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## Staff Analysis and Recommendation

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**To:** Honorable Mayor and Members of the Town Council

**From:** Edward Pidermann, Town Manager

**Subject:**

<b>HEARING NUMBER:</b>	<b>COND2019-0148</b>
<b>APPLICANT:</b>	<b>Andres Perez, Jr.</b>
<b>FOLIO:</b>	<b>32-2022-052-0240</b>
<b>LOCATION:</b>	<b>14000 NW 82<sup>nd</sup> Avenue</b>
	<b>Miami Lakes, Florida 33016</b>
<b>ZONING DISTRICT:</b>	<b>IU-C, Industrial Use-Conditional</b>
<b>FUTURE LAND USE:</b>	<b>Industrial and Office</b>

**Date:** June 4, 2019

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### A. REQUEST(S)

In accordance with the Town of Miami Lakes Land Development Code (the “Code”), Andres Perez, Jr. (the “Applicant”) is requesting amendments to the conditions of an existing Conditional Use as follows:

1. An amendment to condition number one (1) of the Conditional Use approved by Resolution 15-1319 to approve the as-built layout of the project.
2. An amendment to condition number three (3) of the Conditional Use approved by Resolution 15-1319 to modify the maximum noise levels from zero (0) decibels to levels consistent with Occupational Safety and Health Administration (OSHA) for industrial Uses.
3. An amendment to condition number eight (8) of the Conditional Use approved by Resolution 15-1319 to allow the use of the shooting range by the general public.
4. An amendment to condition number nine (9) of the Conditional Use approved by Resolution 15-1319 to modify the hours of operation to Monday through Sunday from 8:00 a.m. to 9:00 p.m.

### B. SUMMARY

On July 21, 2015 the Town Council approved a conditional use to permit an indoor shooting range at bays 23 and 24 of 14000 NW 82nd Ave via Resolution 15-1319, with nine (9) conditions. The shooting range has since been built out and has begun operations. At this time, the Applicant is requesting approval from the Council to amend conditions 1, 3, 8 and 9 of their conditional use as follows:

1. The approvals granted are based on the ~~preliminary~~ plans submitted, specifically sheets A-0, A-1 and A-2 A-3 and A-4, prepared by Diez, Inc., and all dated ~~01-30-15~~ October 2, 2017. Operation of the indoor shooting range shall be in substantial compliance with these plans, except as modifications may be required pursuant to these conditions, or changes required to comply with the Building Code that do not materially impact this approval.

\* \* \*

3. Any and all noise associated with the shooting range shall be ~~contained within the warehouse units subject to this application.~~ within the noise range established by OSHA for industrial uses and districts. No shooting range noise (including firing guns) shall ~~be detectable~~ rise above said limits as measured outside of the warehouse units subject to this application, including areas outside the building and specifically including the adjacent warehouse unit. Where any such noise is found to ~~be detectable above said limits as measured~~ outside the warehouse units subject to this application, all shooting range use of the property shall immediately cease unless and until physical or operational changes are made to bring the operation into compliance with this condition. Repeated violation of this condition shall result in revocation, by the Administrative Official, of this conditional use approval and any certificate of use (CU) that has been issued.

\* \* \*

8. The indoor shooting range shall be ~~used only as a training facility for police academy cadets~~ open to the general public. There will be at least two (2) licensed instructors present at all times ~~while the cadets are~~ during any training.
9. The hours of operation for the indoor shooting range shall be Monday through ~~Friday~~ Sunday from ~~4:00 p.m.~~ 8:00 a.m. to 9:00 p.m.

The applicant has submitted a sound report prepared by Acoustic Sonic, Inc, hereby incorporated as Exhibit B describing and relating the results of sound monitoring performed at the site.

### **C. STAFF RECOMMENDATION**

Based on the information provided above, the Analysis provided below, and other factors contained in this report, Staff recommends approval of the modifications to the conditions of the Conditional Use for the establishment of an indoor shooting range in an industrial district.

### **CONDITIONS**

1. This approval modifies only conditions one (1) regarding the final as-built layout, three (3) regarding the allowable noise levels, eight (8) regarding the use of the range by the public, and nine (9) regarding the hours of operation of Resolution 15-1319.
2. All other conditions enumerated in Resolution 15-1319 remain binding and unchanged.

## D. BACKGROUND

**Zoning District of Property:** IU-C, Industrial Use-Conditional

**Future Land Use Designation:** Industrial and Office

**Subject Property:**

The subject site is a building within the Miami Lakes Business Park Section Two, with an address of 14000 NW 82<sup>nd</sup> Avenue. The building is located on the west side of NW 82<sup>nd</sup> Avenue between Commerce Way and NW 77<sup>th</sup> Court. The indoor shooting range is an addition to Andy's Police Supply and it occupies Units 23 and 24 at the east end of the structure, closest to NW 82<sup>nd</sup> Avenue. This area is characterized by businesses to the north, south and east, and Lake House Apartments to the west.

**Surrounding Property:**

	Land Use Designation	Zoning District
<b>North:</b>	Industrial and Office	IU-C
<b>South:</b>	Industrial and Office	IU-C
<b>East:</b>	Industrial and Office	IU-C
<b>West:</b>	Low-Medium Density Residential	RM-13

**Subject Property Location Map:**



## **E. OPEN BUILDING PERMITS/CODE COMPLIANCE CASES**

There are no open building permits on file.

There are no open code violations.

## **F. ZONING HISTORY**

According to the Property Appraiser's report, the structure was built in 2003 and has a land use of light manufacturing/commercial.

On July 21, 2015 the Town Council approved Resolution 15-1319 issuing a Conditional Use to permit the indoor shooting range.

On November 14, 2018 the Building Department issued a certificate of occupancy and business tax receipt and the business commenced operations.

## **G. ANALYSIS**

### **Conditional Use Criteria**

The following is an analysis of the amendment to the conditional use request based on the criteria pursuant to Section 13-303(b)(3) of the Code. All portions of this report are incorporated into all portions of this analysis.

### **1. Land Use Compatibility.**

The indoor shooting range is located within an existing building on the property in Units 23 and 24. Interior modifications have converted the round floor of these units to a seven-lane shooting range and staging area. Unit 24 is the end unit within the structure, nearest to NW 82<sup>nd</sup> Avenue. This portion of the property is surrounded by other properties with IU-C uses and is farthest away from the Lake House Apartments to the west. Directly to the east of the subject property, across NW 82<sup>n</sup> Avenue, is the Promise Hospital acute care facility.

All necessary parking spaces, drives and ingress/egress are in place, as well as landscaping.

Compatibility issues raised by this application include noise impacts, the potential for bullets escaping the subject site and endangering people or property in nearby areas, and the potential for environmental hazards produced by spent ammunition, particularly the lead contained in said ammunition. The proposed indoor shooting range will be entirely within an enclosed building.

Condition number 3 of the resolution approving the conditional use states that *"Any and all noise associated with the shooting range shall be contained within the warehouse units subject to this application. No shooting range noise (including firing guns) shall be detectable outside of the warehouse units subject to this application, including areas outside the building and specifically including the adjacent warehouse unit"*. The applicant is requesting that this condition be modified to require compliance with OSHA standards for noise levels in industrial areas. As per current OSHA regulations (see exhibit C), employees in industrial areas may be exposed to a maximum of

85 decibels during an 8-hour interval. Any exposure above this noise level requires that the employer implement a monitoring program, and exposure to levels above 90 decibels requires the employer implement a hearing conservation program.

As per the provided sound report, the noise levels outside and within the adjacent warehouse space range from barely audible to audible, depending on the caliber and type of weapon fired, but at 65 Decibels, they remain 20 Decibels below the maximum suggested for industrial areas of 85 Decibels.

## **2. Sufficient Site Size, Site Specifications, and Infrastructure to Accommodate the Proposed Use.**

The proposed indoor shooting range is located entirely within an existing building that can accommodate this type of use without any infrastructure modifications. The size and shape of the site, the proposed access and internal circulation is adequate to accommodate the proposed scale and intensity of the conditional use requested.

## **3. Compliance with the Comprehensive Plan and Land Development Code.**

An indoor shooting range ("pistol range") is a permitted use (requiring a Conditional Use Permit) under both the Comprehensive Plan and Land Development Code.

The Industrial and Office Future Land Use Designation of the Comprehensive Plan allows for this uncommon use to be considered on a conditional basis at appropriate locations.

The proposed facility will meet all level of service (LOS) standards of the Comprehensive Plan.

The property is zoned Industrial Use-Conditional (IU-C). Per Section 13-748 of the Code, an indoor shooting range ("pistol range") is a conditional use in the IU-C Zoning District and requires a public hearing and approval by the Town Council.

## **4. Proper Use of Mitigative Techniques.**

The proposed indoor shooting range is in an area with established industrial/warehouse/office. Mitigative measures regarding safety and weapon handling are proffered by the applicant and required by licensing agencies. Per submitted drawings, the space has been properly insulated to and reinforced to ensure that missiles are properly contained. In addition, as per the submitted sound study, noise levels fall within accepted limits for industrial uses.

## **5. Hazardous Waste.**

The hazardous waste including, but not limited to spent bullet casings and exhaust, shall be disposed of properly according to the regulations of all local, State and Federal agencies including, but not limited to the U.S. Environmental Protection Agency (EPA) and the Florida Department of Environmental Protection (DEP). In addition to these existing regulatory requirements, the proposed conditions additionally allow the Administrative Official to ensure that industry best practices are followed ventilation and capture/disposal practices to ensure that lead from this proposed use is not a threat to human health or to the natural environment.