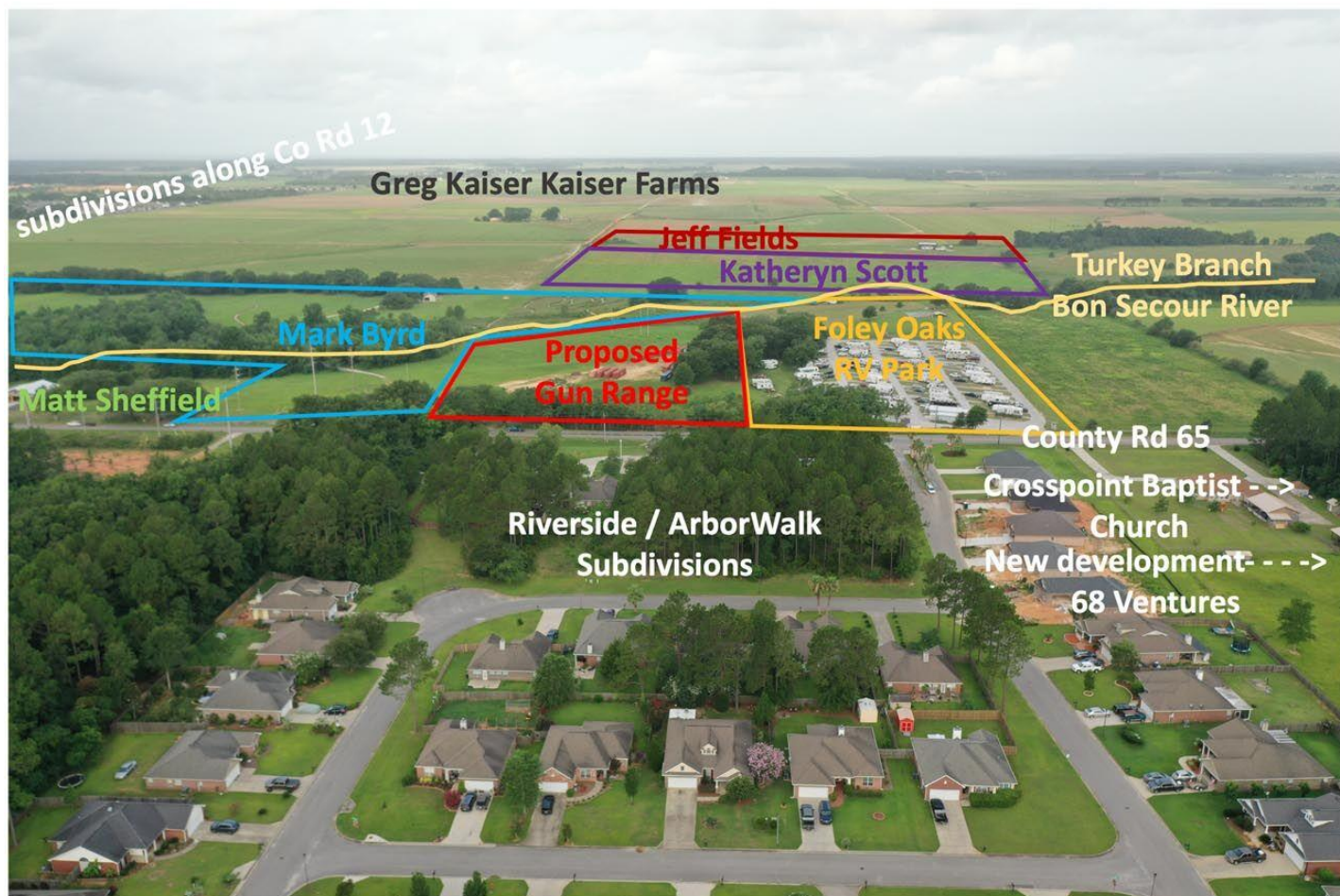


https://www.lagniappemobile.com/news/foley-residents-say-proposed-shooting-range-is-too-close-for-comfort/article_3070f137-3150-523e-8033-a47a0248445a.html

Foley residents say proposed shooting range is too close for comfort

By Gabriel Tynes
Aug 18, 2020



By Gabriel Tynes

Residents of a neighborhood outside of Foley are taking aim at a shooting range currently under development on County Road 65, but the owner claims her plans remain on target.

On Aug. 3, Baldwin County Circuit Court Judge Clark Stankoski granted an injunction against Lydia Franz, Kaitlin Anne Turner and Destinations Development LLC, stating they “have created a situation where it is unsafe to discharge a firearm as the property is currently used.”

The 10.3-acre parcel where they intend to build [The Foley Range at The Farm](#) is adjacent to existing homes and an RV park, and just across the street from a 95-lot residential subdivision.

Last month, neighboring property owners filed a pair of lawsuits alleging the defendants first began shooting on the property in May, with the intent “to open a public shooting range on the subject property at an undetermined time in the future.” The residents further alleged the defendants fired shots toward their properties, “causing bullets to enter upon their properties without their permission.”

In the civil lawsuits, the residents claim trespass, nuisance, wantonness and negligence and are seeking unspecified compensatory damages.

Attorney Steven Hazelwood, who represents the plaintiffs, told Lagniappe the defendants “were using three-quarter-inch plywood as a backstop” for target practice. After neighbors called the Baldwin County Sheriff’s Office to complain, “she changed her position and shot again, each time raining bullets down on people’s property and nearly hitting people in one instance.”



“[The injunction] prevents her from carrying forward until she can come up with a safe manner to use that property as she intends,” Hazelwood said. “She acquired this property as unzoned, and due to unzoned nature outside of city and county requirements, there is no one to oversee anything she does.”

PROVIDED BY STEVEN HAZELWOOD | This map shows the approximate distance from the proposed Foley Range at The Farm to residences and commercial structures along County Road 65.

By Gabriel Tynes

Neighbors voiced their concerns to the Baldwin County Commission July 7, fearing errant bullets, noise and lead pollution. Chairman Billie Jo Underwood said the county was not familiar with

the issue and would have to study any restrictions or remedies. The property also falls just outside Baldwin County Planning District 21.

After a court hearing July 29, Stankoski determined the defendants “failed to devise or implement a plan to prevent injury to persons and to prevent property damage outside the range ... from the testimony, the defendants do not have a clear understanding or comprehensive plan for this type of activity.”

For her part, Franz told Lagniappe the injunction will not stop the development of the shooting range, and she believes residents’ complaints are either exaggerated or unfounded.

“I’m a realtor. I moved down here in 1999 and have been in real estate since ’02, specializing in commercial real estate development,” Franz said. “I know what I’m doing, and I’m doing it right.” Franz said she has never operated the property as a commercial shooting range, and the neighbors’ complaints were borne from a single day in which she, her daughter and a friend were having target practice.

“One of the renters from the RV park trespassed onto my property and was screaming at us to stop shooting and to get off my own property,” she said. “I was the one who called the sheriff and made sure the target was in the same area so he could see ... We weren’t shooting in their direction, and it’s pretty unlikely any rounds went on their property.”

Her idea for the range has been in the works for a year, she acknowledged, but only after she did extensive market research.

“What got me on this journey, I bought the property last April [2019] and loved it,” she said. “I played with the idea of [another development], but I got bored one day in July and I went to shoot on my new 10 acres of unzoned property with a very clear downrange area. There are 120,000 residents within a 30-minute drive and 6 to 7 percent have all gone hunting or target shooting in the last five months. And there is not a range south of Interstate 10 that will have the containment and comfort level mine will.”

Franz is a gun enthusiast who said she has taken an NRA management and development course and she withheld technical plans for her range from the court hearing July 29 because they are proprietary. She provided some details to Lagniappe, however, adding the design is based upon guidance from the U.S. Department of Energy.

“We’ll have 10 rifle positions, each eight feet wide, with interior containment so cartridges don’t kick over into the other lanes,” she said. “Two-hundred yards will be the longest. There will be 25 pistol bays, each with eight-foot-tall, stick-built walls, and the voids will be filled with sandbags.”

The backstop, or buffer, surrounding the property will be part of \$200,000 in site work and include a fence and 50 shipping containers filled with sandbags. The sightlines will prevent shooters from firing over the backstop, Franz said.

“It’s a fully engineered plan with a really good containment plan, noise abatement, an extensive amount of studying, and an environmental stewardship plan that meets [Environmental Protection Agency] guidelines,” she said.

She said she’s already obtained a highway turnout permit from the county highway department and a land disturbance permit from the Alabama Department of Environmental Management. She has not yet filed a building permit with the county, but is currently looking for contractors and is ready to break ground as early as September. The injunction won’t stop her, she said.

Stankoski wrote, “The ultimate issue for the court to consider at the final trial of this matter is whether the defendants are able to ensure that the projectiles fired on their range are contained within the range property boundaries, and not whether they may construct an outdoor range. At this preliminary stage, the court finds they are not able to contain the projectiles, and there is no adequate remedy at law other than the issuance of this preliminary injunction.”

So, Franz said she is moving forward with construction and is currently marketing membership packages through a Facebook page.

“We are enjoined from discharging in the direction of the plaintiffs, and from allowing projectiles to cross property lines,” she said. “So nothing says I can’t build it.”

But Hazelwood maintains it’s not an appropriate location.

“The injunction prevents her from carrying forward until she can do it in a safe manner,” he said. “If she continued on the way she was, somebody was going to die. She is not aware of what’s downrange of her property, and based on her testimony, she doesn’t seem to care.”

[Stankowski Order Granted Injunction Destinations Development, LLC](#)

Stankowski Order Granted Injunction Destinations Development, LLC

137.94 KB

 [Download PDF file](#)

Gabriel Tynes