



**Petition Number:** 1306-DP-09 & 1306-SIT-06  
**Subject Site Address:** 17777 Commerce Drive  
**Petitioner:** Tim Tomich by Christian Badger of Badger Engineering, LLC  
**Request:** Petitioner requests Development Plan and Site Plan review for a proposed indoor shooting range.  
**Current Zoning:** EI (Enclosed Industrial) District  
**Current Land Use:** Vacant / Undeveloped  
**Approximate Acreage:** 1.38 acres+/-  
**Exhibits:**  
1. Staff Report  
2. Aerial Location Map  
3. Site Plan and Floor Plan  
4. Elevations  
5. Landscape Plan  
6. Lighting Plan  
7. Use Variance Exhibit  
  
**Zoning History:** 1304-VU-01 Variance of use to allow an indoor shooting range and related retail sales  
  
**Staff Reviewer:** Jesse M. Pohlman, Senior Planner

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### **PROCEDURAL**

Approval of a Primary Plat and Development Plan must be granted if the submitted plans demonstrate compliance with the terms of the underlying zoning district, subdivision control ordinance and/or applicable PUD District Ordinance, any variances associated with the site, and any commitments associated with the site.

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### **PROJECT OVERVIEW**

On April 9, 2013, the Board of Zoning Appeals approved a Variance of Use (Petition No. 1304-VU-01) (the "Use Variance") to allow the indoor shooting range and related retail sales (see [Exhibit 7](#)). As a result, this request is now for the Development and Site Plan approval of the new indoor shooting range facility to be located on 1.38 acres+/- on the east side of Commerce Drive, approximately one thousand (1,000) feet north of State Highway 32, in the Alpha Tau Industrial Park (see [Exhibit 2](#)).



The Property is zoned Enclosed Industrial (“EI”) District and is currently unimproved. The property is located within an existing enclosed industrial park, surrounded by existing structures and businesses to the north, west and south. The property to the east is a large field currently undeveloped, but also currently zoned Enclosed Industrial.

As shown on the Development Plan, the Petitioner is proposing a 7,883 square-foot+/- single story building consisting of approximately 3,100 square feet+/- of administrative (e.g., class room, restrooms, offices) and sales areas (e.g., display, storage). The remaining square footage would include the shooting range consisting of fifteen (15) range lanes (floor plan shows five (5) rifle lanes and ten (10) pistol lanes), range safety officer station and related shooting stalls and bullet traps.

The petition was reviewed by the Technical Advisory Committee at its May 21, 2013, meeting.

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## **DEVELOPMENT PLAN REVIEW COMMENTS**

### **Development Plan Review (WC 16.04.165)**

#### **1) Zoning District Standards: (*Industrial District Standards (WC 16.04.060)*)**

##### **a) Performance Standards: (*WC 16.04.060(A)*):**

**Comment: Below is a summary of the Zoning Ordinance’s Performance Standards for Industrial Districts. In general, these standards apply to the operation of the use and not necessarily the design of the use. As a result, the Development Plan appears to comply with these standards; however, these standards will be applied and enforced, as with all Industrial District uses, in the Department’s review of the building permit and after the building is constructed and the use is operational.**

- i) Smoke: The emission of more than 70 smoke units per hour per stack and emissions in excess of Ringelmann No. 2 are prohibited, except that for one hour during any 24 hour period, this rate may be increased to 80 smoke units per stack up to and including Ringelmann No. 3 for the purging, soot blowing and fire cleaning.
- ii) Particulate Matter: The rate of emission of particulate matter from an individual process within the boundaries of any lot shall not exceed a figure of 0.06 pounds per 1,000 pounds of effluent gas for enclosed industrial use, not 0.2 pounds per 1,000 pounds of effluent gas for open industrial use. Not more than 50 percent by weight particles larger than 44 microns (325) mesh shall be allowed.
- iii) Odor: Any activity or operation which releases odors to the atmosphere shall be so controlled as to insure that it will produce no public nuisance or hazard at or beyond the nearest residential district boundary line.
- iv) Poisonous and Injurious Fumes and Gases: The emission of toxic or injurious fumes and gases shall be controlled so as to comply with the following: The emission from any source



shall not cause at or beyond any lot line, concentrations of toxic and/or injurious fumes and gases in excess of 10 percent for an enclosed industrial use of the threshold limit as set for the fume or gas in question in the "Threshold Limit Values for Toxic Materials in Industry" issued by the Indiana Department of Environmental Management, from the American Conference of Governmental Hygienists, latest issue. The emission of any gas or fumes across lot lines in such concentrations as to be detrimental to or endanger public health, safety, comfort and welfare or shall cause injury or damage to property or business is prohibited.

- v) Glare and Heat: No use, operation, activity or structure shall cause heat or glare in such a manner as to be a public nuisance at or beyond any residential or business district boundary.
- vi) Vibration: Any use creating intense earthshaking vibrations such as are created by a heavy drop forge shall be set back from a residential district boundary at least 250 feet, or at least 150 feet from a business district boundary. Earthshaking vibrations at the industrial property line shall not be in violation of this ordinance as long as the vibration is not perceptible without the aid of instruments.

**Comment: The closest non-industrial district boundary is the AG-SF1 District, located over 430 feet from the boundary of the subject property.**

- vii) Noise: At no point 125 feet from the boundary of an enclosed industrial district, or any district which permits an enclosed industrial use, shall the sound pressure level of any operation or plant (other than background noises produced by sources not under the control of this chapter) exceed the decibel limits in the octave bands designated below [chart set forth in ordinance].

**Comment: The closest non-industrial district boundary is the AG-SF1 District, located over 430 feet from the boundary of the subject property.**

- viii) Fire Hazards: The storage, utilization or manufacture of solid materials, or products ranging from incombustible to moderate burning is permitted. The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted provided the following conditions are met: (1) Said materials shall be stored, utilized or manufactured in such a manner and protected by such means as approved by the Indiana State Fire Marshal; and (2) The storage, utilization or manufacture of flammable liquids or gases which produce flammable or explosive vapors shall be permitted in accordance with the rules and regulations of the Indiana State Fire Marshall regulating the use, handling, storage and sale of flammable liquids - Official Regulation Number 5, effective July 23, 1973.

**Comment: Development Plan complies.**



b) **Other Industrial District Requirements (WC 16.04.060(A)(4)):**

- i) The disposal of wastes discharged into public streams and sewage systems shall meet the requirements of the stream pollution control law of the State of Indiana (IC 13-1-3) as amended.

**Comment: Petitioner is coordinating with Public Works Department (WPWD) and Surveyor's Office.**

- ii) The Plan Commission shall review and approve plans to assure adherence to developmental standards and overall conformity to the master plan and Zoning Ordinance.

c) **El District Specific Standards: (WC 16.04.060(B))**

- i) Minimum Tract Requirement (of industrial park): 3 acres
- ii) Minimum Lot Frontage on Road: 70 feet
- iii) Minimum Setback Lines:
  - (1) Front Yard: 40 feet
  - (2) Side Yard: 20 feet
  - (3) Rear Yard: 20 feet
- iv) Minimum Lot Width at Building Line: None
- v) Maximum Building Height: 60 feet
- vi) Minimum Gross Ground Level Space: None

**Comment: Development Plan complies.**

d) **Off-Street Loading and Parking Standards: (WC 16.04 et seq.)**

**Comment: Development Plan complies. The Zoning Ordinance does not specify a parking ratio standard for a shooting range; however, it provides uses not specified shall provide the number of parking spaces as determined by the Director. In the Department's research and analysis, typical parking ratios for shooting ranges are based on the number of shooting lanes, and generally range between 1.0 to 2.0 spaces per lane. The development plan provides for fifteen (15) lanes, which would result in 15 to 30 required parking spaces. In granting its approval of the Use Variance, the Board imposed a condition that the development substantially comply with the preliminary plans presented by the petitioner to the Board. One of those details included a proposed parking ratio of 1 space per shooting lane plus an additional 20% of required spaces. Based on the proposed 15 lanes, 18 parking spaces would be required, and 28 parking spaces are proposed. This ratio is consistent with the Board's condition and the Department's research and analysis.**

2) **Overlay District Standards:** Not applicable; subject property is not located within an overlay district.

3) **Subdivision Control Ordinance:** Not applicable. No subdivision is being proposed.

4) **Development Plan Review Standards:** (WC 16.04.165(D)(4))

a) **Site Access and Site Circulation:**

- i) **Standard:** All proposed site access locations shall comply with the requirements of the Indiana Department of Transportation, Driveway Permit Manual (1996 Version) and any



amendments thereto, which is hereby incorporated into and made a part of this Ordinance by this reference.

**Comment: Petitioner is coordinating with WPWD.**

- ii) Standard: All proposed site access locations shall provide for the safe and efficient movement of vehicular and pedestrian movement to and from the proposed development.

**Comment: Petitioner is coordinating with WPWD.**

- iii) Standard: Site circulation patterns shall be designed to minimize conflicts between vehicular and pedestrian traffic, and create a safe and efficient movement of both vehicular and pedestrian traffic in and around the site.

**Comment: Petitioner is coordinating with WPWD.**

- b) **Landscaping:** (*WC 16.06 et seq.*)

- i) General Landscape Design Standards: (*WC 16.06.040*):

- (1) Standard: Trash dumpsters, trash pads and loading areas consisting of two or more loading spaces, loading docks, service areas, and maintenance areas shall be screened from public roads.

**Comment: No outside trash areas are proposed. The south elevation consists of one loading door at the east end of the elevation; however, this loading door will not likely be visible from Commerce Drive.**

- (2) Standard: Ground mounted heating and cooling units for nonresidential structures shall be completely screened.

**Comment: Development Plan complies.**

- (3) Standard: Plant materials shall be placed intermittently (approximately every 40 feet) against long expanses (over 80 feet) of building walls to create a softening effect.

**Comment: Development Plan complies. The building's north and south elevations are approximately 135'+/- and the west and east elevations are 60'+/-. As such, the north and south elevations would require a minimum number of four (4) plantings along each elevation.**

- (4) Standard: Detention/retention basins and ponds shall be landscaped in a manner that replicates the natural form of ponds and shall include shade trees, ornamental trees, evergreens, shrubbery, hedges and/or other plant materials.

**Comment: Development Plan complies. The eastern edge of the proposed retention basin is a legal drain, which would not permit landscaping. The northern edge of the retention basin includes three evergreen trees and the western edge includes perimeter parking lot landscaping.**

- ii) On-Site and Road Frontage Requirements: (*WC 16.06.050*):

- (1) On-Site Standard: Industrial uses require 5 shade trees, 5 ornamental or evergreen trees, and 25 shrubs per acre.

**Comment: Development Plan complies. This site at 1.38 acres and would require: 7 shade trees, 7 ornamental or evergreen trees and 35 shrubs.**

- (2) Road Frontage Standard: A minimum of 1 shade tree required along Commerce Drive per 40' of road frontage and may be credited toward the on-site requirements.

**Comment: Development Plan complies. The road frontage is 139'+/-, which would require 4 trees and 4 trees are provided.**

- iii) Buffer Yard Requirements: (WC 16.06.060):  
**Comment: Development Plan complies. No buffer yard is required as the property is surrounded on all four sides by the Enclosed Industrial (EI) District.**
- iv) Parking Area Landscaping: (WC 16.06.070):
- (1) Interior Parking Standard: 7.5% of the vehicular use area (based on 32 parking spaces being provided) is required to be landscaped.  
**Comment: Development Plan complies. 480 square feet of interior parking landscaped area is required, which is provided by 5 parking lot islands totaling 650 square feet.**
- (2) Parking Lot Island Standard: Parking lot islands shall be a minimum of 120 square feet in area and a minimum 7 feet in width, and constructed 6 inches above the parking surface. Parking lot islands shall include at least 1 tree and 4 shrubs per island.  
**Comment: Development Plan complies.**
- (3) Perimeter Parking Standard: Area at least 5 feet wide shall extend along perimeter of parking lots and shall include 1 tree per 30 feet and 1 shrub per 3 feet. Plantings may be credited toward on-site requirements.  
**Comment: Development Plan complies.**
- c) **Lighting:** (WC 16.07 *et seq.*)
- (1) General Standards: (a) All light fixtures, with the exception of internally-illuminated signage or Electronic Signage, shall be fully shielded and direct light downward toward the earth's surface; (b) All lighting sources shall be directed away from reflective surfaces to minimize glare upon adjacent property and public rights-of-way; (c) All lighting sources, with the exception of internally-illuminated signage or Electronic Signage, shall be positioned in such a manner as to direct light away from adjacent property and public rights-of-way; (d) Light pole height shall not exceed twenty-five feet (25'). All parking area light fixtures shall be designed and located to confine emitted light to the parking area.  
**Comment: Development Plan complies.**
- (2) Applicable Industrial District Standards: (a) All light fixtures, with the exception of internally-illuminated signage or Electronic Signage, shall be positioned in such a manner so that no light-emitting surface is visible from a residential area or public right-of-way when viewed at ground level; (b) Light meter readings shall not exceed: one-half (0.5) foot-candles at a single-family residential property line, or one-half a (0.5) foot-candle at a multi-family residential property line or one (1.0) foot-candle at all other non-residential property lines; (c) All lights on poles, stands, or mounted on a building shall have a shield, adjustable reflector, and non-protruding diffuser.  
**Comment: Development Plan complies.**
- d) **Signs:** (WC 16.08 *et seq.*)  
**Comment: Signs will require a sign permit and will be reviewed by the Department for compliance at that time.**
- e) **Building Orientation:**
- i) Standard: Each building façade visible from a public street or oriented to an adjoining Residential District shall be a finished façade.



**Comment: Development Plan complies. No adjoining residential district and three facades (north, west and south) are visible from a public street (Commerce Drive) and those facades comply.**

- ii) **Standard:** No loading spaces or loading docks shall be permitted to face a public street or an adjoining Residential District.

**Comment: Development Plan complies. The south elevation consists of one loading door at the east end of the elevation; however, this loading door will not likely be visible from Commerce Drive.**

- iii) **Standard:** No outside storage shall be permitted between an established building line and the right-of-way of a public street or an adjoining Residential District.

**Comment: Development Plan complies. No outside storage is proposed.**

- iv) **Standard:** All roof or ground mounted mechanical equipment shall be completely enclosed. Ground-mounted enclosures for mechanical equipment shall be landscaped on all sides not facing the building served.

**Comment: Development Plan complies.**

f) **Building Materials:**

- i) **Standard:** In order to create variation and interest in the built environment, all new buildings or building additions located within any Industrial District shall use the exterior building materials specified below on each facade visible from a public street or an adjoining Residential District:

- (1) Brick or other masonry material. Other masonry materials shall include: (a) Architectural concrete, if the surface of the architectural concrete simulates brick or stone (e.g., limestone, marble, or, granite); (b) Pre-cast concrete, if the surface of the pre-cast concrete is painted, textured (e.g. rough, striated, imprinted with a pattern or form), or designed to simulate brick or stone (e.g., limestone, marble, or, granite); (c) External Insulation and Finish System (E.I.F.S.); or, (d) Stone.
- (2) If a masonry material other than brick is utilized, it shall be supplemented with the use of multiple colors, multiple textures (e.g., rough, smooth, striated, etc.) or the addition of architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.) on each facade visible from a public street or an adjoining Residential District.
- (3) The primary exterior building material shall constitute a minimum of sixty (60) percent of the available wall area (exclusive of window and doors) of each facade visible from a public street or an adjoining Residential District.

**Comment: The west façade includes full brick on the first floor and EIFS in the gable area above the first floor. The north and south elevations includes brick wrapped around the corner from the front elevation to a length of about 33'+/- from the front corner. The remaining elevation is poured concrete, but textured and painted with two earth-toned colors, divided by painted line. In granting its approval of the Use Variance, the Board imposed a condition that the building substantially comply with the preliminary plans presented by the petitioner to the Board. One of those details, due to the nature of the use, included that the building design would include 10" thick poured concrete walls,**



which the Petitioner is proposing to enhance by texturing. As a result, the elevations comply with this condition and applicable Development Plan review standards above.

- 5) **Comprehensive Plan Compliance:** The proposed development shall be appropriate to the site and its surroundings based upon the recommendations contained in the Westfield-Washington Township Comprehensive Plan (the "Comprehensive Plan").

**Comment:** The Westfield-Washington Township Comprehensive Plan identifies this industrial park within the "Employment Corridor" and "Business Park" land use classifications. Among other uses, these classifications encourage office and service uses, research and development, warehousing, manufacturing, and subordinate office, retail and services. The development policies of the Comprehensive Plan for these areas include among other policies: (1) Locate industrial uses in areas that are removed from residential neighborhoods and other uses that would be detrimentally affected; (2) Encourage building design, height, scale, and mass that is appropriate to the surrounding area; (3) Require sufficient off-street parking; (4) Encourage building materials and colors that are appropriate to the setting. Metal buildings should be enhanced with other building materials, such as stone or brick, to improve their appearance; and (5) Promote smaller scale local office and service uses along SR32. Such uses should generally take place along the north side of SR32. The proposed use would be conducted entirely within the building and, as proposed, should be consistent with the character of the existing industrial park and uses that would otherwise be permitted on the property. As such, the proposed Shooting Academy should also be consistent with the policies of the Comprehensive Plan.

- 6) **Street and Highway Access:** The design and location of proposed street and highway access points shall minimize safety and hazards and congestion.

**Comment:** Petitioner is coordinating with WPWD.

- 7) **Street and Highway Capacity:** The capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated by the new development

**Comment:** Petitioner is coordinating with WPWD.

- 8) **Utility Capacity:** The applicable utilities have sufficient capacity to provide potable water, sanitary sewer facilities, electricity, telephone, natural gas, and cable service at a satisfactory level of service to meet the needs of the proposed development

**Comment:** Petitioner is coordinating with WPWD and other service providers.

- 9) **Traffic Circulation Compatibility:** The entrances, streets and internal traffic circulation facilities in the proposed development are compatible with existing and planned streets and adjacent development.

**Comment:** Petitioner is coordinating with WPWD.



### **COMPLIANCE WITH VARIANCE OF USE CONDITIONS**

On April 9, 2013, The Board of Zoning Appeals approved a Variance of Use (Petition No. 1304-VU-01)(the "Use Variance") to allow an indoor shooting range and related retail sales in the Enclosed Industrial (EI) District with the following five (5) conditions (see Exhibit 7):

- 10) The Petitioner shall record an Acknowledgement of Variance (see Exhibit 7) with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Economic and Community Development Department prior to the issuance of a building permit for the Property.

**Comment: The Petitioner has indicated this document has been recorded; however, the Department does not have a copy of the recorded instrument as of the date of this report. A copy will be required prior to the issuance of a building permit.**

- 11) The "Indoor Shooting Range and related Retail Sales" use (collectively, the "Shooting Academy") shall be limited in scope and operation to the Petitioner's Narrative and Preliminary Plans. Any expansion or substantial alteration to the scope and operation of the Shooting Academy, as determined by the Director, shall require approval by the Board.

**Comment: The referenced Petitioner's Narrative and Preliminary Plans outline a 6,996 square foot+/- building with 12 range lanes (6 rifle and 6 pistol). The proposed Development Plan depicts a 7,883 square foot+/- building with 15 range lanes (5 rifle and 10 pistol). The Department believes the proposed Development Plan and use is consistent with the scope of the approved Use Variance.**

- 12) The Shooting Academy shall be developed and operated in substantial compliance to the Petitioner's Narrative and Preliminary Plans, subject to review and approval for compliance with applicable ordinances and laws of the development plans and appropriate permits.

**Comment: Development Plan complies, as noted above.**

- 13) The Shooting Academy shall comply with the Westfield-Washington Township Zoning Ordinance's Performance Standards for Industrial Districts (WC 16.04.060), as amended.

**Comment: Please see review comment #1(a) above.**

- 14) The Shooting Academy shall comply with Indiana Fire and Building Codes, as amended.

**Comment: Petitioner is coordinating with the Fire Department. Building Code compliance will be reviewed and confirmed by the Department when the building permit/improvement location permit is filed following development plan review and approval.**

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### **STAFF COMMENTS**

1. No action is required at this time.
2. Prior to the final deposition, the petitioner will make any necessary revisions to the plans, as addressed in this staff report. The Economic and Community Development Department staff will confirm compliance prior to this item being placed on the next APC agenda.
3. If any APC member has questions prior to the public hearing, then please contact Jesse Pohlman at 317.402.4380 or [jpohlman@westfield.in.gov](mailto:jpohlman@westfield.in.gov).