



MEMORANDUM

DATE: November 27, 2024

TO: Sussex County Planning Commission
Cc: Michael Poarch

FROM: Beverly Walkup, Director of Planning

RE: **December 2 Planning Commission Meeting – ISP Shooting Range and Defensive Training Center Conditional Use Permit**

On November 4, 2024, the Planning Commission voted to defer the decision for Conditional Use Permit #2024-05 for more information as well as some modifications to the request for further consideration. Planning staff has provided a summary draft set of meeting minutes from that meeting. Based on the comments from the Commission, it was suggested that the applicant look to address the following items:

- Meet with local residents to address their concerns
- To modify Sunday operation hours
- Emergency access issues regarding Elm's Lane
- Address traffic concerns on Jolly Road
- Access on Nary Lane
- To address the modification of Condition #11

Attached you will find a copy of the original staff report from the November 4th public hearing, staff (revised) recommended conditions and public comments received to date.

Should you have any questions, please feel free to call me in advance of the meeting at 434-246-1042 or via email at bwalkup@sussexcountyva.gov.

Attachments:

- Original Staff Report
- Staff Revised Recommended CUP Conditions
- Applicant's comments/responses
- Chief of Fire and Rescue response
- Public Comments (received to date)
- PC Summary Draft Minutes (November 4, 2024)



Sussex County Planning Commission Meeting
Monday, December 2, 2024 at 6:00 P.M.
General District Courtroom at Sussex Judicial Center
15098 Courthouse Road, Sussex, VA 23884

Agenda

A. CALL TO ORDER

B. ADOPTION OF AGENDA

C. APPROVAL OF MINUTES

- a. November 4, 2024

D. PUBLIC HEARING

- a. None

E. OLD BUSINESS

- a. Conditional Use Permit 2024-05, Henry Hayes, applicant
 - i. Discussion
 - ii. Action

F. NEW BUSINESS

- a. None

G. ADJOURNMENT



STAFF REPORT

APPLICATION SUMMARY:

Project: ISP Shooting Range and Defensive Training Center

Location: The property is located on the north side of Nary Lane, approximately 0.2 miles from the end of Jolly Road (Rt. 659)

Tax Parcel Number(s): 12-A-2

Proposal: Outdoor Shooting Range as a commercial business

Applicant: Henry Hayes
1206 Laskin Road Ste 140H
Virginia Beach, VA 23451

APPLICATION:

The applicant, Henry Hayes under CUP #2024-05 seeks a conditional use permit for a shooting range on approximately 34 acres of land. The intent is to operate an outdoor shooting range/training facility as a commercial business to be available to the public, however, it will be membership based.

ELECTION DISTRICT:

Courthouse Election District

LOCATION:

The location for the proposed shooting range will be on Nary Lane (private road) which is accessed off of Jolly Road (Rt.659) in Prince George, Virginia. The subject parcel is located along the County line. To the north, there is mostly forested or timbered lands. To the south, there is the Joseph Pines Preserve and a small dense residential neighborhood to the far south off of Cabin Point Road. To the west, there is mostly forested areas. To the east, the property is adjacent to some residences off of Elms Lane.



DESCRIPTION:

The purpose of this project is to provide a firearms and defensive training facility for local, national military and law enforcement personnel, civilians, Sussex County and its residents to increase their knowledge and readiness for emergency preparedness.

The facility intends to have specific types of uses and activities to occur on-site such as rifle, pistol, shotgun, empty-hand defensive combat, dry-fire scenario training, medical training, and verbal de-escalation training. Along with those uses and activities, the facility will have ranges for a mid-range rifle, short-range rifle, and pistol which would be constructed in accordance to NRA outdoor range design criteria. They also intend to offer a dynamic shoot-house for simulation of dry-fire (no live ammo) training.

The facility will have a number of trained personnel for operations, safety oversight, customer service, and maintenance. The hours of operation will vary depending on the amount of daylight. The hours of operation would typically be 9:00 am to 6:00 pm for Monday through Sunday. The applicant anticipates at least 60 people to come to the facility on a regular basis from Monday through Friday for the first year of operation. However for Year 2 and 3, the expectation is for at least 120 people on a regular basis from Monday through Friday.

Access to the property is proposed from Jolly Road (Rt. 659) in Prince George County, which serves approximately 20 or more existing residences. An existing twenty-foot nonexclusive partially dirt/gravel easement provides access to the site from the terminus of Jolly Road approximately 1,100 feet to the subject property. As it currently exists, staff is of the opinion that the easement would need to be upgraded and weatherproofed to accommodate two-way traffic, as well as emergency vehicle access.

COMPREHENSIVE PLAN REVIEW:

The current Comprehensive Plan future land use designation for this property is Agricultural. The main purpose of this land use classification is to facilitate existing and future farming operations, allow for expansion of farm related activity, reduce the effects of soil erosion, and protect watersheds to promote the continuation of farming and forestry as among the most important sectors of the economy. Within the small area plan, there are also areas to the south and east of the property which have a future land use designation for residential.

ORDINANCE REVIEW:

The current zoning designation for this property is A-1. The district is established to protect land and property values, ground water and surface water quality, and other resources. The intent is to provide for the continued security of the county's agricultural sector by encouraging the orderly and responsible growth of its livestock, dairy, and poultry industry. Limited residential development is anticipated in these areas.



The zoning district only allows this use through a CUP. If the CUP is granted, the applicant will be required to submit a site plan for staff approval prior to construction of any new site improvements, including any future building expansion.

STAFF CONCLUSIONS:

Strengths:

1. The use provides an opportunity to bring a new business into the County.
2. Provides a recreational activity that can be consistent with the rural character of the County as well as offer safety courses and educational programs for the community, including specific sessions for children, teenagers, and adults.
3. Offers a well-trained expert staff with high level military experience
4. Provide a training facility for Sussex County Sheriff's Department to utilize as well as other law enforcement agencies and departments within the area. (See attached comment letter from Sheriff Giles)

Weaknesses:

1. The use has the potential to create a noise impact as proposed with shooting to occur completely outdoors.
2. Potential lead exposure to the environment.
3. The proposed location is less than 1 mile away from a cluster of residences.
4. The proposed facility will be accessed off an easement/private road not designed to accommodate 2-way traffic and emergency vehicle access.

AGENCY/DEPARTMENT COMMENTS:

The application was forwarded to the following agencies/departments: VDOT, DCR, DEQ, DWR, Sussex County Fire & Rescue, Sussex Sheriff's Department, Prince George County Administration, and Prince George County Planning Department. Comments received are noted below:

• **Virginia Department of Transportation (VDOT):**

- 1) A VDOT Land Use Permit would have to be obtained from the Richmond District for the entrance.
- 2) A new commercial entrance shall be constructed in accordance with VDOT Road Design Manual Appendix F.

• **Sussex Sheriff Department:**



Sheriff Giles is in favor of this proposal/plans. This will help Sussex be recognized with the right clientele and future potential business growth of individuals that are members and affiliates of this organization.

- **Department of Conservation and Recreation (DCR):**

In summary, DCR does not anticipate that this project will adversely impact the natural heritage resources and ecological cores.

- **Department of Wildlife Resources (DWR):**

In summary, DWR concerned about whether any in-stream work will take place. The recommendation to avoid and minimize impacts to undisturbed forest, wetlands, and streams to the fullest extent practicable.

- **Department of Environmental Quality (DEQ):**

In summary, DEQ provide a reference to the Environmental Protection Agency’s guidelines for Best Management Practices for Lead Outdoor Shooting Range. They suggested that the new shooting range may consider establishing its own Environmental Management System (EMS)

STAFF RECOMMENDATION:

The staff recommends approval of the conditional use permit contingent with the following conditions:

1. The hours of operation shall be 9:00 am to 6:00 pm for Monday through Sunday.
 - Sunday (Opening-12 pm): Pistol use only; no big bore pistol rounds.
 - All Days (Mon- Sun): Certain high-caliber rounds restricted except for special-use permits granted for military or law enforcement training.
 - Evening Training will be suppressed or 22 mm cartridge use only.
2. The applicant shall maintain an undisturbed natural buffer along the perimeter of the property. The minimum width of undisturbed natural buffer shall be at least 150 feet around the entire perimeter of the property. The buffer shall be enhanced and/or created where insufficient or non-existent.
3. The applicant shall install outdoor sound walls along the firing lines and boundaries of the range to reduce noise levels.
4. Impact berms can be installed at a maximum height of 20 feet. The backstop shall installed between 12 to 15 feet as shown on the conceptual site plan dated January 2024, to stop any misdirected rounds that may tend to travel slightly to one side or the other either by accident or ricochet. A side berm shall be added onto each range to provide for additional safety. Side berms shall be a minimum of 8 feet or higher.
5. All berms shall be free from rocks, stones or objects that may tend to increase the possibility of ricochets.
6. The surface of the entire range shall be relatively clear of any objects, stones, or excessive growth that may tend to enhance the possibility of ricochets, or create



- bad footing conditions. The entire range shooting area shall be relatively flat and level.
7. A line of target brackets or holders shall be placed on the target area. Materials shall be designed so as not to create any ricochet hazard.
 8. The target line shall be placed no more than 20 feet in from of the impact berm. There shall be a space between each target bracket or holder, approximately equal to the width of one target. The top of the targets, when attached to the brackets or holder, should be approximately 6 feet off the ground and in a relatively straight and level line.
 9. The firing line shall be clearly marked on the ground surface across the entire width of each firing range. The numbered distance shall be placed on both sides of each firing line to indicate the distance from the firing line to the target.
 10. There shall be an audible sound system to amplify voice commands. The sound system shall enable the range officer to project loud and clear voice commands to all shooters during actual shooting exercises. An adequate communications system shall be established to allow all shooting officers, and other staff to communicate with one another, and should be conveniently located to minimize the loss of time between an emergency and the call for assistance. The system shall also be capable of contacting the appropriate assistance in case of injuries or other unforeseen emergencies.
 11. Each shooting range will have a designated Range Safety Officer (RSO) to oversee activity and ensure compliance with safety protocols. Each RSO will be equipped with a radio for communication to the main office and range control. Flags will be used to indicate when a range is in use, providing a clear visual cue for safety purposes.
 12. Adequate lighting shall be provided as determined by the Zoning Administrator.
 13. A rest or break area shall be available in a location that is safe from any firing line.
 14. A security fence shall be installed to keep other pedestrians and vehicles from entering the shooting area while in use.
 15. Adequate parking shall be provided as determined by the Zoning Administrator.
 16. The range shall contain some form of storage shed or field office. The structure shall be relatively secure for the storage of target materials.
 17. Any future site or building improvements to the site will require site plan review.
 18. The existing entrance that is proposed for use as the main entrance to the site shall be improved to accommodate 2-way traffic and emergency vehicle access, and shall meet the moderate volume commercial entrance design standard as shown in Figure 4-15 of Appendix F of the VDOT Road Design Manual.
 19. A new commercial entrance permit shall be obtained by the applicant from the Department of Transportation (Richmond District) for the entrance.
 20. The applicant is required to provide an easement/road maintenance agreement with other property owner(s) involved in the easement. The purpose of the agreement would be to grant the applicant the right to make any necessary improvements in addition to the maintenance of the easement.
 21. The site shall provide a toilet facility for men and women, handwashing stations, and potable water available for its employees prior to full operation.



22. Suitable access to the range site shall be provided for emergency vehicles. Emergency personnel should be familiar with the access road(s) and location of the range site. Additionally, emergency personnel shall be notified of the hours of operation for the shooting range.
23. Implement best management practices for lead management and reclamation in accordance with EPA guidelines.
24. The access from the public road shall have an unobstructed road surface at least 20 feet in width that provides all weather access to the facility. There shall also be an unobstructed height requirement of 13' 6" so that apparatus can access the facility. These clear measurements shall be preserved at all times. All weather access to any building would be a paved or concrete surface.

ATTACHMENTS:

- Application
- Cover Letter
- Property Description
- Conceptual Plan
- Letters of Support
- Range Operations
- State agencies comments

To: Michael Poarch

From: Hank Hayes

Date: November 18, 2024

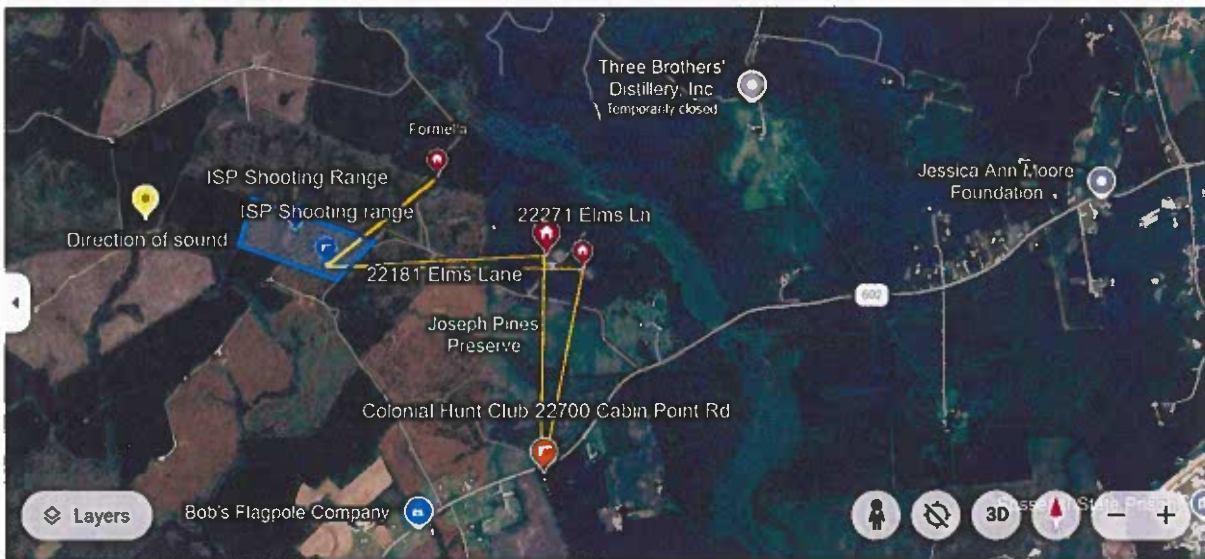
Subject: Follow-Up on November 4th Sussex County Meeting and Preparation for December 2nd Meeting

Dear Michael,

Thank you for your speed of execution and professionalism leading up to the November 4th, 2024, meeting and in every aspect of this project.

During the meeting, several topics were raised both by court attendees and in written statements. Below, I've outlined the key points and our responses to ensure clarity ahead of the December 2nd meeting:

It was noted that Roy Osborn and Mark Formella made statements suggesting they reside on the properties in question or have homes there. This is not accurate. Neither individual currently resides on these properties; they simply aspire to build homes there in the future. This distinction is important, as their statements created a misleading impression.



Steven Lapp, who owns a home at 221081 Elms Lane, and Bruce Powers, who resides at 22271 Elms Lane, were also mentioned. Their homes are closer to the Colonial Hunt Club Shooting Range, which lacks sound-reducing design features, compared to the ISP Shooting Range and Defensive Training Center. Our facility is specifically designed to minimize sound impact, which is an important distinction and is a further distance than the Colonial Hunt Club.

Concerns were raised about the Joseph Swamp Bridge on Jolly Road being inadequate for emergency vehicles. This is incorrect. The bridge, which is maintained by VDOT, is rated to handle up to 66.20 metric tons and is inspected every 24 months, ensuring it meets all safety standards for emergency use.

Traffic estimates for our facility at full capacity (anticipated in three years) indicate minimal road use:

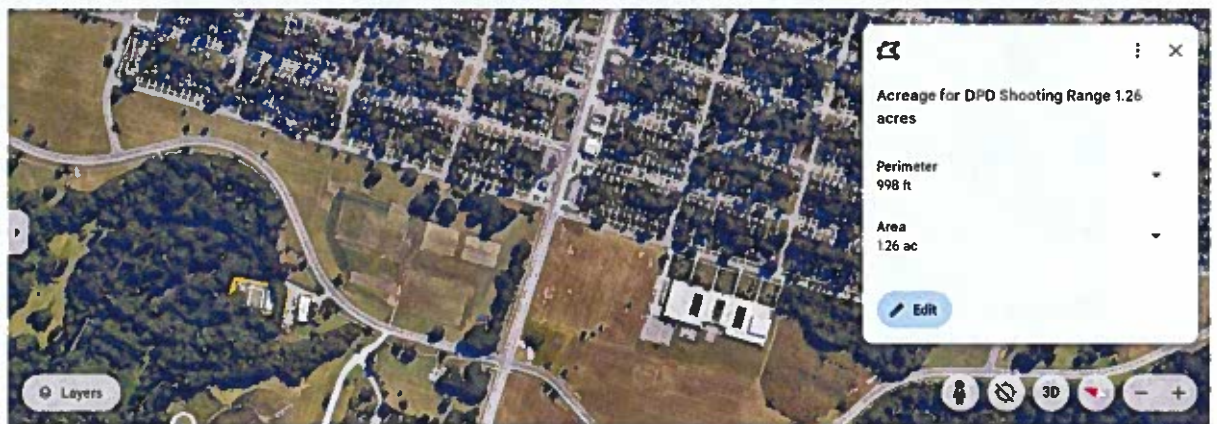
- **Weekdays (Mon–Fri):** 60 people per day, equating to 1.2–2.5 cars per hour.
- **Weekends (Sat–Sun):** 120 people per day, or 3.2–4 cars per hour.

Given this minimal road use, we do not see the reasonable need for expanding the easement access road at this time. However, we are open to expanding the road width or adding a turnout for oncoming vehicles if future traffic demands warrant such measures.

The next topic was concerns about the adequacy of the 34+ acres not being adequate for a shooting range. Comparatively, police department ranges with both rifle and pistol facilities often operate on much smaller sites. Additionally, residences near these ranges are significantly closer than the closest home to our proposed Sussex County location.

See exhibits 1, 2 and 3:

- Detroit Police Department shooting range, located at 9081-9499 Spinoza Drive, Detroit, MI, is **1.26 acres**



- Norfolk Police Department shooting range, located at 1501 Pritchard Street, Norfolk, VA, is **1.44 acres**



- Baltimore Police Shooting Range located at 24437 Hunter Ln, Ruther Glen, VA 22546 and is **5.46 Acres** and the closest home is 904ft away.



Also, to address noise concerns, we propose the following restrictions:

- **Sunday (Opening–12:00 PM):** Pistol use only; no big bore pistol rounds. Prohibited big bore rounds include: .500 S&W Magnum, .50 Caliber, .500 Bushwhacker, .44 Magnum, .327 Federal Magnum, .45-70 Government, .460 S&W.
- **All Days (Mon–Sun):** Certain high-caliber rounds restricted except for special-use permits granted for military or law enforcement training. Examples of restricted rounds include: .17 Incinerator, 20mm Vulcan, .577 Tyrannosaur, .950 JDJ, .405 Winchester, and others listed in Exhibit A.

Lastly, we propose a modification to Staff Recommendation 11 to enhance safety:

- Each shooting range will have a designated Range Safety Officer (RSO) to oversee activity and ensure compliance with safety protocols.
- Each RSO will be equipped with a radio for communication with the main office and range control.
- Flags will be used to indicate when a range is in use, providing a clear visual cue for safety purposes.

We believe these points address the concerns raised at the November 4th meeting and provide practical, safety-oriented solutions. Please let us know if further details or adjustments are suggested or required before the December 2nd meeting.

Best regards,

Hank Hayes

hankh@intuitivesp.com

610.442.5539

<http://www.intuitivesp.com>

To: Sussex County Planning Commission
From: Mlhail Karlov
Date: November 15, 2024

To Whom It May Concern:

I am the ISP Shooting Range and Defense Training Center consultant and an expert in public safety and fire code compliance.

My background includes a Bachelor of Science in Maritime Engineering and over 25 years of public safety service, including firefighting operations, emergency medical services, hazardous materials response, emergency management, and law enforcement duties. I currently serve as an Assistant Fire Marshal and Fire Investigator in the City of Virginia Beach and as an adjunct instructor with the Virginia Department of Fire Programs Fire Marshals Academy.

In my role with the Fire Marshal's Bureau, my responsibilities have included Fire Prevention Code Inspector, Environmental Crimes Investigator, and Fire Investigator. As a Fire Code Inspector, I have been trained in enforcing the Virginia Statewide Fire Prevention Code (SFPC). In this capacity, I am assisting Hank Hayes by providing consulting services and serving as a liaison with fire officials responsible for emergency responses to the site.

Please note, I am not acting on behalf of the City of Virginia Beach or any other agency but am providing my knowledge, skills, and experience in a private consulting capacity.

Based on my expertise in fire safety and knowledge of the Virginia Statewide Fire Prevention Code, I am providing the following recommendations for consideration before any construction work at the proposed site near Jolly Road in Disputanta, Prince George County, Virginia. These recommendations reflect minimum SFPC requirements and may require further approval from the local Fire Chief or their designee.

This letter focuses on the fire department's access to the site via existing routes.

The current site is an undeveloped, wooded area accessible via a private road reinforced with gravel. These private roads connect the site to Virginia Department of Transportation (VDOT) maintained roads, including Jolly Road and Cabin Wood Road. The state and

county roads are paved and accessible for emergency apparatus. VDOT roadways are suitable for fire department vehicles.

Joseph Swamp Bridge is located on Jolly Road and provides a crossing over a small creek. The Joseph Swamp Bridge spans 28 feet in length with a 20-foot curb-to-curb roadway width. According to the Virginia Statewide Fire Prevention Code, this meets the requirements for fire apparatus road width.

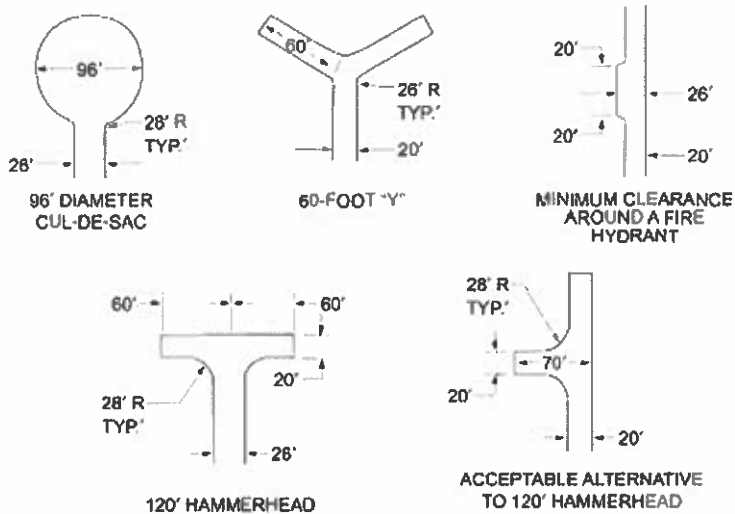
The bridge operating rating is 66.20 metric tons load and resistance factor (LRFR), which equals 145,946 lbs. The bridge Inventory Rating is 50.80 metric tons LRFR, which translates into 111,9994.8 lbs. VDOT indicated that Joseph Swamp Bridge is rated for emergency vehicles as:

EV2 GROSS WEIGHT 57.000; EV3 GROSS WEIGHT 65.000; EV2 single axle 33.000; EV3 single axle 23.000; EV3 tandem axle 47.000

The bridge is labeled with a green circle on the VDOT bridges and culverts map, indicating no weight restrictions. It was reconstructed in 2016 and last inspected on August 22, 2023.

1. **Access and Loading:** Facilities and buildings shall be accessible to the fire department apparatus by way of an approved fire apparatus access road. The road must have an approved driving surface capable of supporting the imposed load of the fire apparatus weighing at least 75,000 lbs (34,050 kg) or as determined by the Fire Code official.
2. **Minimum Clear Width:** The fire department access roads must have a minimum clear width of 20 feet (6,096 mm). Alternate designs may be approved on a case-by-case basis. The Fire Code official may require modifications to the road's configuration or width, or additional access roads, if access to any part of the site could become compromised due to emergency operations or nearby natural or manmade hazards (e.g., flood-prone areas, railway crossings, bridge failures, hazardous materials-related incidents). The width of secondary access roads may be reduced to less than 20 feet, provided that turnouts are installed adjacent to the roadway, with a minimum dimension of 10 feet (3,048 mm) wide and 40 feet (12,192 mm) long or as otherwise determined by Fire Code Official. **Minimum Clear Height:** A vertical clearance of 13'6" (4,115 mm) must be maintained over all required vehicular access roads and driveways.
3. **Grade:** Fire apparatus access roads shall not exceed 10% in grade, unless approval is granted by the Fire Code official prior to construction.

4. **Dead Ends:** Dead-end fire apparatus access roads longer than 150 feet (45,720 mm) shall be provided with width and turnaround provisions as determined by the Fire Code official. Examples of possible turnaround configurations are shown in the drawing below:



5. **Turning Radius:** The minimum turning radius for fire apparatus access roads shall be determined by the Fire Code Official.

Enforcement of the SFPC (Statewide Fire Prevention Code) is the option of the local governments. The State Fire Marshal's Office has the authority to enforce the SFPC in those localities in which there is no local enforcement.

Emergency Response Resources Closest To The Site:

The nearest Fire Station is Prince George Volunteer Fire Station, Company 2 Located at 10000 County Drive, Disputanta, VA 23842. Disputanta responds to calls within the county with the following apparatus: Engine 2, Engine 22, Jeep 2, Brush 2, Tanker 2, Rescue 2, Utility 2 and Support 2.

In summary, I believe that the proposed construction site is suitable for the type of facility that will be built from the emergency vehicles access standpoint. The private road will be improved and used during the construction phase. Construction crews are likely to utilize heavy trucks and equipment on the same roadways while delivering materials, building parking areas and removing lumber from the site. During the construction, fire officials typically preplan emergency responses to the area to determine the apparatus accessibility, and resources needed, such as water supply, manpower, etc. There are various strategies Fire Departments typically use to deliver water supply and to deploy hose lines based on the manpower and vehicle inventory available in the area.

I am available to assist Hank Hayes in discussing SFPC requirements with local fire officials as needed. Based on the construction plans reviewed, I believe the site can meet Fire Department access requirements during and after construction.

Sincerely,

Mihail Karlov.

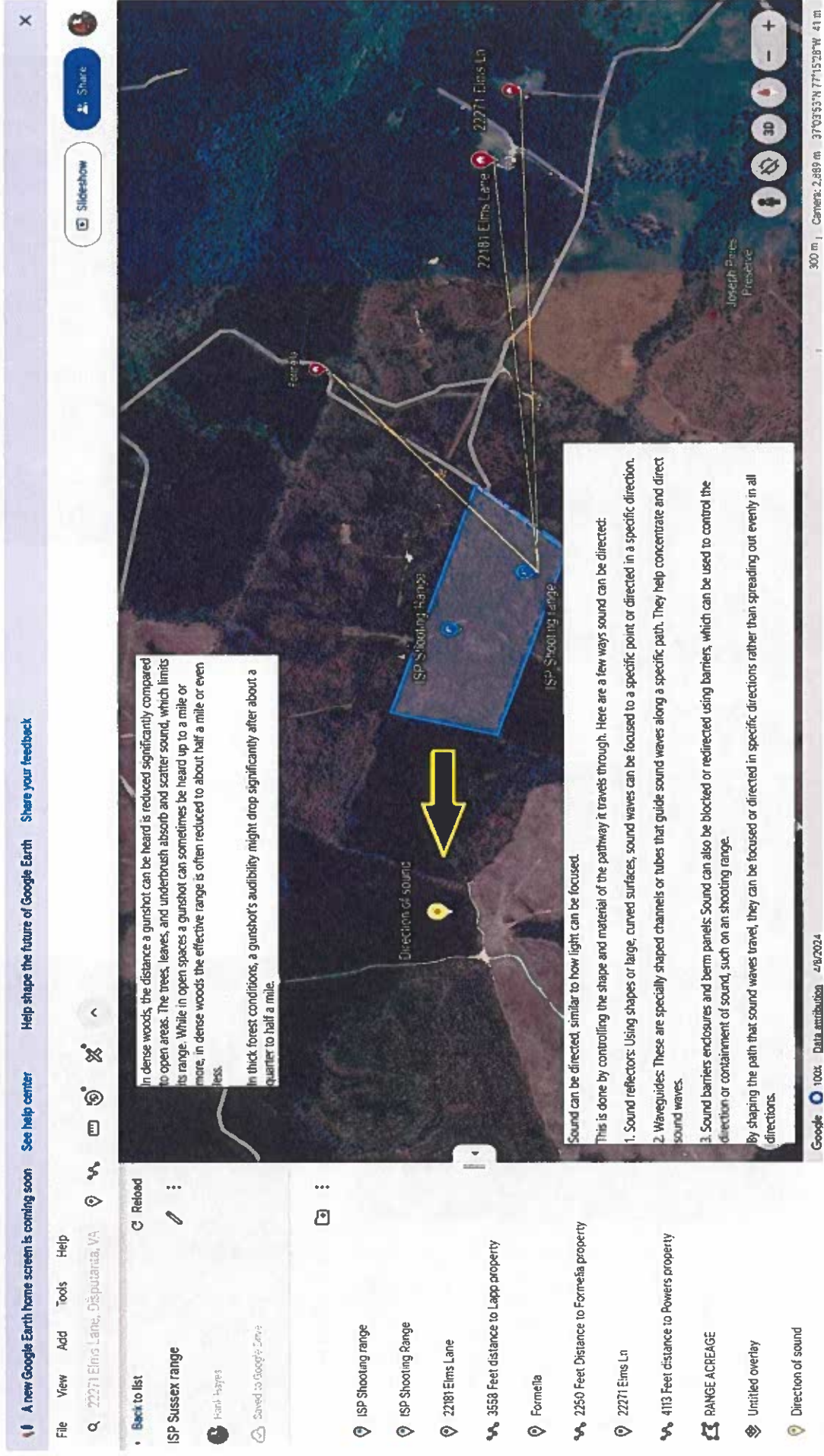
757-580-7629

mkarlov@icloud.com

SUSSEX COUNTY – ISP Shooting Range and Defensive Training Center – Sound study

Date: Oct 31, 2024

Below is an exhibit of the distance of the homes closest to the range location. It is essential to note that the shooting orientation is away from the homes and into densely wooded areas. Sound travels in parabolic waves and is directional. Please see the exhibits and graphed sound studies below.



A live sound study was executed in Virginia Beach in a significantly less densely wooded area.

ISP Sussex range | Save | View | Add | Tools | Help

- 3558 Feet distance to Lappo pro...
- Formella
- 2250 Feet Distance to Formella ...
- 22271 Elms Ln
- 4113 Feet distance to Powers pr...
- RANGE ACREAGE**
- Unritted overlay
- Direction of sound
- Colonial Hunt Club 22700 Cabin...
- 3258 Feet distance 22271 Elms Ln
- 3045 Feet from 22181 Elms Ln
- Detroit Police Department shoot...
- Acreeage for DPD Shooting Rang...
- Norfolk Va Police Range 1501 Pri...
- Acreege for NPD Shooting Range

Sound Study

Sound Study

Description

More settings

Camera view

Heading: 103.9562747
Tilt: 60.0089147

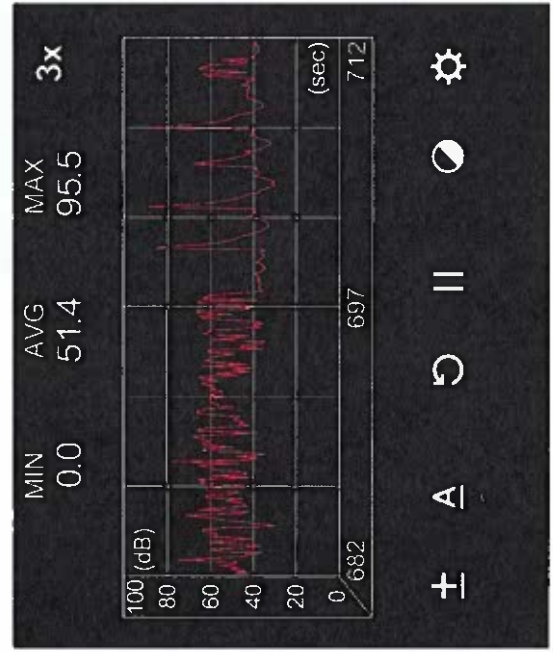
Range: 2.794e079812

Latitude: 36.6935127
Longitude: -76.0526813

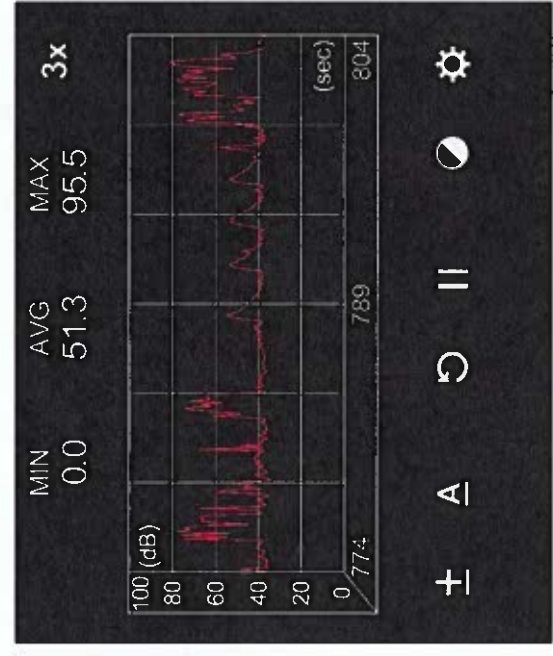
Altitude: 2.1103211

View | 100m | Data attribution | 4/27/2014 - 4/11/2023

Live sound data captured at 8 feet distance.



Live sound data captured at 1,434 feet distance.



What you see above is a sound study and comparison of parabolic wave movement. In the graph to the left, you see peaks to the right end of the graph, which would be four 9mm gunshots from an 8-foot distance behind the shooter (the peaks and movement you see right before and after the gunshots are us talking 2 feet in front of the meter).

In the graph to the right, you see peaks to the right end of the graph, and this would be four 9mm gunshots from a 1,434-foot distance behind the shooter (the peaks and movement you see right before and after the gunshots are us talking 1.5 to 2 feet in front of the meter).

It is essential to illustrate that the sounds of the four gunshots at 1,434 feet are lower than those of talking.

It is also important to note that the closest resident in Sussex is more than twice the distance of the sound study, which was done in a less densely wooded area.

In closing, I have been certified by the NRA in range operations and development since July 2021. The testing technique and strategy are in keeping with that of the standard sound study practices.



Thanks,

H

Hank Hayes
hankh@intuitivesp.com
610.442.5539



Re: Questions: Access for EMS to proposed ISP Shooting Range and Defensive Training Facility

From Nick Sheffield <nshellfield@sussexcountyva.gov>
Date Thu 11/14/2024 4:17 PM
To Michael Poarch <mpoarch@sussexcountyva.gov>
Cc Beverly Walkup <bwalkup@sussexcountyva.gov>

Michael,

For this particular project, we would access the property via Elms Lane. The project is in Sussex and we would need access from within the county to provide services, as the alternative routes delay fire and EMS response. There appear to be two points of access. One is off of Elms Lane and one is an unnamed access road that runs through 12-A-4. I would suggest the Elms Lane access point since it would likely require less easements and is already an established road in the system.

We do require an unobstructed road surface at least 20 feet wide that provides all weather access to the facility. Furthermore, there would be an unobstructed height requirement of 13' 6" so that apparatus can access the facility. These clear measurements shall be preserved at all times. All-weather access to any building would be a paved or concrete surface. If this facility will not be utilizing buildings now or any time in the future, we might be willing to discuss a variance for gravel as long as it is proven via geotechnical testing to be able to hold up to vehicular traffic of 75,000 pounds or greater in all weather conditions. This testing shall be done after the surface is laid so that the final product is proven to work.

I will ride out to the facility tomorrow and take a look at the access points. I will follow up with you after doing so.

Thanks,



Nick Sheffield
Chief of Fire & Rescue

Phone: 434-632-1135
Mobile: 804-691-2582
Email: nshellfield@sussexcountyva.gov

PO Box 1397
Sussex, VA 23884

From: Michael Poarch <mpoarch@sussexcountyva.gov>
Sent: Wednesday, November 6, 2024 5:13 PM
To: Nick Sheffield <nshellfield@sussexcountyva.gov>
Cc: Beverly Walkup <bwalkup@sussexcountyva.gov>
Subject: Questions: Access for EMS to proposed ISP Shooting Range and Defensive Training Facility

Good Afternoon,

I hope you are doing well. We had our Planning Commission meeting on Monday for ISP shooting range CUP application. The application was deferred for further information and/or changes. However, I had some questions for

you:

- How much road width you will be needed to accommodate access for EMS vehicles? Please note that Nary Lane is approximately 20 feet or less in width.
- There was concern about EMS having to access Elms Lane in order to get to the project in the case of an emergency. Based on your experience, how would EMS access this property? Would it be from Elms Lane or Jolly Road. Please note that the property has only one legal access from Jolly Road onto Nary Lane.

Please see the attached map for your reference. The red pinpoint is the end of the Jolly Road (state maintained road). The red dot line is the access along Nary Ln (private road/easement) to the property. The solid red line outlines the boundaries of the property. If you have any questions, please let me know.

Sincerely,

M. Poarch
County Planner
Sussex County Planning & Zoning Department



Shooting club

From Roy Orsborne <rorsborne@firetechva.com>
Date Wed 11/27/2024 10:42 AM
To Michael Poarch <mpoarch@sussexcountyva.gov>

You don't often get email from rorsborne@firetechva.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not follow guidance, click links, or open attachments unless you know the content is safe.

I want to start with telling to have a happy and safe thanksgiving.
I was sent a recording of the November meeting and it proves the nether Mark or I stated that or alluded that we have residence on our properties.
This shows to the character a Mr. Hayes. As he stated to you.
I hope Mr Hayes if approved will offer to the surrounding county's free range time. If not, it makes it look like the sheriff of Sussex County did prit pro quo. ,for his endorsement.
Again I what to wish you and your family a happy thanksgiving, and we'll see y'all on december second

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)



Fw: ISP Shooting range

From Roy Orsborne <rorsborne@firetechva.com>
Date Fri 11/22/2024 12:15 PM
To Michael Poarch <mpoarch@sussexcountyva.gov>

You don't often get email from rorsborne@firetechva.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not follow guidance, click links, or open attachments unless you know the content is safe.

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: Roy Orsborne <rorsborne@firetechva.com>
Sent: Thursday, November 21, 2024 1:19:49 PM
To: mpoarch@sussexcountyva.gov <mpoarch@sussexcountyva.gov>
Subject: Fw: ISP Shooting range

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: Roy Orsborne
Sent: Thursday, November 21, 2024 12:56:06 PM
To: mpoarch@sussexcountyva.gov <mpoarch@sussexcountyva.gov>
Subject: ISP Shooting range

Mr Poarch

I want to start with Mr Hayes saying that Mr Foremella and I saying that we have houses on our properties, this a flat lie.

Secondly I don't understand how Mr Thompson can deed, an access across my land that he does not own.

My property is directly against the proposed gun range , and I have plans to build on this property, which will be vastly impacted if this gun range goes through.

Sussex County has already approved a gun range on route 460 near Sussex sporting club that is more conducive unless disruptive to everyone and give the sheriff's department, a place to shoot.

Bye, approving this property to be zoned commercial will heavily impact my ability to do anything with my property,as it's zoned agricultural.

I was never contacted till prior to the November 4th meeting. That is what's going to be an issue.

If there is talk about expanding the easement through my property i will fight it to the full extent.

My tax parcel is 600 - 0A - 013 - 0.

My full name is

Roy A Orsborne

757-647-2474

rorsborne@firetechva.com

I was informed that there was a similar shooting. Club on route thirty five in sussex county that y'all had shut down
Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)



Re: Request: ISP Shooting Range and Defensive Training Facility application and report

From Mark Formella <markformella@gmail.com>
Date Thu 11/21/2024 8:37 AM
To Michael Poarch <mpoarch@sussexcountyva.gov>
Cc Beverly Walkup <bwalkup@sussexcountyva.gov>

CAUTION: This email originated from outside of the organization. Do not follow guidance, click links, or open attachments unless you know the content is safe.

Good Morning Michael,

Thank you for forwarding the ISP shooting range application and additional correspondence from Hank Hayes.

In Mr Hayes written response to concerns raised at the public hearing on November 4, he stated Roy Orsborne and I claimed to reside on our land beside the range. Neither of us made such a statement. To indicate that we did is either a careless error or outright dishonest attempt to discredit our statements. In either case, this is a not a positive reflection on Mr Hayes character or the way he intends to operate the ISP range. In Luke 16:10-14 it reads, "whoever is dishonest in little things will be dishonest in big things too".

In addition, several members of the planning commission expressed a desire for Mr Hayes to work with the surrounding land owners to come up with an amicable compromise. To date, Mr Hayes has not reached out to myself, Steve Lapp or Bruce Powers. Mr Orsborne initiated contact with Mr Hayes. I do not know what they may have discussed.

I assume Mr Hayes letter will be sent to the planning commission for their consideration. I respectfully request my rebuttal be included as well.

Thank you again for your assistance.

Mark J. Formella
102 Winchester Pl
Smithfield, VA 23430
(757) 239-9182

On Wed, Nov 20, 2024, 5:01 PM Michael Poarch <mpoarch@sussexcountyva.gov> wrote:

Good Afternoon,

Please see attached staff report and recommended conditions along with follow up letter that addressed comments from the November meeting. Please note that the some of the recommended conditions from the November will be revised or added on. If you need anything else, please let us know.

In addition, please see the most up-to-date electronic link to the CUP application for your reference.

[Updated CUP application ISP shooting range 4.zip](#)

Sincerely,

M. Poarch
County Planner
Sussex County Planning & Zoning Department

**Minutes of the
SUSSEX COUNTY PLANNING COMMISSION MEETING**

**Monday, November 4, 2024 at 6:00 P. M.
General District Courtroom- Sussex Judicial Center
15098 Courthouse Road, Sussex, VA 23884**

PLANNING COMMISSIONERS PRESENT

Terry Massenburg, Chair
J. Lafayette Edmond, Vice Chair
Dennis P. Mason
Rudolph Shands
Kevin Bracy
Andrew Mayes
Elena Grinstead

PLANNING COMMISSIONERS ABSENT

Roger King

STAFF PRESENT

Michael Poarch, County Planner

CALL TO ORDER:

COMMISSIONER MASSENBURG, called the Planning Commission Meeting to order at 6:02 p.m.

ADOPTION OF AGENDA

MOTION OF COMMISSIONER EDMOND and seconded by COMMISSIONER SHANDS:
RESOLVED that the agenda be approved for the November 4, 2024 meeting as presented.

Voting aye: Commissioners Massenburg, Edmond, Shands, Bracy, Grinstead, Mason, and Mayes

(7-0)

APPROVAL OF MINUTES:

None

PUBLIC HEARING

MOTION OF COMMISSIONER MASON and seconded by COMMISSIONER EDMOND:
RESOLVED that the meeting enters into public hearing.

Voting aye: Commissioners Massenburg, Edmond, Shands, Bracy, Grinstead, Mason, and
Mayes

(7-0)

ENTER PUBLIC HEARING for Conditional Use Permit #2024-05, Henry Hayes, applicant

1) STAFF PRESENTATION

Michael Poarch, County Planner, presented a staff presentation which briefly summarized the application and information within the staff report. Mr. Hayes, Mr. Jones, and Kevin (representatives for the application) explained their background including experience in training military and local law enforcement personnel, the need for this proposal, as well as addressing concerns with an emphasis on safety for the community and wildlife, being a good neighbor, and being a contributor within the community. This range is designed to reduce sound as much as possible through redirecting and mitigating sound waves. They also noted that an enhance Range Safety Officer Program that has three major pillars: Experienced leadership, Emergency Medical Training, and Communication.

STAFF REPORT

APPLICATION SUMMARY:

Project:	ISP Shooting Range and Defensive Training Center
Location:	The property is located on the north side of Nary Lane, approximately 0.2 miles from the end of Jolly Road (Rt. 659)
Tax Parcel Number(s):	12-A-2
Proposal:	Outdoor Shooting Range as a commercial business
Applicant:	Henry Hayes 1206 Laskin Road Ste 140H Virginia Beach, VA 23451

APPLICATION:

The applicant, Henry Hayes under CUP #2024-05 seeks a conditional use permit for a shooting range on approximately 34 acres of land. The intent is to operate an outdoor shooting range/training facility as a commercial business to be available to the public, however, it will be membership based.

ELECTION DISTRICT:

Courthouse Election District

LOCATION:

The location for the proposed shooting range will be on Nary Lane (private road) which is accessed off of Jolly Road (Rt.659) in Prince George, Virginia. The subject parcel is located along the County line. To the north, there is mostly forested or timbered lands. To the south, there is the Joseph Pines Preserve and a small dense residential neighborhood to the far south off of Cabin Point Road. To the west, there is mostly forested areas. To the east, the property is adjacent to some residences off of Elms Lane.

DESCRIPTION:

The purpose of this project is to provide a firearms and defensive training facility for local, national military and law enforcement personnel, civilians, Sussex County and its residents to increase their knowledge and readiness for emergency preparedness.

The facility intends to have specific types of uses and activities to occur on-site such as rifle, pistol, shotgun, empty-hand defensive combat, dry-fire scenario training, medical training, and verbal de-escalation training. Along with those uses and activities, the facility will have ranges for a mid-range rifle, short-range rifle, and pistol which would be constructed in accordance to NRA outdoor range design criteria. They also intend to offer a dynamic shoot-house for simulation of dry-fire (no live ammo) training.

The facility will have a number of trained personnel for operations, safety oversight, customer service, and maintenance. The hours of operation will vary depending on the amount of daylight. The hours of operation would typically be 9:00 am to 6:00 pm for Monday through Sunday. The applicant anticipates at least 60 people to come to the facility on a regular basis from Monday through Friday for the first year of operation. However for Year 2 and 3, the expectation is for at least 120 people on a regular basis from Monday through Friday.

Access to the property is proposed from Jolly Road (Rt. 659) in Prince George County, which serves approximately 20 or more existing residences. An existing twenty-foot nonexclusive partially dirt/gravel easement provides access to the site from the terminus of Jolly Road approximately 1,100 feet to the subject property. As it currently exists,

staff is of the opinion that the easement would need to be upgraded and weatherproofed to accommodate two-way traffic, as well as emergency vehicle access.

COMPREHENSIVE PLAN REVIEW:

The current Comprehensive Plan future land use designation for this property is Agricultural. The main purpose of this land use classification is to facilitate existing and future farming operations, allow for expansion of farm related activity, reduce the effects of soil erosion, and protect watersheds to promote the continuation of farming and forestry as among the most important sectors of the economy. Within the small area plan, there are also areas to the south and east of the property which have a future land use designation for residential.

ORDINANCE REVIEW:

The current zoning designation for this property is A-1. The district is established to protect land and property values, ground water and surface water quality, and other resources. The intent is to provide for the continued security of the county's agricultural sector by encouraging the orderly and responsible growth of its livestock, dairy, and poultry industry. Limited residential development is anticipated in these areas.

The zoning district only allows this use through a CUP. If the CUP is granted, the applicant will be required to submit a site plan for staff approval prior to construction of any new site improvements, including any future building expansion.

STAFF CONCLUSIONS:

Strengths:

1. The use provides an opportunity to bring a new business into the County.
2. Provides a recreational activity that can be consistent with the rural character of the County as well as offer safety courses and educational programs for the community, including specific sessions for children, teenagers, and adults.
3. Offers a well-trained expert staff with high level military experience
4. Provide a training facility for Sussex County Sheriff's Department to utilize as well as other law enforcement agencies and departments within the area. (See attached comment letter from Sheriff Giles)

Weaknesses:

1. The use has the potential to create a noise impact as proposed with shooting to occur completely outdoors.
2. Potential lead exposure to the environment.
3. The proposed location is less than 1 mile away from a cluster of residences.

4. The proposed facility will be accessed off an easement/private road not designed to accommodate 2-way traffic and emergency vehicle access.

AGENCY/DEPARTMENT COMMENTS:

The application was forwarded to the following agencies/departments: VDOT, DCR, DEQ, DWR, Sussex County Fire & Rescue, Sussex Sheriff's Department, Prince George County Administration, and Prince George County Planning Department. Comments received are noted below:

- **Virginia Department of Transportation (VDOT):**
 - 1) A VDOT Land Use Permit would have to be obtained from the Richmond District for the entrance.
 - 2) A new commercial entrance shall be constructed in accordance with VDOT Road Design Manual Appendix F.
- **Sussex Sheriff Department:**

Sheriff Giles is in favor of this proposal/plans. This will help Sussex be recognized with the right clientele and future potential business growth of individuals that are members and affiliates of this organization.
- **Department of Conservation and Recreation (DCR):**

In summary, DCR does not anticipate that this project will adversely impact the natural heritage resources and ecological cores.
- **Department of Wildlife Resources (DWR):**

In summary, DWR concerned about whether any in-stream work will take place. The recommendation to avoid and minimize impacts to undisturbed forest, wetlands, and streams to the fullest extent practicable.
- **Department of Environmental Quality (DEQ):**

In summary, DEQ provide a reference to the Environmental Protection Agency's guidelines for Best Management Practices for Lead Outdoor Shooting Range. They suggested that the new shooting range may consider establishing its own Environmental Management System (EMS)

STAFF RECOMMENDATION:

The staff recommends approval of the conditional use permit contingent with the following conditions:

1. The hours of operation shall be 9:00 am to 6:00 pm for Monday through Sunday.

2. The applicant shall maintain an undisturbed natural buffer along the perimeter of the property. The minimum width of undisturbed natural buffer shall be at least 150 feet around the entire perimeter of the property. The buffer shall be enhanced and/or created where insufficient or non-existent.
3. The applicant shall install outdoor sound walls along the firing lines and boundaries of the range to reduce noise levels.
4. Impact berms can be installed at a maximum height of 20 feet. The backstop shall installed between 12 to 15 feet as shown on the conceptual site plan dated January 2024, to stop any misdirected rounds that may tend to travel slightly to one side or the other either by accident or ricochet. A side berm shall be added onto each range to provide for additional safety. Side berms shall be a minimum of 8 feet or higher.
5. All berms shall be free from rocks, stones or objects that may tend to increase the possibility of ricochets.
6. The surface of the entire range shall be relatively clear of any objects, stones, or excessive growth that may tend to enhance the possibility of ricochets, or create bad footing conditions. The entire range shooting area shall be relatively flat and level.
7. A line of target brackets or holders shall be placed on the target area. Materials shall be designed so as not to create any ricochet hazard.
8. The target line shall be placed no more than 20 feet in from of the impact berm. There shall be a space between each target bracket or holder, approximately equal to the width of one target. The top of the targets, when attached to the brackets or holder, should be approximately 6 feet off the ground and in a relatively straight and level line.
9. The firing line shall be clearly marked on the ground surface across the entire width of each firing range. The numbered distance shall be placed on both sides of each firing line to indicate the distance from the firing line to the target.
10. There shall be an audible sound system to amplify voice commands. The sound system shall enable the range officer to project loud and clear voice commands to all shooters during actual shooting exercises. An adequate communications system shall be established to allow all shooting officers, and other staff to communicate with one another, and should be conveniently located to minimize the loss of time between an emergency and the call for assistance. The system shall also be capable of contacting the appropriate assistance in case of injuries or other unforeseen emergencies.
11. A control tower shall be placed at the center point of the range, approximately 15 to 20 yards behind the farthest firing line, and provide the range office with a clear unobstructed view of all shooters and the range personnel. The floor decking shall be at least 6' higher than the ground. A flag pole, for displaying a red flag or banner whenever the range is in use, shall be installed close to or attached directly to the control tower. The top of this pole should be at least 26' higher than ground level. The flag or banner should be large enough to be conspicuously viewed from any location in the range area.
12. Adequate lighting shall be provided as determined by the Zoning Administrator.
13. A rest or break area shall be available in a location that is safe from any firing line.

14. A security fence shall be installed to keep other pedestrians and vehicles from entering the shooting area while in use.
15. Adequate parking shall be provided as determined by the Zoning Administrator.
16. The range shall contain some form of storage shed or field office. The structure shall be relatively secure for the storage of target materials.
17. Any future site or building improvements to the site will require site plan review.
18. The existing entrance that is proposed for use as the main entrance to the site shall be improved to accommodate 2-way traffic and emergency vehicle access, and shall meet the moderate volume commercial entrance design standard as shown in Figure 4-15 of Appendix F of the VDOT Road Design Manual.
19. A new commercial entrance permit shall be obtained by the applicant from the Department of Transportation (Richmond District) for the entrance.
20. The applicant is required to provide an easement/road maintenance agreement with other property owner(s) involved in the easement. The purpose of the agreement would be to grant the applicant the right to make any necessary improvements in addition to the maintenance of the easement.
21. The site shall provide a toilet facility for men and women, handwashing stations, and potable water available for its employees prior to full operation.
22. Suitable access to the range site shall be provided for emergency vehicles. Emergency personnel should be familiar with the access road(s) and location of the range site. Additionally, emergency personnel shall be notified of the hours of operation for the shooting range.
23. Implement best management practices for lead management and reclamation in accordance with EPA guidelines.
24. The access from the public road shall be constructed of a paved surface adequate for 2 lane traffic and accessible via emergency service vehicles.

Questions/Concerns from the Commission:

- How long you have been associated with the National Rifle Association (NRA)? How many people have contacted you with concerns of noise in the community? Applicant stated that he met with Dr. Cupp and Leroy Thompson in regards to the range. He has been certified with the NRA for about 15 years now across multiple platforms, however, specifically in shooting range design.
- How many people would be coming to the range? There are six designated ranges which has a limitation on how many people can be on the range at a given time. Limitation on each range location on how people can shot at an time. The number of people would differ depending on the range. Max capacity on a very busy day is 120 people in one day period; 1 hour per shooter; per lane.

- Hours of Operation? Applicant stated that it will be 9am to 6 pm (7 days a week) along with specialized training in the evenings which would be suppressed or 22 mm cartridge use only.
- Do you believe this range will do a lot for Sussex County, Sheriff Department and other local law enforcement department? Applicant stated that it will do a lot for Sussex County. The applicant would provide free use of the range as well as training to Sussex Sheriff Department. On his team, he has the first of Navy Seal Team 6 on his Board which is looking to film a season of TV show, Surviving Man, at the proposed range. However, the residents are the most important here. We embrace the residents and any concerns. We want to be a part of the community and not a nuisance. We take it very serious with being a good neighbor. We have a reserve fund to address any needed improvements in order to make the facility run better for the community.
- Will the facility be enclosed? The question in regards for the hunter's right to retrieve dogs. Applicant responses that there will be Range Safety Officers on site. If they spot something coming into the range, they will order a ceasefire immediately. For Phase 1, we will establish a soft perimeter. Then, we will fence in the property for Phase 2.
- Why did you decide to talk to Dr. Cupp? Applicant stated that he forgot who instructed him, but it was noted that Dr. Cupp was a big part and long standing member of this community. We reached out to him to discuss our objectives and plans for the range.
- Do you have other facilities that show how property values are affected? Applicant stated that 85% of businesses go out of business due to mismanagement. We been in business for 26 years. Unfortunately, a lot of ranges fall into that category due to not listening and playing nice with the community. We have a flawless safety record at 97%. As the CEO, I'm stickler about safety and business practices. The safety of the community is a high priority for us.
- What other place do you have a range? Applicant stated our goal is to merge and acquire other range facilities. However, this will be our first facility. We usually utilize PMI.
- How many RSO(s) will be at each range? Applicant stated that it will be a 12 person limitation on the range, however, it will depend on skill of the shooters. We usually

do an Alpha and a bravo group which would determine the type of firing. We have a one strike you out policy regards to safety.

- Can Sussex citizens or surrounding counties participate? Applicant stated that citizens are welcomed, however, they will have to go through a background check and do the required training. Sussex County citizens would receive a discount for their membership.
- What other financial contribution will there be? Applicant noted that we are big on education and training to the youth along with a voluntary contribution of \$500 to the County. Mr. Poarch noted that any contribution given by the applicant is voluntary. Any contribution cannot be considered as part of this land use case.
- What is the projected cost to build this facility? Applicant stated that it will about \$800,000.
- If I'm at home Sunday morning asleep, the range starts shooting at 6 am and I'm the nearest house. Will I be able to hear it or wake up? Applicant noted that you would not hear a pistol, however, you may hear a rifle.
- Are you willing to abide by the recommended conditions? Applicant noted that he doesn't agree with the need of a control tower. The applicant stated that they have RSO(s) on site at each range at all times.
- Noise specifically the type of weapons fired at a given time (multiple ranges being active at the same time) Applicant noted that the range does not plan on having the use of automatic weapons. The type of weapons that would be used are pistols such as 9 mm, 38, and 40. For the rifles, they could use a 22, 255, and 556. For big bore rounds, we see a 308, 6.5, 6 maxx, and shotgun.
- Which condition did you have a problem with? Applicant noted Condition 11 stated that a control tower will not work with this site layout due to limited visibility. They chose this site due to the existing aesthetic (dense vegetation) and just carving out certain areas.
- Suggested that the facility opens at the 12 pm on Sunday. Applicant would be happy to change the time for Sunday.

Public Comments:

- Ross Osborne, adjacent property owner, in opposition of the project due to narrow lot, narrow access, commercial use within an agricultural area, safety, and liability.
- Mark Formella, adjacent property owner 12-2-6 and 12-3-C, in opposition of the project due to the size being under 100 acres, plan to build dream home and proximity to a residential neighborhood.
- Steven Lapp, resident of 2181 Elms Lane, in opposition of the project due to noise (shooting and commands), the use of Elms Lane for emergency access, and effect on property values.
- Carl Cabaniss, Prince George resident, in opposition of the project due to potential impact on wildlife near Joseph Swamp, and the proximity to residences.

MOTION TO CLOSE PUBLIC HEARING:

ON MOTION OF COMMISSIONER MASON and seconded by COMMISSIONER BRACY: to close the public hearing for Conditional Use Permit Application #2024-05.

Commission’s Action on Conditional Use Permit #2024-05, Henry Hayes, applicant

ON MOTION OF COMMISSIONER BRACY, seconded by COMMISSIONER MAYES and carried: RESOLVED that the Planning Commission will defer Conditional Use Permit Application #2024-05, to the next Planning Commission meeting for further information as well as some modifications to the request for consideration:

Voting aye: Commissioners Massenburg, Edmond, Bracy, Shands, Grinstead, Mason, and Mayes (7-0)

OLD BUSINESS

None

NEW BUSINESS

None

ADJOURNMENT – The meeting adjourned at 8:06 P. M.

ON THE MOTION OF COMMISSIONER EDMOND, seconded by COMMISSIONER MASON and carried: RESOLVED that the Sussex County Planning Commission is hereby adjourned.

Voting aye: Commissioners Massenburg, Edmond, Bracy, Grinstead, Mason, Mayes, and Shands (7-0)

Submitted by: Michael Poarch

Approved by PC:

DRAFT