recent gun club informational meeting and exchange that you conducted. Thanks very much for setting up that meeting, as it was very helpful to my wife and I to get a better understanding of the project, the status of the application, current design plans and accompanying studies and regulations.

As a neighbor of Pinecliff near the proposed site, I have key concerns about the club that I want to make for the record. As a gun owner, I am definitely not opposed to the concept of a gun club, as long as there is *no impact* (i.e. ZERO) to our neighborhood and its current peace and tranquility.

By way of background, I am an experienced aerospace engineer with 28 years of modeling and simulation background, including propagation of RF energy, free space path loss, and wave modeling. Here are some of my concerns:

- (1) Everything I have seen and heard from the acoustics study and presentation indicates that the sound engineer worked with the gun club owner to try to just barely "eke out" a 45 dBA limit; they added insulation, modified roofing, changed doors, etc. Unfortunately, there are always errors in acoustic modeling (potentially substantial), and I have yet to hear that there were any suitable margins of safety incorporated into the study. Such margins of safety reflect best engineering practice, making me seriously question the acoustic engineer's qualifications and analyses. The acoustics engineer admits that there could be 2-3 dBA of error. But their own estimates indicate that the sound PLUS that error would exceed city allowable limits. This should be rejected by the city on that basis alone.
- (2) When assessing compliance with 45 dBA impulsive ordinance, it is important to ensure compliance with worst case atmospheric absorption and not just a typical case. Per ISO standard "ISO 9613-1:1993 – Acoustics – Noise Absorption by Air", proper estimates of this should be assessed based upon ambient pressure at our altitude (6650 feet) and common temperatures (-5 C for worst case) and 10% humidity (for winter, worst case). A simple on-line calculator at <http://www.sengpielaudio.com/calculator-air.htm> indicates only 2.4 dBA per 100 meters, which for the closest home comes to -5.4 dBA due to (crude estimate of worst case at sea level; would be even less at our altitude).
- (3) While I understand the acoustic engineer's time averaging of the sound wave (obtaining 130 for rifle and 125 for handgun, are much lower than other surveys), this approach is not a conservative one and is biased in favor of the gun club owner. What noise statistics and data does the gun club provide us specific to the class and caliber of guns it plans to allow on the premises? Had he adopted the instantaneous peak of the acoustic wave (potentially much louder, e.g. 160 dBA, which would likely require the builder to install much more baffling for the peak noise not to be heard), I would have been more inclined to adopt their study as credible.
- (4) The apparent lack of post-build verifications of the engineer's software, modeling and sound propagation predictions, other than a statistically irrelevant sample of a single rooftop measurement by the acoustic engineer, is of immediate concern and give us no assurance that the engineer's analysis reflects reality. Standard practice in modeling and simulation is to perform independent verification and validation, yet there apparently is none for this acoustic engineer analysis.
- (5) Regarding the acoustic engineer's measurements of existing sound levels at 10pm, 6am on Mon and Wed: Sound levels are very dynamic; background noise depend on day of week, time of day, and even time of

year. Taking measurements during the busiest times of the week is insufficient and do not reflect the much quieter times in our neighborhood (weekends, evenings).

- (6) Based upon the current study's marginal compliance, if the building failed to work as designed by even just 5 dBA (a reasonable margin of safety), a simple reverse of the free space path loss equations indicates that houses as far away as 313 meters would be affected. Based on Google Earth quick look, I count as many as 15 homes that would then fall into their sphere of influence.
- (7) The acoustics engineer apparently did not account for the lack of sound dampening in cold temperatures and "dry air" (e.g. all winter). As I'd mentioned to you previously, this means that in the cold of winter neighbors will receive more sound in and at their properties than the current acoustics study predicts, meaning that it will likely exceed city limits.
- (8) It wasn't clear whether the acoustic engineer estimated gun noise at the nearest house (less conservative), or the worst-case transmitted sound spanning each home owner's property/lot. If the former, then this is a flaw in the study. Terrain (as the acoustic engineer admits) can play a role in sound reflectance, and in cases with varying terrain (such as here at Pinecliff), houses (or even portions of lots) that are not the closest may receive more noise. The gun club owner's statement questioning whether "you will use your deck much anyway" implies that he knows that sound could be heard in the house lot.
- (9) I did not see any reference to assessing sound protection when both outer and inner doors are open due to customer traffic. Will the gun noise be well above predictions, or are they employing a construction technique which prevents noise transmission during customer entry/exit?
- (10) The acoustic studies are meaningless unless it reflects the types and noise production of all of the guns that the gun club will allow. What will the gun club do to ensure that the guns of its owners do not exceed a certain noise limit? The gun club should be required to ban any/all guns louder than those analyzed by acoustic simulation to not exceed 145 dBA minus a sufficient margin of error (e.g. 5 dBA). Discussion at the meeting indicated that a gun database was utilized, but that it did not cover all of the guns (and resulting noise levels) that the gun club owner plans to allow at the club. Bob's argument that .50 Cal guns are expensive to fire (while true) is not a sufficient "self-governing" mechanism and indicates a gun club owner perspective that it'd be okay to exceed city limits as long as it's not too frequent. From a neighborhood and city/legal perspective, it should never be acceptable to exceed the legal limit.
- (11) What injunctions and/or confirmations of the proposed sound mitigation techniques will be incorporated into the potential building phase to ensure that their proposed sound suppression techniques work as advertised? What post-construction evaluations and remediation will the city require and conduct in order to ensure that if the gun club doesn't work as advertised it must be fixed or risk closure or revocation of the conditional use permit? In my view, imposing fines on the company would not help the neighborhood regain our "quiet nights on the deck" that we currently enjoy.
- (12) The gun club has hired a gun club-favorable engineer; does the city have any such expertise? Who is the final (city) authority to determine whether a business's noise is appropriate? It remains unclear who is qualified to make such a determination, both in the pre-build phase and post-construction (is it the police?).
- (13) Given that normal Garden of the Gods traffic noise likely exceeds our 45 dBA ordinance, how does the city plan to test the proposed gun club to ensure compliance, especially in the upward (roof) direction? Is the gun club willing to conduct city-verified testing to prove it, once the project is completed?
- (14) The presence of impulsive noise from this proposed project would adversely impact property values and the peace and tranquility of the neighborhood.
- (15) At the recent (3 Dec) meeting, the gun club owner had a new building design which has yet to be shared with our neighborhood, and I'm guessing that the city has not received this either. As such, it'd seem inappropriate and outside of normal expectations to require our neighborhood to provide comments on a design that it still hasn't seen. Also, I've only seen one "acoustic study" to date. Note that as each significant design modification is made, a new acoustic study must accompany it.

In conclusion, there are many issues which remain inadequately addressed and/or unanswered. I've identified a number of issues that are, in my opinion, key shortfalls in the existing acoustical study and application process:

- specific types of guns modeled in the acoustic study, and a lack of regimen by the owner to ensure that their customers would comply with the allowable noise limits assumed via these specific types

- owner-favorable assumptions on time-averaging vs instantaneous peak waves
- owner -favorable assumptions about atmospheric dampening using non-worst-case atmospheric conditions
- owner-favorable lack of margins of error (e.g. 5 dB)
- lack of independent verification that the acoustic engineer's results reflect reality
- a seeming unwillingness to share the current design
- inadequate sampling and portrayal of background noise to reflect how quiet our neighborhood can truly be during "off-hours"

I am hopeful that these issues, coupled with our existing ordinances, will be carefully considered in the city's decision process for this project.

Thanks much for your consideration,
Thanks,

Dan

Daniel L. Oltrogge
Colo. Springs, CO
dan_oltrogge@qwest.net

McCauley, Erin

From: Ellyn Feldman <egfeldman@yahoo.com>
Sent: Saturday, December 21, 2013 2:37 PM
To: McCauley, Erin
Subject: Whistling Pines Gun Club

Dear Erin,

We have lived in the Pinecliff neighborhood for the last 26 years and have serious concerns regarding Whistling Pines Gun Club wanting to move below Cliff Point Circle. We are concerned that the ABOVE-Ground rifle range is not compatible with the residential properties and the noise levels that would be created in the peaceful residential neighborhood area. We are concerned that since .50 caliber machine guns have not been tested for decibel levels by their acoustical engineer we have as residents NO recourse should this be noisy and effect the neighborhood. Property values would drop considerably and we fear that our quality of life will be compromised. We oppose the developer's request for changing the PIP-2 zone district.

*~Ellyn and Stan Feldman~
4915 Sunbird Cliffs Drive
Colorado Springs, CO 80919*

McCauley, Erin

From: Bob Russell <bob@russellmail.com>
Sent: Saturday, December 21, 2013 2:22 PM
To: McCauley, Erin
Cc: Boop, Betty
Subject: Proposed Gun Club

Hi Erin,

My wife and I have lived in the Pinecliff neighborhood for over 20 years. I understand that the Whistling Pines Gun Club wants to build a range at 4750 Peace Palace Point. We're opposed to this—not because it may affect us personally—but because we don't believe this type of facility should be built near any residential areas. There are many locations across our city or county that are better suited for this type of activity. Two examples are industrial areas along North Nevada north of E. Fillmore or undeveloped areas within the county.

Thanks,

Bob and Betty Russell
345 Cliff Falls Court
719-522-1280

McCauley, Erin

From: Huddleston, James <James.Huddleston@allegion.com>
Sent: Friday, December 20, 2013 1:05 PM
To: McCauley, Erin
Subject: public concern with whistling pines gun club proposal

As a homeowner and tax-paying citizen of El Paso County, I am writing as it has come to my attention that a for profit business entitled "Whistling Pines Gun Club" has plans to erect a 20K sqft gun club within feet of residential property in the Pine Cliffs subdivision near Garden of the Gods and I-25.

My concern specifically is with the negative impact on home values as result of the noise to be emanated from the gun club. Home values operate in domino fashion and limiting the full potential of home values due to obvious concerns with noise and overall quality of life not only impacts the neighboring homes, but also subsequent home values throughout Colorado Springs.

I have not seen the business plan for the gun club, but I can assume they either have a low cost of ownership at that location or are purporting that local demographics specifically in that neighborhood support the location. If nearby residents are against the gun club, then location is not a marketable asset for this site specifically. If the business plans states central location overall then they are targeting a population willing to drive 5-10 miles regardless, and a multitude of locations not in a residential neighborhood would fit their business model. If it is low cost of ownership, the City of Colorado Springs then needs to put the interests of home values and the resulting impact that positive valuation has on the local economy, which far outpaces a private companies ability for influx, and not allow a single business entity to offset that capability.

There is plenty of land available in non-residential areas of El Paso County to allow this business to operate without impacting home valuations and the overall health of the city's economics.

Sincerely,
James Huddleston

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McCauley, Erin

From: Paul <stepe19@aol.com>
Sent: Friday, December 20, 2013 9:44 AM
To: McCauley, Erin; Wysocki, Peter
Cc: patty carb@msn.com; llmulready@gmail.com; president@Pinecliff-HOA.com
Subject: Comments re Whistling Pines Gun Club

We are strongly opposed to the proposed gun club because of its adverse impact on the Pinecliff area. Consider the following points:

1. The noise impact on the neighborhood would be horrendous. With the proposed 17 lanes and considering a meager estimate of one gun shot per minute per lane, that would produce an average of one new bang every 4 seconds or less. Furthermore, this noise pollution could go on for hours each day. Such a situation would be intolerable noise pollution. The addition of a machine gun lane would greatly worsen the impact.
2. Gunshot noise travels for miles. When the gun range above Garden of the Gods Park was open, gunshots could be heard within Pinecliff, and that range was miles away. Although the noise level was moderately low, it was still a definite irritation, especially because of the repetitiveness.
3. The people living along Cliff Point Circle East already are impacted by the machinery noise from Western Forge, especially when the metal stamping machines are in operation. The gun club noise pollution would make the Western Forge noise seem like a whisper. We recognize that Western Forge existed before Pinecliff so the acceptability of the noise was left to the discretion of buyers for the neighboring properties, but nevertheless, it likely had an impact on the selling price of the homes. However, now Pinecliff exists and the gun club doesn't belong in the area.
4. The noise pollution would have an enormously negative impact on Pinecliff property values, which of course means lower revenue from

property taxes. Considering the high value of hundreds of Pinecliff properties, this could produce a greater revenue loss to the City of Colorado Springs than the taxes obtained from the gun club.

Finally, in our opinion, a gun firing range should not be permitted anywhere within or close to the city limits.

Thank you for your consideration of this matter.

Paul E. & Margaret R. Steichen
5231 Cliff Point Cir W
Colorado Springs, CO 80919
719 528-7068

McCauley, Erin

From: Dohm, Karl <Karl.Dohm@lsi.com>
Sent: Thursday, December 19, 2013 2:03 PM
To: McCauley, Erin; Wysocki, Peter
Cc: karl.dohm@gmail.com
Subject: Re: Whistling Pines Gun Club

Hi Erin and Peter

I'm a resident living at 4995 Cliff Point Circle in the Rockrimmon area, and I'm writing to express concern over the proposed Whistling Pines Gun Club. I live within about 700 feet of the proposed site.

The main concern I have is the potential for noise pollution. The box canyon to the northeast of the property in question is incredibly efficient at transmitting sound. There are at least 40 homes on the rim of this canyon, all of which have the potential to hear a stream of near constant rat-a-tat-tat sound emanating from this facility.



My preference is that the facility not be built in this location. I think it's just inviting trouble. But if the facility is built, my request is that City Planning Commission impose a restriction on allowable noise emissions. The proposal would be that they produce no more than 10Db audible, as measured at the closest point to the facility on Cliff Point Circle. In order to avoid any conflict of interest, measurements would need to be conducted by an independent 3rd party firm in accordance with the Occupational Safety and Health OSHA Technical Manual TED01-00-015, Chapter 5, OSHA Noise and Hearing Conservation, and applicable ANSI standards.

The planning commission should require the facility to provide funding to the 3rd party firm to conduct a test on a yearly basis, on a randomly chosen day with normal activity at the facility. If any audible noise level > 10Db is detected from the facility, their license to operate as a business should be revoked. The Gun Club should commit in advance to construction of the facility that they will never emit more than 10Db audible noise as measured on the closest point of Cliff Point Circle.

I think this approach represents a reasonable compromise. It allows the business to operate, and at the same time ensures that noise pollution will not be a factor that destroys the tranquility of the existing neighborhood.

Please let me know if you have any questions

I'd be happy to allow you to come on my land and experience the sound amplification effect of the box canyon.

Thanks

Karl Dohm

719-964-7582

McCauley, Erin

From: kar.colospgs@comcast.net
Sent: Thursday, December 19, 2013 11:35 PM
To: McCauley, Erin; pwwysocki@springsgov.com
Subject: concerns on Whistling Pines Gun Club Plans

City Planning Department representatives,

As a long time (since 1981) resident in the Pinecliff neighborhood I have concerns on the potential plans for the Whistling Pines Gun Club being located so close to a residential neighborhood. In general I have concerns on this proposal causing an adverse impact on our residential property values, our quality of life and the noise level generated from such a club being so close.

In general I have no issues with gun ownership nor gun clubs, however the proximity to our residential neighborhood is where the concern arises. It would seem to me a more remote location for a gun club should be pursued and not one directly below our homes.

What plans did the developer share to potentially mitigate noise? What guarantee exists that if approved, they resolve noise issues? Why deviate from the existing zoning regulations to allow this development.

Please consider these issues and concerns as well as understand similar issues have occurred in other states where promises were made but never resolved that significantly impacted residences.

Thank you for your time and pursuit of an appropriate resolution for me and our neighborhood.

Keith Roberts
5140 Hopner Ct
Colo Spgs, Co 80919

McCauley, Erin

From: Barbara Bruckner <barbru4@yahoo.com>
Sent: Thursday, December 19, 2013 3:27 PM
To: McCauley, Erin; Wysocki, Peter
Subject: Gun Club in Pinecliff

I just received information that a gun club may open in the Pinecliff area. I live in Pinecliff and do not want a gun club in my area. I feel that it will be quite disturbing and destroy the peaceful area in which I reside. I was told that the residents living on the cliff will be affected and that is where I live. There are many more areas in Colorado Springs that land without housing areas in close proximity.

Barbara Bruckner
1315 Wentwood Drive
Colorado Springs, CO 80919

McCauley, Erin

From: matongenel@comcast.net
Sent: Thursday, December 19, 2013 2:10 PM
To: McCauley, Erin
Subject: whistling pines gun club

s seems like a terrible idea to me. it should be located in the wildernes

gene and betty lou maton 5232 cliff point cr/ west/

McCauley, Erin

From: John Long <john.c.long@icloud.com>
Sent: Thursday, December 19, 2013 2:10 PM
To: McCauley, Erin
Cc: Kelli Long
Subject: Whistling Pines Gun Club Development

Erin,

My wife and I have lived in our current home at 4980 Nightshade Circle for almost 21 years and we really enjoyed raising our two daughters in the Pinecliff subdivision. This is the first time I have taken the time to way in on any pending development issues but I fell strongly that the request for the Gun Club should be denied.

Please let me know what I can do to help prevent this from moving forward. Thank you in advance for your help.

McCauley, Erin

From: Wulf Schwerdtfeger <gws67@comcast.net>
Sent: Wednesday, December 18, 2013 9:18 AM
To: McCauley, Erin
Cc: Wysocki, Peter
Subject: Whistling Pines Gun Club

Dear Erin, dear Peter,

As you have heard from many other concerned residents of the Pinecliff neighborhood, the fact that you (the City) allow such an establishment in a residential area is beyond comprehension, more so given the fact that said establishment is moving the goal line whenever it seems fit for them. Now they even want to allow .50 caliber machine guns ?? Are they training folks for another school shooting ??

It is sad that this happening in the middle of an residential area, would you allow it near a school also ??

Concerned regards,

Wulf Schwerdtfeger
5261 Cliff Point Circle
West.

McCauley, Erin

From: Rick Patenaude <rick.patenaude@ims-cs.com>
Sent: Wednesday, December 18, 2013 5:55 AM
To: McCauley, Erin
Subject: Concerned about Gun Club near Pine Cliff

Mr McCauley,

I am writing to ask you to disapprove the development of a gun club on Peace Palace Point, near Elkton Drive.

I believe the gun club will negatively affect property values in my neighborhood and our quality of life.

I believe the gun club will be too noisy and potentially unsafe. This type business is not appropriate so close to a residential neighborhood.

Thank you

Rick Patenaude
715 Point of the Pines Dr
Colorado Springs, CO 80919

McCauley, Erin

From: jan.kolnik@comcast.net
Sent: Tuesday, December 17, 2013 7:23 PM
To: McCauley, Erin
Subject: Re: Whistling Pines Gun Club planning to open a facility in GoG area - we want to take the opportunity to raise concern and voice opposition

Hello,

This email is in response to recently announced plans by the Whistling Pines Gun club, to build a shooting range in the Garden of the Gods area, as e.g. described here:

<http://www.whistlingpinesgunclub.com/index.php/whistling-pines-gun-club-west/>

The location of the planned gun club is in fact very close to Pinecliff, our residential neighborhood (we live here, we own a house located on Cliff Point Circle), and we would like to take this opportunity to voice our great concern about the impact this will have on our lives, property values and quality of life in general.

Any simple internet search on the subject of gun noise finds numerous examples of how cities allowing gun clubs in or close to the residential neighborhoods caused numerous problems for residents, starting with very annoying noise, and ending with impact on property values (yes, the properties the residents own here cost a lot of effort and financial means to build, maintain and improve, and could be very negatively affected.)

One such example is e.g.

<http://www.fixthegunnoise.com/>

Just a short quote from the website "...We are Montgomery and Blue Ash residents against gun noise produced by the Point Blank Gun Range in Blue Ash Ohio. The range was opened in November of 2012 and ever since that time, the areas to the east, west and south of the range have been exposed to unwanted nuisance of the sounds of gun fire.

The gun shots are audible inside our homes and in our yards and on our decks. The gun shots can be heard 7 days a week and start as early as 8:30am and last until 10pm even on weekends and sometimes outside these hours...."

We would like to ask the city planners to imagine them, and their families living in such situation and such conditions. We hope this will make you understand why we are so much concerned about the Whistling Pines Gun Club plans to bring their presence to our neighborhood, contaminating it by gun noise and leaving it behind them when they go home to places where none of this is affecting them - by public records the owners of the gun club live in the vicinity of parks, not gun clubs.

We hope that the City of Colorado Springs will take all this into account when reviewing their request, and ultimately deny it.

Colorado Springs is a beautiful place, and fortunately it still has a lot of locations and open space where gun clubs can open their facilities, not close to residential neighborhoods.

McCauley, Erin

From: Jim <holtjim@pcisys.net>
Sent: Tuesday, December 17, 2013 4:48 PM
To: McCauley, Erin
Subject: Gun Club in Pinecliff.

Dear Erin

We are writing to strongly object to the proposed gun club that would be located near our old and established subdivision. There are several issues I think with this location. The issues are 1. Noise – This location is just below Popes Bluff and any noise will carry up and into our subdivision. I understand that the developer intends to allow the use of 50 CALIBER MACHINE GUNS!! 2. Property Values – No one wants to live or buy a home near a rifle range especially a family with children. This will undoubtedly negatively affect our property values. Quality of Life – We have a very quiet neighborhood now and the increase in noise and traffic will degrade that.

Please do the right thing and not allow this project to proceed. It should be located in the county somewhere in an open area that is away from homes and families. This developer has tried this in the past and it was denied – please deny it again.

Sincerely

James Lee Holt
Donna F. Holt

McCauley, Erin

From: Chris Ito <chrait@yahoo.com>
Sent: Tuesday, December 17, 2013 4:08 PM
To: McCauley, Erin
Subject: Proposed Shooting Club

As a resident of Pinecliff for 30 years, I have found the area to be very quiet because of its location on Popes Bluff above the city in general. I'm retired and spend a lot of time outside so you do hear the traffic noise from I-25, Garden of the Gods road, and sometimes Centennial Blvd. Especially, you can hear emergency vehicles with sirens and trucks using air brakes.

Because of this I went to look at the location of the proposed Whistling Pines Gun Club and could not believe that this is the site where they want to build. As it turns out, I have been riding my mountain bike in that exact area for over 15 years. It sits right at the base of Popes Bluff within several hundred vertical feet of the residential houses in Pinecliff. It may not seem so close because the nearest houses are above the elevation of the proposed gun club, but any noise will travel up the rock face of Popes Bluff and affect us in Pinecliff. It is the same principle as the concrete walls which surround I-25. They are intended to reflect the highway noise upward. Unfortunately, Pinecliff lies above the proposed gun club so approving the gun club is akin to putting it on the border of a residential neighborhood without any clearance.

I was also concerned that I did not receive notification via postcard of the proposed gun club. I live within 300 feet of the point on Popes Bluff which lies directly above the proposed gun club. You cannot count the vertical height of Popes Bluff in your "500 foot" radius because in this particular situation it is noise reflection that is the problem and not physical location. But, no harm was done and I was able to respond.

In closing, I hope you will factor in my concerns into your decision. Of course progress must move on, but in this case I strongly feel it is the wrong thing to do because of its proximity to a residential neighborhood. Thank you for your consideration.

Sincerely,

Chris Ito
1145 Point of the Pines Drive
Colorado Springs 80919

chrait@yahoo.com

McCauley, Erin

From: Clyde Lawson <clydeselva@gmail.com>
Sent: Monday, December 16, 2013 1:02 PM
To: McCauley, Erin
Subject: Ref. -Gun Club

We live at 240 Cliff Falls Crt.. 80919

We do not feel a gun club is right for our community.
Thank you for protecting our community!!!!!!!!!!

Thank you-Clyde and Selva Lawson

ClydeSelva@Gmail.com

McCauley, Erin

From: Ken Knipp <khknipp@gmail.com>
Sent: Sunday, December 15, 2013 4:11 PM
To: McCauley, Erin
Subject: Proposed gun club adjacent to Pinecliff

Dear Ms. McCauley,

My wife and I are seven year residents of Pinecliff. We are writing to request that the request by the Whistling Pines Gun Club for a "Conditional Use" change request for the proposed shooting range be denied.

The original plans for this building included a below ground shooting range. The current plans are for an above ground range. The noise generated by such proposed use would diminish the quality of life and property values to the adjacent properties and to other properties in the neighborhood.

Please take our concerns into account as you consider this request.

Thank you very much.

Sincerely,

Ken and Vickie Knipp
4937 Nightshade Circle
Colorado Springs, Colorado

McCauley, Erin

From: Geoff Chance <gchance@aol.com>
Sent: Saturday, December 14, 2013 6:31 PM
To: McCauley, Erin
Subject: gun club

Hi Erin,

My husband drove out to the Whispering Pines Gun Club that is already built this afternoon. He described the noise level from outside the building as being like having construction going on at a nearby house. This is what the Pinecliff residents who live above the Whispering Pines projected would have to contend with on a daily basis. It could be even more noise since the proposed gun club will also have a rifle range. As I have said before, I'm not opposed to guns, but I am concerned about the daily noise some Pinecliff residents would have if the gun club is built. I would hope Whispering Pines might find a location that is farther from a residential area.

Thanks for your time,
Lois Chance

McCauley, Erin

From: frank@molli.us
Sent: Friday, December 13, 2013 2:32 PM
To: McCauley, Erin
Subject: Shooting Range In Populated Area

Erin,

I understand that you are the one to gather concerns about the proposed indoor shooting range near Centennial and Garden of the Gods. I am a Pinecliff resident and placing such a business in a populated area concerns me greatly. First, let's consider the safety issues. It doesn't matter how high of a safety standard under which one would construct such a building, it is a simple fact that nothing man does can be secured to a 100% certainty level. For example, suppose the design is such that the containment of the bullets within the structure will be 99.99% certain. That would leave a 1 out of 10,000 chance that the containment structure would fail. How many rounds will be fired in a year? Say the shooting range is open 300 days a year, and they have 20 customers a day shooting 50 rounds each, that is 300,000 rounds per year. With a 99.99% certainty of containment, the odds of the containment structure failing is 1 out of 10,000. Is that a potential of 30 bullets leaving the containment structure? Suddenly a 99.99% certainty doesn't sound so great.... Of course the point is that man cannot build a perfect system. There will always be some failure rate. So why take the chance of placing such a system in an area where its failure could have great consequences.

Beyond the failure rate of the containment system, there is the much more likely scenario of an accident. I could easily see a patron of the shooting range forget to remove all bullets from a gun after his session and then proceed outside of the containment structure and accidentally discharge his weapon. Of course, the same issue presents itself before entry. A patron could forget he had a bullet chambered in his gun on his way to the range. Hopefully all gun owners will practice extreme safety, but why place citizens of Colorado Springs in jeopardy from the errant patron who may not be as safety conscious as most other gun owners.

Erin, thanks for you efforts in this. And by the way, I am a life member of the National Rifle Association (NRA) and I do not think this location for a shooting range is a good idea for the city.

Thank you,

Frank Molli

McCauley, Erin

From: Leonie Cramer <leoniempc@msn.com>
Sent: Friday, December 13, 2013 11:44 AM
To: McCauley, Erin
Cc: Brenda; Bruce Hutchison; Kevin Trujillo; leoniempc@msn.com; Lisa Taskerud; Peterson, Carl [USA]; Steve Shumway; weispring@comcast.net
Subject: Whitling Pines Gun Club proposed development

Dear Ms. McCauley,

I have lived in Pinecliff for 13 years. We chose this neighborhood for its peaceful natural setting. I am concerned how the proposed gun club is going to affect my neighbors who live on the cliff above the proposed development site. From what I gather from the sound study they will hear constant 'popping' sounds. These sounds will be very distinct and therefore different from general ambient noise. A repetitive sound is grinding on the nervous system. These people's life will be adversely affected by this facility and their quality of life will be diminished. Who wants to sit on their deck watching our beautiful mountains and constantly hear these shooting sounds? Personally I would never buy a home within hearing range of these shooting sounds thus I expect their property values will diminish as a consequence of building this facility.

I urge you to request more sound proofing and another sound study or deny this application.

Sincerely,
Leonie Cramer

McCauley, Erin

From: Jean Muller <jmacmul@yahoo.com>
Sent: Friday, December 13, 2013 9:15 AM
To: McCauley, Erin
Subject: Whistling Pines Gun Club

Dear Ms. McCauley,

As a concerned Pinecliff resident, I am writing to voice my opposition to the Whistling Pines Gun club proposed location. I previously lived on Cliff Point Circle West and am concerned about having a gun club that close to our residential area, particularly the homes located on that street and others right above the club. There are several potential detrimental impacts to our area from having an above-ground rifle range, which plans to allow machine guns, located there. Noise levels are undetermined for some of these guns in the proposed building, and that noise could carry right up the bluff to the homes above, 12 hours a day, 6 days a week. This could definitely impact quality of life and property values for impacted homes.

In addition, traffic on Elkton is already heavy at times due to all of the businesses on it, and it is not a road designed for heavy traffic. We have only two ingress/egress routes to our development and many residents access/leave it via Elkton. Significantly increased traffic on that street will have a definite negative impact on us, and could be particularly hazardous should another event like the Waldo Canyon fire occur.

Finally, there is always concern about individuals with guns and especially automatic weapons in an area such as this. Accidents do happen, and there are also those with evil intentions.

A better location for this club would be a much more remote area. This location, with its proximity to our residential area and off Elkton is not appropriate. I request that the conditional use permit be denied.

Sincerely yours,

Jean Macaulay Muller
5110 Golden Hills Ct.
Colorado Springs, CO 80919
719-362-3447
Sent from my iPhone

McCauley, Erin

From: Bryan Keys <bryankeys@bkeys.com>
Sent: Thursday, December 12, 2013 6:37 PM
To: McCauley, Erin
Subject: CPC CU 13-00077

Erin,

I am a property owner in the Pinecliff neighborhood and would like to go on record opposing the Whistling Pines Gun Club in the PIP-2 zone. I am aware of other indoor gun clubs adjacent to residential zones that have caused a lot of concerns and noise pollution issues with the residents. I don't believe this is a compatible use.

Thanks for listening,

Bryan Keys

President
Bryan Keys & Associates, p.c.
417 South Cascade Avenue
Colorado Springs, CO 80903
(719) 634-3751 Phone
BryanKeys@bkeys.com



McCauley, Erin

From: Preston, James L CIV (US) <james.l.preston2.civ@mail.mil>
Sent: Thursday, December 12, 2013 10:34 AM
To: McCauley, Erin
Cc: pcarb@msn.com
Subject: Pinecliff Whistling Pines Gun Club Proposal (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Ms. Erin McCauley,

I am against the establishment of a functional firing range in a residential area.

There are several reasons which are not in conflict with firearm ownership, only with where people discharge their firearms.

Safety: Public Safety is a huge issue. Out of range discharge can impact an individual a mile away with lethal energy. What is under consideration is discharging firearms within the City Limits - isn't this an offense - with the exception of personal defense?

Noise: will change life as we know it. It will impact the wild life habitat as well as the residents and businesses. It will impact dog owners and cause animal behavioral issues (4th July every day). The County has opened an excellent range to the south on the eastern edge of Fort Carson. I could and can hear firearm discharges from Rampart Range area which is several miles away and now the noise generation is being moved to within 1,000 feet! Why was Rampart Range Closed? Was it not - because of the proximity of residences to the range!

Quality of Life: Increase in traffic - individual's carrying loaded weapons in a residential area. You cannot establish a "pot shop" but there is a consideration of a firing range. Potential increase in crime because ammunition and firearms are items the criminal wants and from a safety point can be then turned on the public.

Property Value: The homes in the area will devalue and the downstream impact is the City and County lose permanent tax revenue source. As well as their ire.

James Preston
Major and Special Agent (Retired)
US Army

McCauley, Erin

From: Kathryn Preston <kpredragon@aol.com>
Sent: Tuesday, December 10, 2013 6:06 PM
To: McCauley, Erin
Cc: KPreDragon@aol.com
Subject: Proposed indoor shooting range

We are writing to protest the establishment of an indoor shooting range right at the foot of a residential area! Surely this developer can find open land East of Colorado Springs. We are sure people who want to avail themselves of this facility will travel to it. **We are appalled** that the city would even consider this an acceptable location. We have visited the websites reporting on the impact of shooting ranges in residential areas. The following are reports on three "state of the art" gun clubs and the problems they have caused. We suggest you visit the following websites:

www.fixthegunnoise.com Blue Ash, Ohio
www.standard.net (Layton, UT gun)
google "Firing Line" Clovis, CA + www.fresnobee.com

It is our understanding that the developer originally stated that the firing range would be underground but now the plans reflect an **above ground** firing range! In addition, the developer plans to allow the firing of .50 caliber machine guns.

Why is this developer so determined to build his facility so near a residential area????????????

"Something is rotten in Denmark".

We are residents of Pinecliff and we vehemently protest any change in zoning. Do not allow this individual to build right next to a residential area. The idea is insane!

McCauley, Erin

From: Linda Mulready <llmulready@gmail.com>
Sent: Tuesday, December 10, 2013 3:20 PM
To: McCauley, Erin
Cc: pwyssocki@springs.gov.com
Subject: Whistling Pines Gun Club

Dear Erin

I wanted to respond with my thoughts on the Dec. 3, 2013 Whistling Pines Gun Club meeting. First, no one disputes that Mr. and Mrs. Holmes are good business owners and that they attract a fine clientele. I am sure that is the basis of most of the letters of support that you have received concerning this issue. But that is not the point of our neighborhood's consternation with this proposed gun club. The supporters of the gun club wanted to concentrate on the good neighbor issue and not the fact that this facility is being built in such close proximity to residential homes and a special conditional use permit is being sought which would impact the peacefulness and value of this neighborhood.

My first concern was the notification process. Only two notification cards were originally sent out to this neighborhood of over 600 homes. My instincts tell me that this was done to perhaps slide this gun club project through as quickly and as quietly as possible with minimal interference from the surrounding affected neighborhood. As one of the homes that is identified as a "worst case" scenario I am very much concerned about the notification process or lack thereof and the sound and property value issues that are not being resolved.

After the Dec. 3 meeting I am convinced that we will, in fact be subjected to loud repetitive gun noise. I feel there were some flaws in Jeff Kwoikoski's Wave Sound study. Jeff cites that Pinecliff neighbors most likely will hear gun noise. Also, Wave Engineering admitted that no post implementation sound assessments were even done with any of his gun club sound projects. As such the validity of his predictions are in questions and considering the 45 dba that is their target there is no margin for error. Jeff is not able to list the names of the gun clubs he has worked on in the past. It is interesting that Mr. Holmes comment to our noise concern was "How often to you sit on your back deck?" How often is often enough? 50 times a year I sit on my deck? 49 times? 101 times? Or 1 time?

I would like to point to the Layton, Utah state of the art gun club, that was built with guarantees that no one would be able to hear gun noise. After the facility was built, surrounding residents could in fact clearly hear noise. As a result there is continued litigation involved with this case.

I am very much concerned with ammunition storage and the types of weapons that will be allowed to be discharged in this facility that is only 490 feet from residential homes.

I am concerned and curious about why no traffic study has been done to determine how this PROPOSED gun club will impact the already congested Garden of the Gods Road.

It is my understanding that a conditional use permit says it must be compatible with the surrounding area and not infringe on the peaceful environment and the quiet enjoyment of a home. Do you feel that this gun club truly meets these criterions?

Concerned homeowner

McCauley, Erin

From: Karen Bell <kbell96151@aol.com>
Sent: Tuesday, December 10, 2013 10:10 AM
To: McCauley, Erin
Cc: weisprings@comcast.net
Subject: File NoF:CPC CU 13-00077, conditional use request for indoor rifle range

Dear Ms. McCauley, The December 13th date to air our concerns regarding the Whistling Pines gun club development is fast approaching. The more I think about what I heard from the developer, all the experts and many Whistling Pines proponents, scattered throughout the audience, the greater my concern regarding the negative impact on all of us living on or near the Garden of the Gods side of the cliff. All of the proponents do not live here and have no idea how the noise and percussion can travel up the cliff!

Yesterday, I googled the site and saw how close the facility is to some families and their homes directly above. We live and pay our taxes to live in the Pinecliff neighborhood because of the beauty, privacy and peace. It was alarming to see this! They are in the direct path of any negative impact, including the privacy, safety, peacefulness of their homes. It is truly less than 500 ft. No matter how the company tries to mitigate these negative effects, there is no solid guarantee that building a gun/rifle range, once promised to be mostly underground, so close to our homes can be mitigated. There will be traffic coming and going, every hour or so, six days a week until 8:00 PM, including the weekend. They stated many of the gun owners bring their own guns/rifles. Is this safe, peaceful, private??

Sadly, If this facility is allowed to go ahead with their plans, I feel the quality of life, as we know it, will be forever changed. I ask the City to please reconsider their proposal. Overall, our home values will most likely decrease, along with our quality of life in our once quiet, peaceful neighborhood.

Respectfully,

Karen Bell
5010 Cliff Point Circle East
Colorado Springs, CO 80919

McCauley, Erin

From: Julie Crocfer <jcrocfer@comcast.net>
Sent: Sunday, December 08, 2013 9:14 PM
To: McCauley, Erin
Subject: Proposed gun club near Pinecliff neighborhood

Dear Erin:

I have recently become aware that there is a proposal to build Whistling Pines Gun Club near the Pinecliff neighborhood. As a resident of this neighborhood I do have some concerns regarding this proposal. We moved to this area of town 13 years ago. We loved the feeling of being in the mountains surrounded by wildlife, beautiful trees but most of all the quiet, restful feeling we sensed. I am anxious that even though the club is an indoor facility, there may be noise from the activities that still reverberate. I have two small children who play outside frequently and I am also concerned that the sound of gunshots may be scary to them.

It is only my opinion but I believe that a location farther away from a residential area would be a better choice for all concerned.

Thank you for taking the time to consider my concerns.

Julie Crocfer
5055 Cliff Point Circle East

McCauley, Erin

From: gilreese1@comcast.net
Sent: Sunday, December 08, 2013 4:11 PM
To: McCauley, Erin
Subject: Proposed Shooting Range

Dear Erin,

This email is in reference to the proposed construction of the Whispering Pines shooting range near the neighborhood of Pinecliff.

I attended the neighborhood meeting on December 3 conducted by the owners and their representatives and left the meeting with much doubt about what we were told. I assume that all of the representatives have a financial interest in the construction of this range. The most important concern to us who live near the proposed range is the probable noise that will be generated by high velocity rifles and handguns some of which are larger caliber than most of the rifles. The noise level expert told us that the predicted noise would be within a certain prescribed level but he would not affirm that gunshots would not be heard. We were also told that if the noise level was above the predicted level they would modify the structure to meet stricter standards, this poses more questions such as would the range be closed until the stricter standards are met and who would judge whether the new standards would be satisfactory.

I am a retired Army Officer and selected this nice quiet neighborhood to spend my retirement years. I was a combatant in the Korean and Vietnam wars so I am pro-gun and support those who want to maintain a high level of safety and proficiency with guns of their choice either for recreation or self protection, but in my opinion a facility such as this should be located in an area far away

from existing neighborhoods. Distance to drive should not be a consideration, many residents drive more than ten miles to work, shopping, gym, etc.

Summertime is deck time for many of us living on the ridge just above the proposed shooting range enjoy getting a little sun or just enjoying the quiet environment and the view this location provides. As a last thought, how accurate will these predictions be? Who knows what will be heard or not heard when the first high velocity rifle is fired particularly for those families who live almost directly above the proposed location.

Thank you for your consideration.

Gil Reese
4985 Cliff Point Circle East
Colorado Springs, CO 80919
Tel: 719-528-5133

McCauley, Erin

From: Lynn Bloomfield <ldbloomfield@gmail.com>
Sent: Wednesday, December 11, 2013 8:55 AM
To: McCauley, Erin
Subject: Whistling Pines gun club input

Erin,

Thank you for holding the community information meeting last week. As a resident of Pinecliff, I still have concerns regarding audible noise from the club in our neighborhood. The very short distance from houses, the amended plan for an above ground facility, and the noise from gunshots all concern me. The noise and percussion levels of other "state of the art" facilities indicate that this concern is well founded. As anyone who has ever lived in a second story apartment has experienced, sounds not heard at ground level are easily audible from above. The rocky bluff will exacerbate this situation. Additionally, gun noise is unlike any other noise - such as traffic. It instills a gut level fear response - particularly for those who have experienced gun violence. Gun noise perforating the air is disturbing, reduces property values, and negates outdoor time - something we value. I do not object to the gun club operating in an industrial commercial area away from neighborhoods, but this location is right below an established neighborhood. This is not the place for it. It impacts the quality of life for too many. Please consider how you would feel about hearing constant shots from your own residence.

I hope the gun club can find a more appropriate location which does not impact people in their homes.

Thank you for your time.

Sincerely,

Lynn Bloomfield

McCauley, Erin

From: David Bloomfield <david.r.bloomfield@gmail.com>
Sent: Sunday, December 08, 2013 8:39 PM
To: McCauley, Erin
Subject: Whistling Pines Gun Club

Dear Ms. McCauley,

Thank you for hosting the informational meeting on the proposed Whistling Pines Gun Club. After attending the meeting, I still have concerns that the the noise from the club will be audible in the Pinecliff neighborhood. Even if the 45 db limit is met, the distinct noise from the individual shots could be discernible to human hearing. The sound study ends with the statement that this is a possibility. While some city background noise is to be expected when living in an urban location, the sudden impact noise from the range would be much more intrusive.

Sincerely,

David Bloomfield

McCauley, Erin

From: Rockne Buraglio <rbburaglio@msn.com>
Sent: Wednesday, December 18, 2013 9:25 PM
To: McCauley, Erin
Subject: Whistling Pines Gun Club Development

Erin:

I do not have any concerns about the development and wanted to let you know my wife and I are in favor of it.

Regards - Rockne Buraglio

McCauley, Erin

From: The Slayton's <slayton@q.com>
Sent: Tuesday, December 10, 2013 11:15 AM
To: McCauley, Erin
Subject: Question(s) ref Whistling Pines Gun Club

CORRECTION: My earlier e-mail listed the wrong proposed building address.

----- Original Message -----

From: The Slayton's
To: EMcCauley@springsgov.com
Sent: Tuesday, December 10, 2013 11:06 AM
Subject: Question(s) ref Whistling Pines Gun Club

If this new gun range is to be 100% indoors only, then I have no objection to the gun range being built at 4750 Peace Palace Point, Colo.Spgs., CO. It should be made clear that 'NO' outdoor range will be allowed now or in the future for any reason.

I have lived in the Pine Cliff area for over 23 years and I am a retired State of Colorado Peace Officer with 32 years of service.

Please confirm back to me if the proposed gun range has any request to have an outdoor range.

THANK YOU.....George M. Slayton

McCauley, Erin

From: Perry Swanson <perryswanson@live.com>
Sent: Wednesday, December 11, 2013 8:30 PM
To: McCauley, Erin
Subject: Comment on the Whistling Pines gun club

Greetings Erin McCauley – Thank you for your work on the neighborhood meeting about the proposed Whistling Pines gun club on Dec. 3. To me, it was an informative and productive meeting, especially about the noise issue.

Importantly, the owner promised to test and ensure noise from the club does not exceed 45 decibels, stricter than city requirements, before allowing the club to open. I asked him if he would agree to make that part of the conditional use permit with the city, and he indicated it was already part of the permit.

I'm writing now to emphasize how important it is to hold the owner to his word, and to raise questions about whether even that will be enough. Neighbors at the meeting heard a lot about decibel measurements and sound-dampening materials, but we have no context in which to interpret that information. We are not acoustical engineers; or at least I am not.

Here is my fear: I'll be in my house or outside, and I'll hear a continual, erratic "pop, pop, pop" of gunfire. The issue is not the number of decibels. The issue is damage to our quality of life because of a constant, pulsing, annoying sound that would be far worse than the steady hum we hear now. I did not hear anyone at the Dec. 3 meeting assure residents that the noise they fear will not materialize. They only dodged the issue by saying "I can't guarantee you'll never hear anything" and similar words. I would certainly not complain about some small, additional, periodic sound. What worries me is day after day of constant, irregular, pulsing noise that will not simply fade into the background.

At the meeting, I told the owner I would love to welcome him as a neighbor, and I meant it. I could not welcome a neighbor, though, who makes constant noise, disturbing me and the rest of the neighborhood, at the expense of our property values and quality of life. No one could. That's why city planning staff, and the planning commission, must impose strict regulation before the project is approved and – just as important – follow-up analysis to ensure compliance before the club is allowed to open. If the club cannot show clearly that its activities will not disturb the neighborhood, its conditional use permit should be denied.

Thank you.

Perry Swanson
5045 Cliff Point Circle East
Colorado Springs, CO 80919
719-232-4458
perryswanson@live.com

McCauley, Erin

From: Kurt Lesh, M.D. <klesh@csfpmd.com>
Sent: Monday, December 30, 2013 4:17 PM
To: McCauley, Erin
Subject: RE: Whistling Pines Gun Club Neighborhood Meeting

Dear Erin,

I attended the neighborhood meeting, not because I live there, yet. But we have considered moving to this area in the past, thus my interest. I currently live in Upper Skyway at this time. Best Regards, Kurt W. Lesh, MD

From: McCauley, Erin [mailto:EMcCauley@springsgov.com]
Sent: Monday, December 30, 2013 3:28 PM
To: Kurt Lesh, M.D.
Subject: RE: Whistling Pines Gun Club Neighborhood Meeting

Hello Dr. Lesh,

Could you give me an address of the property you represent so that I can better tie you in when I write up the staff report?

Thanks!

Erin McCauley AICP LEED AP BD+C

Planner II
Land Use Review Division
Planning & Development Team
30 S. Nevada Avenue, Suite 105
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emccauley@springsgov.com



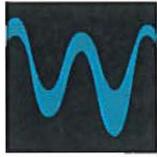
 Please consider the environment before printing this email.

From: Kurt Lesh, M.D. [mailto:klesh@csfpmd.com]
Sent: Friday, December 13, 2013 7:02 PM
To: McCauley, Erin
Subject: Whistling Pines Gun Club Neighborhood Meeting

Dear Erin,

I attended this neighborhood meeting and found it very informative, professional and well presented. I think the plans for this gun club will serve its patrons well and be a good addition to the commercial property without imposing any hazards or noise problems for the adjacent residential neighborhood. Therefore, I would encourage your department to recommend approval of this facility. Thank you for your consideration in this matter.

Respectfully Submitted, Kurt W. Lesh



WaveEngineering

Acoustics, Noise & Vibration

December 27, 2013

Jeremy Hammers
Senior Project Manager
Hammers Construction, Inc.
1411 Woolsey Heights
Colorado Springs, Co. 80915

Re: Whistling Pines Gun Club West
Wave #1100A

Dear Jeremy,

We previously evaluated the impact of noise from the proposed Whistling Pines Gun Club West (4750 Peace Palace Point) on residential areas and its compliance with the City of Colorado Springs noise ordinance. That work was summarized in our report dated September 30, 2013. After the neighborhood meeting on December 3, 2103, you asked me to evaluate the subjective perception of noise around two existing gun clubs.

On December 13, 2013, I visited the existing Whistling Pines Gun Club (East) at 1412 Woolsey Heights in Colorado Springs, and Trigger Time Gun Club at 3575 Stagecoach Road South in Longmont.

I measured outdoor ambient noise levels near each facility and I listened at various locations 500' from each property to determine if noise from gunshots was audible. The distance of 500' was chosen because there was some discussion of noise levels at 500' at the neighborhood meeting. I compared the ambient noise levels at these locations to the ambient noise levels that I previously measured near the proposed Whistling Pines Gun Club West. I also attempted to measure gunshot noise levels in several locations around each property.

At the existing Whistling Pines East facility, a variety of handguns were fired during my observations, and a .300 Winchester Magnum rifle with a muzzle brake was fired. At the Trigger Time facility, a variety of handguns and rifles were fired during my observations.

It was not possible to measure gunshots 500' from each property due to the ambient noise in the area. In order to *estimate* the noise level at 500', I measured gunshot noise levels relatively close to the Whistling Pines Gun Club East and then calculated the noise level at 500' based on the attenuation expected due to the additional distance.

The two existing facilities and the surrounding areas are shown in the attached exhibits.



P.O. Box 1153 • Littleton, CO 80160
720-446-WAVE (9283)
www.WaveEngineering.co

Mr. Jeremy Hammers
December 27, 2013
Page 2

Existing Whistling Pines Gun Club (East)

The existing Whistling Pines East facility is located in an industrial park. Refer to the attached exhibit for my observations of gunshot noise and the measured ambient noise levels.

Gunshot noise that is audible outdoors is primarily from a door on the southeast side of the building. The door provides an exit directly from inside the shooting range, behind the firing line. The door is a standard insulated steel door with no special acoustical treatment. Noise also radiates from a lightweight sheet metal patch in the concrete building wall around an exhaust duct, near the east corner of the building.

I was not able to reliably measure sound levels 500' from the existing property because of interference from ambient noise. The ambient noise was mostly from traffic on Highway 24 and local streets. Since I was not able to measure gunshot noise levels at 500', I measured closer to the building in a parking lot across the street from the gun club. See the attached exhibit for the location. I used the noise level measured closer to estimate the noise level at 500' to be 61 dBA.

I understand that no special precautions were taken to reduce noise levels from this facility since it is located in the industrial park.

Trigger Time Gun Club

The Trigger Time Gun Club is located in a commercial area, but directly across the street from a residential area with single family homes. Refer to the attached exhibit for my observations of gunshot noise and the measured ambient noise levels.

Ambient noise was mostly from traffic on Highway 119 to the North and I-25 to the East.

The gunshot noise audible outdoors is primarily from two doors. One south-facing door exits from the rifle range, and one west-facing door exists from the handgun range. I understand that these doors are either sound-rated doors or standard doors with additional steel and insulation added.

The noise levels outside this building were noticeably less than those outside Whistling Pines East.

Conclusions

My observations and the measured ambient noise levels near the existing Whistling Pines Gun Club East are shown on the attached exhibit. The ambient noise levels at this site are higher than near the proposed Whistling Pines Gun Club in Colorado Springs, which was about 50 dBA.



Mr. Jeremy Hammers
December 27, 2013
Page 3

My observations and the measured ambient noise levels near Trigger Time Gun Club in Longmont are shown on the attached exhibit. The ambient noise level at this site is also higher than near the proposed Whistling Pines Gun Club in Colorado Springs.

The existing Whistling Pines and Trigger Time Gun Clubs have doors that open directly from the shooting ranges. This is where most of the sound “escapes” from the building. The new Whistling Pines West range will *not* have doors directly from the ranges to outside the building and the noise levels radiating from the building will be significantly less than from these two facilities.

I observed noise levels 500' from the existing gun clubs. At the existing facilities, noise from gunshots was sometimes audible at 500' (in certain directions only). Gunshots from handguns were faint and hard to distinguish. Gunshots from rifles were still faint but easier to distinguish from the ambient noise.

The proposed Whistling Pines West building is approximately 750' from the nearest residence. The new Whistling Pines facility is further away and will not have doors directly into the range. If gunshot noise from the new range is audible at the nearest residences, it will be even less noticeable than at the existing ranges even though the ambient noise level is lower. The noise level will drop as you get further away and become inaudible.

Please feel free to call if you have any questions.

Sincerely,



Digitally signed by Jeffrey Kwolkoski
DN: cn=Jeffrey Kwolkoski, o=Wave
Engineering, ou,
email=jkwolkoski@WaveEngineering.
co, c=US
Date: 2013.12.27 16:07:02 -07'00'

Jeff Kwolkoski, P.E., INCE Bd. Cert.
President

Encl: Exhibits (2)

Whistling Pines Gun Club West

Existing Whistling Pines Building Aerial

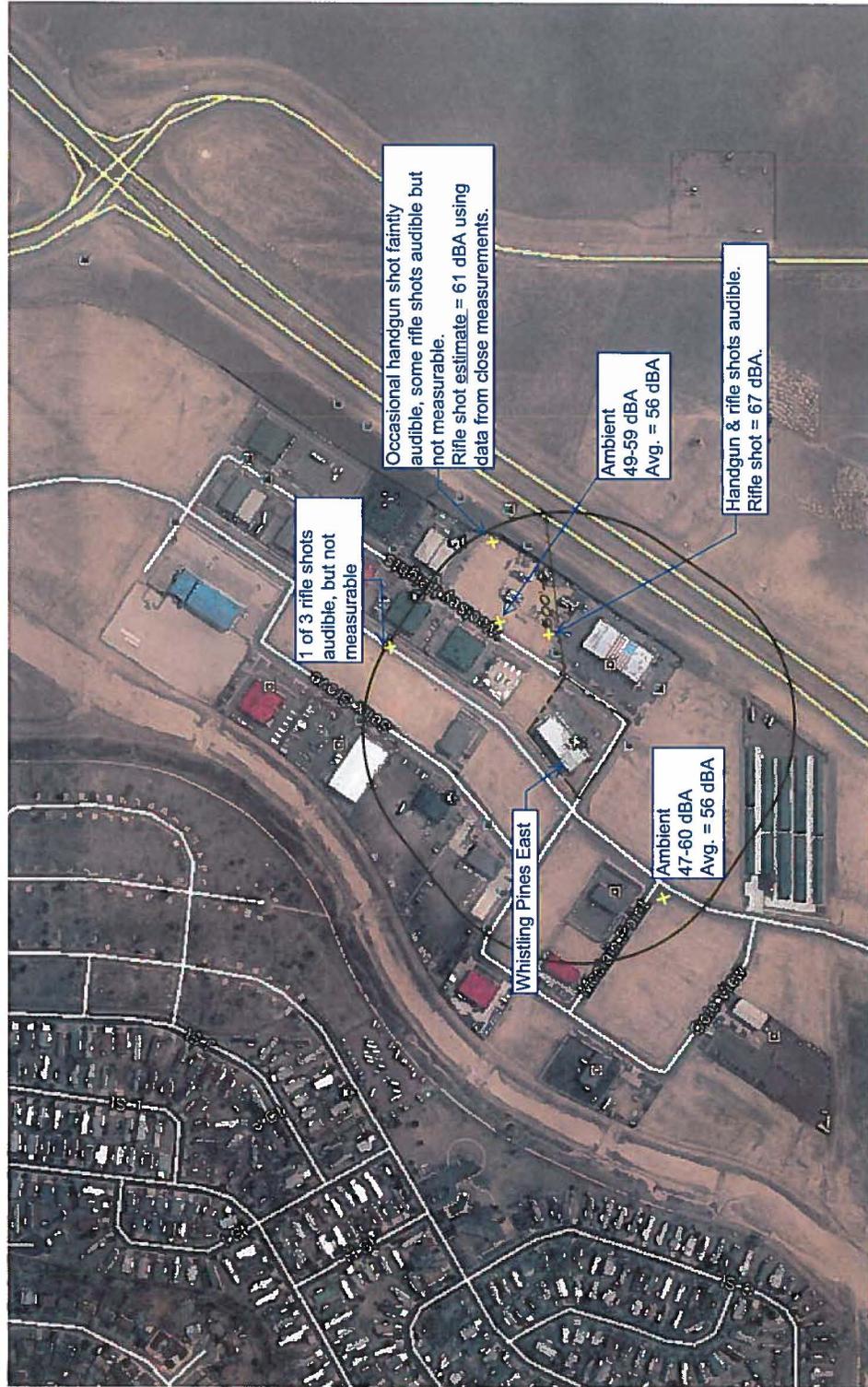


FIGURE 8

8 Design Project#887 - Whistling Pines 201304 SubmittalNoiseWP2 -enbaiba.dwg, Existing property, 12/11/2013 11:24:47 AM, USA, USA

McCauley, Erin

From: Peterson, Carl [USA] <peterson_carl@bah.com>
Sent: Tuesday, December 31, 2013 12:26 PM
To: McCauley, Erin
Cc: Jeremy Hammers (jjhammers@hammersconstruction.com)
Subject: RE: [External] FW: Whistling Pines Gun Club Noise Study Questions

Erin,

Terrific, thank you. Please include my comments in the Planning Commission package. I'm looking forward to seeing the second noise study. We just need to make sure that the gun/cartridge combinations that will be used on the rifle and pistol ranges were used in the studies and that the gun club will meet the noise standards. I didn't see the 50 BMG or the 460 Weatherby used in the first study, nor were some large caliber handgun cartridges used. Only smaller cartridges were used. I appreciate everyone's cooperation and help on this.

Sincerely,

Carl

Carl Peterson

From: McCauley, Erin [mailto:EMcCauley@springsgov.com]
Sent: Tuesday, December 31, 2013 11:19 AM
To: Peterson, Carl [USA]
Cc: Jeremy Hammers (jjhammers@hammersconstruction.com)
Subject: RE: [External] FW: Whistling Pines Gun Club Noise Study Questions

Hi Carl,

Thanks for the comments. I've read through them and I've forwarded them onto Jeremy Hammers at Hammers Construction.

Bottom line, though, is that based on the study (and another study, which I'll forward to you and other neighbors), Hammers and the owner of Whistling Pines are confident that the noise attenuation features will get them their 45 db(A) measurement they've committed to. I've made that measurement a condition of approval and a condition of issuing the Certificate of Occupancy, which means that if they can't demonstrate the noise doesn't exceed the 45db(A) limit, they can't open.

Does that satisfy your lingering concerns about the noise?

Also, would you like me to include your comments in the Planning Commission package or does the condition above satisfy them?

Thanks!!

Erin McCauley AICP LEED AP BD+C

Planner II
Land Use Review Division
Planning & Development Team
30 S. Nevada Avenue, Suite 105
Colorado Springs, CO 80903
(719) 385-5369 - phone

(719) 385-5167 - fax
emccauley@springsgov.com



 Please consider the environment before printing this email.

From: Peterson, Carl [USA] [mailto:peterson_carl@bah.com]
Sent: Monday, December 30, 2013 2:25 PM
To: McCauley, Erin
Subject: RE: [External] FW: Whistling Pines Gun Club Noise Study Questions

Erin,

Thank you. The e-mail trail below answers my questions. The noise study is invalid, as follows:

1. Per Jeff Kwolkoski's remarks below, the noise study did not model some bigger calibers that can be used on the rifle range, such as the 300 Win Mag, 375 H&H, 416 Rigby, 460 Weatherby, and 50 BMG. The biggest cartridge that Jeff mentioned below is the 308/7.62. Those two cartridges are virtually identical (the 308 caliber is the civilian version of the military 7.62 mm). A typical 308/7.62 will have 45 to 50 grains of powder it. Whereas a 300 Win Mag can have 70 grains of powder, a 375 H&H can come close to 80 grains, the 416 Rigby in the 90 to 100 grain range, and as I mentioned previously, the 460 Weatherby can have 124 grains and the 50 BMG can have up to 238 grains. More powder, more noise.
2. Jeff Kwolkoski also wrote below: "We use a database of sound data for over 100 combinations of weapons and ammunition. However, there are many weapons and cartridges for which good sound data is not available. It is true that the sound level of each weapon and cartridge will vary somewhat. We cannot model every weapon and cartridge that will be used in the ranges, but we believe that the sound levels of these weapons are representative of the vast majority of weapons that will be fired on the ranges." In other words, there are plenty of bigger cartridges that can be allowed on the both the rifle and the pistol range that are not modelled.
3. The 44 Magnum was not used in modelling on the pistol range. A typical full power 44 Magnum load can have 22 or 23 grains of powder in it. The 9mm rounds modelled won't have more than 8 or 9 grains, and I don't think a 357 Magnum (which Jeff says was modelled) will have more than 15 grains of powder. There are Smith & Wesson revolvers available in the 45 and 50 caliber range that can hold over 30 grains of powder. More powder, more noise.
4. Down below in the e-mail, Jeremy Hammers writes the following: "If your going to eliminate the 50 cal. That would help our case so let me know." That comment tells me that the WPGC folks have some concerns themselves about the adequacy of the noise insulation.
5. I'm not sure what Jeff means by stating that "Muzzle breaks were not specifically studied. Muzzle breaks redirect a portion of the sound to the side. They can significantly increase the sound level at the shooter's ear but they do not significantly increase the overall sound energy produced by the gun." We need to know what a not significant increase in overall sound energy is. Is that one dB, five or ten, or more?

I am not against this gun club. I am concerned about having adequate noise insulation. Perhaps a better study needs to be performed that will accurately capture the noise generated by the firearms and cartridges to be permitted so that the range can be adequately insulated against noise. Having a gun club so quiet that no one knows it is there is the best advertisement WPGC could have. Again, I'm sure that the gun club wants to be a good neighbor.

Going down the e-mail trail it looks like Jeremy Hammers had his 300 Win Mag out with the muzzle brake on it doing some sound testing. Maybe the WPGC folks could get the boys with the 460 Weatherbys, the 50 BMGs, the 460 and 500 S&W revolvers and get some good data on those particular firearms and model the actual guns that will be used on both

the rifle and the pistol range. We might have some more accurate data that way. Just a thought. I don't know if that is viable or not. I'm not sure what the solutions are, nor do I know what data or information the Planning Commission would find acceptable.

One last question. What were the results of the testing with Jeremy's 300 Win Mag with the muzzle brake? Did that meet the Planning Commissions standards?

Sincerely,

Carl

Carl Peterson

From: McCauley, Erin [<mailto:EMcCauley@springsgov.com>]
Sent: Monday, December 30, 2013 12:30 PM
To: Peterson, Carl [USA]
Subject: [External] FW: Whistling Pines Gun Club Noise Study Questions

Hi Carl,

I just got the following response from Jeremy Hammers and his sound Engineer. Let me know if this answers your questions.

Thanks,

Erin McCauley AICP LEED AP BD+C

Planner II
Land Use Review Division
Planning & Development Team
30 S. Nevada Avenue, Suite 105
Colorado Springs, CO 80903
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emccauley@springsgov.com



Please consider the environment before printing this email.

From: Jeremy Hammers [<mailto:jjhammers@hammersconstruction.com>]
Sent: Monday, December 30, 2013 12:28 PM
To: McCauley, Erin
Subject: FW: Whistling Pines Gun Club Noise Study Questions

See below...

Jeremy Hammers
Senior Project Manager
Hammers Construction, Inc.
1411 Woolsey Heights
Colorado Springs, Co. 80915
direct: 719-955-4614
office: 719-570-1599

cell: 719-499-4133
fax: 719-570-7008
North Dakota 701-842-6999
jjhammers@hammersconstruction.com
www.hammersconstruction.com

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From: Jeff Kwoikoski [<mailto:jkwoikoski@waveengineering.co>]
Sent: Friday, December 27, 2013 9:20 AM
To: Jeremy Hammers
Subject: Re: Whistling Pines Gun Club Noise Study Questions

Jeremy,

I have attempted to address the issues raised by Mr. Petersen. Let me know if you have any comments.

What were the calibers and cartridges modeled in the study?

We use a database of sound data for over 100 combinations of weapons and ammunition. However, there are many weapons and cartridges for which good sound data is not available. It is true that the sound level of each weapon and cartridge will vary somewhat. We cannot model every weapon and cartridge that will be used in the ranges, but we believe that the sound levels of these weapons are representative of the vast majority of weapons that will be fired on the ranges.

The representative weapons are:

Rifle M/87 308 cal (.308 Winchester Match 12.3gr)
Rifle M/75 G3 (7.62mm x 51mm Sharp APE)
Beretta 9mm M92F Compact (Norma 9mm Luger safety)
Smith & Wesson .357 magnum (cal.357 Magnum 10.2 gr soft point flat nose)
SigSauer 228 Police 9mm (Action 3, 9mm x 19 Sintox)
Glock 17/9mm (9mm sharp M/41)

Please note that most of these weapon and ammunition designations are European and "gr" means grams, not grains.

As I mentioned before, we do not have sound data for a .50 caliber rifle and Mr. Holmes indicated that he is willing to have the higher caliber weapons measured if necessary.

Were the effects of muzzle brakes also included in the study?

Muzzle breaks were not specifically studied. Muzzle breaks redirect a portion of the sound to the side. They can significantly increase the sound level at the shooter's ear but they do not significantly increase the overall sound energy produced by the gun. As I discussed in the public meeting, the direction of the sound inside the range is not an issue since sound will reflect and reverberate inside the range before it gets to the roof, which is our main concern. In other words, the sound transmitting through the roof will be the same no matter which way the gun is pointed inside the range, and whether or not a muzzle brake is used.

I hope this addresses Mr. Peterson's concerns. Please let me know if you need anything else.

Regards,

Jeff Kwolkoski, P.E., INCE Bd. Cert.
President



WaveEngineering

P.O. Box 1153, Littleton, CO 80160
720-446-WAVE (9283)
www.WaveEngineering.co

On Mon, Dec 23, 2013 at 12:31 PM, Jeremy Hammers <jjhammers@hammersconstruction.com> wrote:

See below. Some thinking for over the Holiday. Our sound tests sound sufficiently help this out.

I have a muzzle break on my 300 Win Mag that I was shooting during our latest sound testing.

If your going to eliminate the 50 cal. That would help our case so let me know.

By the way is everything ok in the 25 yard range?

Sent from my iPhone

Begin forwarded message:

From: "McCauley, Erin" <EMcCauley@springsgov.com>
Date: December 23, 2013 at 11:52:29 AM MST
To: "Jeremy Hammers (jjhammers@hammersconstruction.com)" <jjhammers@hammersconstruction.com>, "Steve Hammers (SHammers@hammersconstruction.com)" <SHammers@hammersconstruction.com>
Subject: FW: Whistling Pines Gun Club Noise Study Questions

Hi Jeremy & Steve,

I was printing out all of the comments and came across this one that I should have forwarded earlier – do you have answers to these questions or could you get them? I remember your noise consultant mentioning the calibers, but I didn't write them down...

Erin McCauley AICP LEED AP BD+C

Planner II

Land Use Review Division

Planning & Development Team

30 S. Nevada Avenue, Suite 105

Colorado Springs, CO 80903

(719) 385-5369 - phone

(719) 385-5167 - fax

emccauley@springsgov.com

Please consider the environment before printing this email.

From: Peterson, Carl [USA] [mailto:peterson_carl@bah.com]
Sent: Thursday, December 12, 2013 7:24 PM
To: McCauley, Erin
Subject: Whistling Pines Gun Club Noise Study Questions

Erin,

I have some concerns about the validity of the noise study that was accomplished to support the building of the Whistling Pines Gun Club. We need to know the following in order to determine if the study is accurate:

1. What were the calibers and cartridges modelled in the study?
2. Were the effects of muzzle brakes also included in the study?

Gunpowder burned relates to noise produced. More gunpowder burned, more noise. Regarding rifle rounds, a typical .30-06 will have a little under 60 grains of gunpowder in it, whereas a .460 Weatherby Magnum can have up to 124 grains of powder in it. A 50 caliber Browning machine gun (BMG) round can have up to 238 grains.

Finally, big guns generate a lot of energy at both ends. In order to ameliorate the effects of recoil, many big guns will have a muzzle brake at the muzzle that deflects gas from the gunpowder to the side, with the result that felt recoil is reduced. Another effect of a muzzle brake is increased muzzle blast, hence noise. Does the noise study include the effects of muzzle brakes in the calculations? We need to know what kind of cartridges were used in the noise

study calculations and whether or not muzzle brakes were employed. See the attachment for a picture of a .50 caliber muzzle brake.

The best advertisement for the Whispering Pines Gun Club would be that no one knows that it is there because it is so quiet. I'm sure that the gun club wants to be a good neighbor. We want them to be a good neighbor as well. But we need accurate data to answer these questions.

Sincerely,

Carl

Carl H. Peterson

DESIGN CRITERIA

- FIXED POSITION FRINGING RANGE:
 TRAJECTORY'S START AT 1' ABOVE FINISHED FLOOR, AT FRINGING LINE
 BARFLY LAYOUT PROVIDES STEEL COVERAGE OF TRAJECTORY - 2' ON BARFLY/TRAP
 COVERAGE EXTENDS 36" BEHIND FRINGING LINE, PROVIDING A 80" CONTAINMENT AREA AT FRINGING LINE.
 BARFLY ANGLE DESIGNED TO NOT EXCEED 30°.
 TRAJECTORY HEIGHT DESIGNED TO PLACE THE TOP OF HEAD AT 5'-10" AFF.

GENERAL ELECTRICAL NEEDS:

- GENERAL ELECTRICAL REQUIREMENTS FOR RANGES AND MAJOR EQUIPMENT:
 THE FOLLOWING CONDITIONS ARE PRESENT IN ATTACHED RANGE DESIGN.
 IF:
 - TARGETRY CONTROL EQUIPMENT IS PRESENT.
 - TARGETRY CONTROL EQUIPMENT IS PRESENT.
 - COMMUNICATION SYSTEMS ARE PRESENT.
 - AN AIR COMPRESSOR IS PRESENT.
 2. RANGE WILL HAVE MAX. TR. E.3 PHASE 208/240/480 VAC DISCONNECTS PROVIDED BY OTHERS IF ANY
 OF THE FOLLOWING CONDITIONS ARE PRESENT IN ATTACHED RANGE DESIGN.
 IF:
 - A SCREW CONVEYOR SYSTEM IS PRESENT. (TYPICALLY UTILIZES 2 OR MORE 3HP 3 PHASE MOTORS)
 - A DUST COLLECTION UNIT IS PRESENT.

DISCLAIMERS

- ELECTRICAL:
 WHERE ELECTRICAL CONTRACTOR IS REQUIRED, ALL ACTION TARGET INC. ELECTRICAL DRAWINGS
 WILL BE USED ONLY AS REFERENCE MATERIAL FOR THE ELECTRICAL CONTRACTOR TO UTILIZE IN
 THEIR DESIGN OF THE COMPLETE BUILDING / RANGE SYSTEM (UNLESS NOTED OTHERWISE). FINAL
 LOCATION OF ELECTRICAL EQUIPMENT CONTAINED IN THE ACTION TARGET INC. ELECTRICAL LAYOUTS
 TO BE VERIFIED WITH ACTION TARGET INC., ELECTRICAL CONTRACTOR, AND CUSTOMER BEFORE
 INSTALLATION.
- ARCHITECTURAL:
 ALL DIMENSIONAL SUBREQUIREMENTS ARE TO BE CONSIDERED ACTION TARGET INC. SUGGESTIONS, UNLESS
 PROPER DIMENSIONAL PLANS / INFORMATION HAS BEEN PROVIDED. ACTION TARGET INC. IS NOT
 LIABLE FOR ANY CONFLICTS BETWEEN ITS EQUIPMENT AND ANY VARIATIONS FROM THE BUILDING
 DESIGN (AS PORTRAYED FROM CUSTOMER TO ACTION TARGET INC. EITHER BY PROVIDED PLANS OR
 OTHER FORM OF COMMUNICATION) AND THE COMPLETED BUILDING. THE USE OF THESE PLANS OR
 INFORMATION FOR ANY OTHER PURPOSES WITHOUT PERMISSION MAY BE REQUIRED IF THE STRUCTURE VARIES FROM
 INDICATED SIZE AND LAYOUT.
- STRUCTURAL:
 WHERE ENGINEER IS REQUIRED ALL ITEMS PERTAINING TO ACTION TARGET INC. MATERIALS AND
 EQUIPMENT, AND ITS CONNECTION TO / SUPPORT FROM THE STRUCTURE IS TO BE VERIFY AND
 APPROVED BY THE ENGINEER OF RECORD. ALL ACTION TARGET INC. PLANS INDICATING ANCHOR
 SIZES AND CONNECTION METHOD, CONCRETE DEPTH, REBAR, AND OTHER STRUCTURAL REQUIREMENTS
 SHALL BE PROVIDED TO THE ENGINEER OF RECORD BY ACTION TARGET INC. EQUIPMENT TO BE UTILIZED
 BY ENGINEER AS ACTION TARGET INC.'S PREFERRED METHOD.
- USE AND REPRODUCTION:
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 (801) 377-0033

PRELIMINARY DRAWING

| DATE | REVISION | BY | NO |
|--------|----------|-------------|----|
| 9/9/13 | | KEVIN HILL | 1 |
| | | CEB | 2 |
| | | JAMES SOMME | 3 |
| | | LANE ASHBY | 4 |

NOTES / KEY:

GENERAL NOTES

2002

SYMBOLS & CALLOUTS

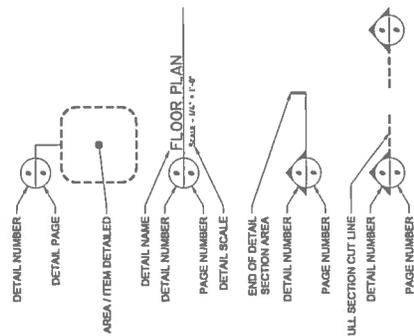


FIGURE 10

DIMENSION CLARIFICATION

ALL DIMENSION LINES SHOW DEFAULT OF U.S. STANDARD UNITS, WITH METRIC UNITS AS SECONDARY INDICATED BY THERE LOCATION BETWEEN THE FOLLOWING SYMBOLS {}
 SEE EXAMPLE BELOW FOR CLARIFICATION:



ABBREVIATIONS

- UN-ABBREVIATED
- ABBREVIATED
- AFB ABOVE FINISHED FLOOR
- APRX APPROXIMATE / APPROXIMATELY
- ATX APPROXIMATE / APPROXIMATELY
- ATI ACTION TARGET INC.
- AWG AMERICAN WIRE GAUGE
- BOT BOTTOM
- BOB BOTTOM OF BOX
- CFM CUBIC FEET PER MINUTE
- DCU DUST COLLECTION UNIT
- EAT ELECTRICAL METALLIC TUBING
- EQ EQUAL / EQUIVALENT
- HP HORSEPOWER
- HVAC HEATING, VENTILATION, AND AIR CONDITIONING
- POUNDS
- MDU MOTOR DRIVE UNIT
- MTS METRIC TONS
- INCH
- RBT RUBBER BERM TRAP
- SCS SCREW CONVEYOR SYSTEM
- SPRR SPIRER
- TCT TOTAL CONTAINMENT TRAP
- TCT 1 TOTAL CONTAINMENT TRAP VERSION 1
- TCT 2 TOTAL CONTAINMENT TRAP VERSION 2
- TCT 3 TOTAL CONTAINMENT TRAP VERSION 3
- TCT 4 TOTAL CONTAINMENT TRAP VERSION 4
- TYP TYPICAL
- UN UNLESS OTHERWISE NOTED

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| 2 | REVISION | | |
| 3 | DATE | | |
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WHISTLING PINES NORTH

DATE: _____
 REVISION: _____
 BY: _____
 NO: _____

DRAWING TITLE:
**BAFFLE
 DETAILS**

SCALE PER SECTION, UNLESS NOTED OTHERWISE

DRAWING NUMBER:
Z511.1

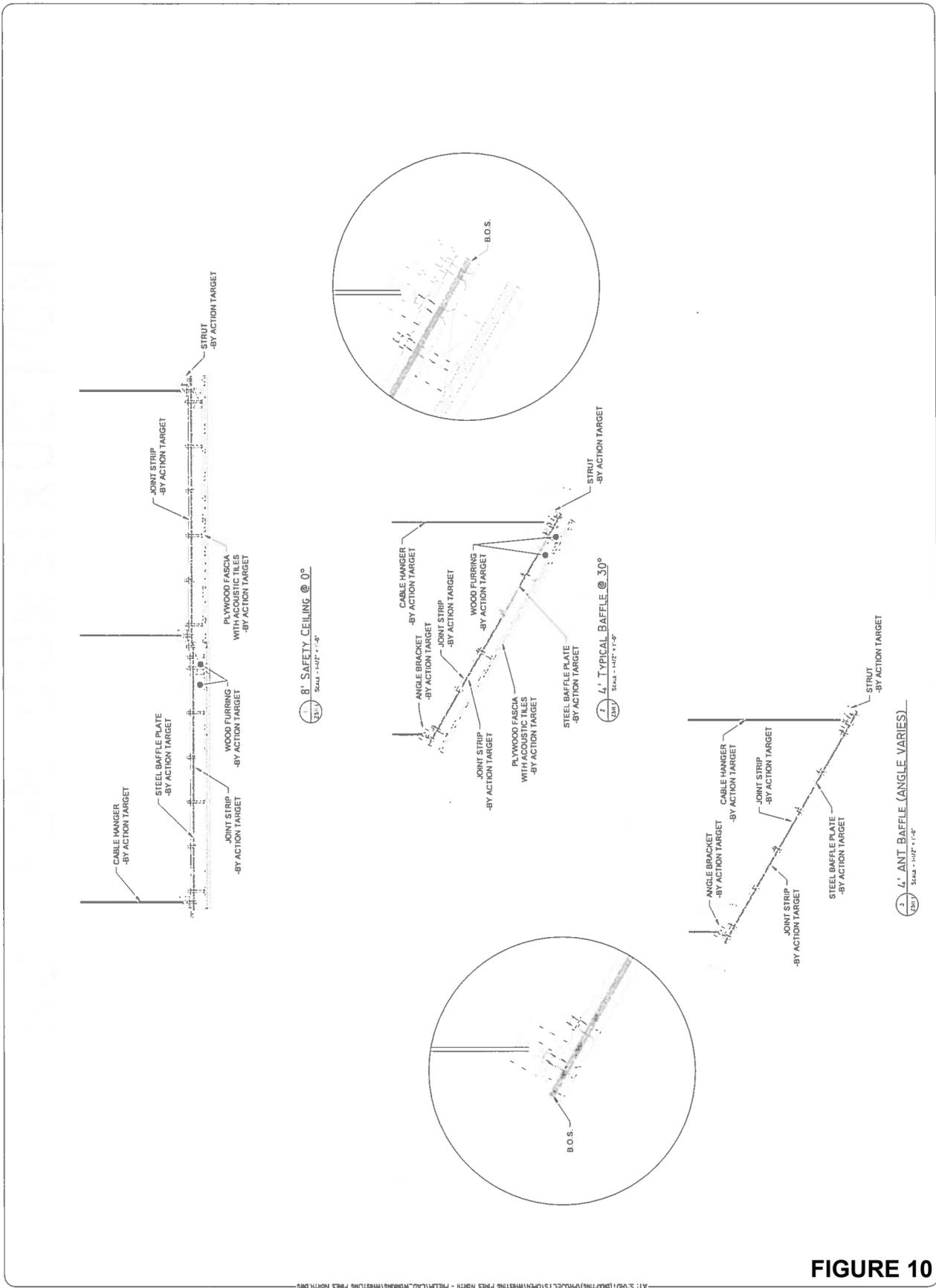


FIGURE 10

APPENDIX

Development Application Review Criteria

7.5.502 (E): DEVELOPMENT PLAN REVIEW CRITERIA:

- E. Development Plan Review Criteria: A development plan shall be reviewed using the criteria listed below. No development plan shall be approved unless the plan complies with all the requirements of the zone district in which it is located, is consistent with the intent and purpose of this Zoning Code and is compatible with the land uses surrounding the site. Alternate and/or additional development plan criteria may be included as a part of an FBZ regulating plan.
1. Will the project design be harmonious with the surrounding land uses and neighborhood?
 2. Will the proposed land uses be compatible with the surrounding neighborhood? Will the proposed development overburden the capacities of existing streets, utilities, parks, schools and other public facilities?
 3. Will the structures be located to minimize the impact of their use and bulk on adjacent properties?
 4. Will landscaping, berms, fences and/or walls be provided to buffer the site from undesirable views, noise, lighting or other off site negative influences and to buffer adjacent properties from negative influences that may be created by the proposed development?
 5. Will vehicular access from the project to streets outside the project be combined, limited, located, designed and controlled to channel traffic to and from such areas conveniently and safely and in such a manner which minimizes traffic friction, noise and pollution and promotes free traffic flow without excessive interruption?
 6. Will all the streets and drives provide logical, safe and convenient vehicular access to the facilities within the project?
 7. Will streets and drives within the project area be connected to streets outside the project area in such a way that discourages their use by through traffic?
 8. Will adequately sized parking areas be located throughout the project to provide safe and convenient access to specific facilities?
 9. Will safe and convenient provision for the access and movement of handicapped persons and parking of vehicles for the handicapped be accommodated in the project design?
 10. Will the design of streets, drives and parking areas within the project result in a minimum of area devoted to asphalt?
 11. Will pedestrian walkways be functionally separated from vehicular traffic and landscaped to accomplish this? Will pedestrian walkways be designed and located in combination with other easements that are not used by motor vehicles?
 12. Does the design encourage the preservation of significant natural features such as healthy vegetation, drainage channels, steep slopes and rock outcroppings? Are these significant natural features incorporated into the project design? (Ord. 94-107; Ord. 95-125; Ord. 01-42; Ord. 02-64; Ord. 03-74; Ord. 03-157; Ord. 09-50; Ord. 09-78)

7.5.603 (B): ESTABLISHMENT OR CHANGE OF ZONE DISTRICT BOUNDARIES:

- B: A proposal for the establishment or change of zone district boundaries may be approved by the City Council only if the following findings are made:
1. The action will not be detrimental to the public interest, health, safety, convenience or general welfare.
 2. The proposal is consistent with the goals and policies of the Comprehensive Plan.
 3. Where a master plan exists, the proposal is consistent with such plan or an approved amendment to such plan. Master plans that have been classified as implemented do not have to be amended in order to be considered consistent with a zone change request.
 4. For MU zone districts the proposal is consistent with any locational criteria for the establishment of the zone district, as stated in article 3, "Land Use Zoning Districts", of this Zoning Code. (Ord. 94-107; Ord. 97-111; Ord. 01-42; Ord. 03-157)

CONDITIONAL USE REVIEW CRITERIA:
7.5.704: AUTHORIZATION AND FINDINGS:

The Planning Commission may approve and/or modify a conditional use application in whole or in part, with or without conditions, only if all three (3) of the following findings are made:

- A. Surrounding Neighborhood: That the value and qualities of the neighborhood surrounding the conditional use are not substantially injured.
- B. Intent Of Zoning Code: That the conditional use is consistent with the intent and purpose of this Zoning Code to promote public health, safety and general welfare.
- C. Comprehensive Plan: That the conditional use is consistent with the Comprehensive Plan of the City.

The approved conditional use and development plan shall be binding on the property until an amendment is approved changing the use of the property. Except as otherwise recommended by the Planning Commission, the development of a conditional use shall conform to the applicable regulations of the district in which it is to be located. (Ord. 80-131; Ord. 82-247; Ord. 91-30; Ord. 94-107; Ord. 01-42)

DEVELOPMENT PLAN IN A HILLSIDE OVERLAY ZONE:
7.3.504 (D) (3): HILLSIDE DEVELOPMENT PLAN REVIEW CRITERIA:

In addition to the development plan review criteria listed in section 7.5.502 of this chapter, criteria for review of a development plan in a designated hillside area shall include the following:

- a. Does the plan meet the spirit and intent of the hillside design manual?
- b. How will the streetscape retain a hillside character after the street is constructed? Is terrain disturbance minimized?

The streetscape should reflect the natural setting of the development. The natural elements such as vegetation and rock features should be a major part of the streetscape. Removal of significant vegetation will be discouraged for construction of the streets, installation of utilities and construction of houses. It is, however, recognized that some amount of vegetation will be removed for development in hillside areas.

- c. Have visual impacts upon off site areas been reduced or reasonably mitigated?

Significant ridgelines and other prominent sites within the City should be given special consideration when a development plan is being prepared. Additional mitigation measures are necessary in these highly visible areas.

Mitigation measures that may be demonstrated on the development plan may include, but are not limited to:

- (1) Alternate siting of structures to include increased setbacks from ridgelines;
 - (2) Use of significant vegetation to soften structural mass when building sites are located in highly visible areas;
 - (3) Designation of special height restrictions;
 - (4) Use of native vegetative cover and retaining walls faced with stone or earth colored materials as stabilization measures for cuts and fills;
and
 - (5) Alternate street placement to reduce visibility of structures.
- d. Have the significant natural features and the significant vegetation been placed in preservation area easements?

Because of the terrain in hillside areas it is recognized that utilities and some drainage improvements may have to be located within an easement. The review will consider the necessity of locating these facilities within the preservation area easement.

- e. Have geologic, soil and other natural hazards been identified and evidence of mitigation techniques been provided?

Various natural hazards are encountered when developing in the hillside terrain. It is important to identify and begin the process of addressing the various mitigation techniques. A geologic hazards study shall be provided as required by article 4, part 5, "Geological Hazard Study And Mitigation," of this chapter.

7.5.906 (A)(4) : CRITERIA FOR REVIEW OF AN APPEAL OF ADMINISTRATIVE DECISION:

4. Criteria For Review Of An Appeal Of An Administrative Decision: In the written notice, the appellant must substantiate the following:
 - a. Identify the explicit ordinance provisions which are in dispute.
 - b. Show that the administrative decision is incorrect because of one or more of the following:
 - (1) It was against the express language of this zoning ordinance, or
 - (2) It was against the express intent of this zoning ordinance, or
 - (3) It is unreasonable, or
 - (4) It is erroneous, or
 - (5) It is clearly contrary to law.
 - c. Identify the benefits and adverse impacts created by the decision, describe the distribution of the benefits and impacts between the community and the appellant, and show that the burdens placed on the appellant outweigh the benefits accrued by the community.