

## Facts and Findings:

The following are the bases and references for the Lee Township Planning Commission's Denial of the Special Use Permit Application for an outdoor firing range, under Outdoor Recreation. A Public Hearing was held on September 6, 2016 (J. Wilson). The topics referenced in this document are those that were discussed in the public hearing.

The rifle range is a special use named under Lee Township Zoning Ordinances Section 7.14, page 92. Outdoor Recreation:

*“Outdoor Recreation uses shall include, but not limited to: archery, rifle ranges, miniature golf, animal racing, go-carts, automobile or motorcycle track, off-road or mud-bogging, amphitheater, amusement and water park, drive-in theater, air gun or survival games, wake boarding, amusement park, golf driving range, fairground, batting cages, ski slopes, and skate board Park.” (These are uses that may require a Special Use Permit in some districts.)*

The Lee Township Planning Commission has denied the applicant's proposed outdoor firing range for the following reasons:

1. The proposed outdoor firing range is located in an area where commercial properties coexist with single-family residences. This Special Use would affect an uncertain radius in a circle of surrounding residential properties, which are part of the bordering Residential/Agriculture district.

Issuance of the Special Use Permit may also introduce future potential hazards to neighbors and neighboring properties.

- A. The proposed Special Use does not meet the Zoning Ordinances' Standards for a Special Use Permit, as read at the public hearing: *(Refer to page 77-78, Section 7.1.b., specifically items: 1), 4), and 5), in the current Lee Township Zoning Ordinances.)*

*“These standards are intended to reduce the impact of the Special Use on surrounding properties. They are the minimum requirements that must always be met.”*

- 1) *“The nature, location, and size of the special use shall not change the essential character of the surrounding area, nor disrupt the orderly and proper development of the district as a whole. The use shall not be in conflict with, or discourage the permitted uses of the adjacent uses of the adjacent lands or buildings.*
- 4) *Uses by special use shall not be significantly more objectionable to nearby properties by reason of traffic, noise, vibrations, dust, fumes, odor, smoke, glare, lights, or disposal of waste than the operation of any principal permitted use, nor shall the use increase hazards from fire or other dangers to either the property or adjacent property.*
- 5) *This special use shall be consistent with the intent and purpose of this Ordinance and in conformance with the intent of the Lee Township Master Plan, shall be compatible with the natural environment, and shall protect the public health, safety and general welfare.”*

- B. It is uncertain to the Planning Commission as to whether the proposed barrier design, is sufficient to ensure that all fired ammunition shall be safely contained within the firing range boundaries, and will not project onto neighboring properties due to student error, resulting in stray bullets, misfires or ricocheting bullets etc. A privacy fence would be installed as the sides of the firing range, on either side of the berm. A bedroom of a neighboring home is 150-200 feet away.

C. The Special Use conflicts with the Lee Township Master Plan.”

*“The Master Plan reflects the ideas and hopes of the community. The purpose of the Master Plan is to provide a guide to future planning and zoning decisions, achieving a better community and living environment.” (Lee Township Master Plan page 5)*

Residents gave some of their “Reasons for Living in Lee Township” as: Rural (25%) and Peace, Wildlife, Beauty (18%) totaled 43% of the responses. (Lee Township Master Plan page 5)

2. The Special Use/outdoor firing range conflicts with the Lee Township Zoning Ordinances. The Zoning Ordinances require adherence to the Lee Township Noise Ordinance #63:

*h. “Central loudspeakers and paging systems and noise generated on the site must comply with the Lee Township Noise Ordinance #63.” (Section 7.14.h Outdoor Recreation of the Lee Township Zoning Ordinances pg. 93, read in the Public Hearing).*

- A. The proposal lacked any provision for noise abatement. The amount of gunfire generated is 50 rounds of ammunition per student. Each class is anticipated to have 10 students. Five hundred rounds of ammunition shot per class, two classes would total 1000 rounds per weekend.
- B. The privacy fence design proposed by the applicant on either side of the berm does not ensure that neighbors and their properties shall remain unaffected by the installation of the firing range.
- C. Question about whether the proposed barrier design is sufficient to ensure that the percussions from muzzle blasts (up to 1000 firearm discharges per weekend) will not affect the lifestyles of existing, or future, neighbors.

As referenced in the public hearing, The Lee Township Noise Ordinance #63 page 1, states: *Section 1. General Prohibition.*

*“No person, firm, or corporation shall cause or maintain any unreasonably loud noise or disturbance which is injurious to, or which significantly interferes with or disturbs the public health, safety, welfare, peace, comfort, convenience or other public interests of the residents and property owners of the Township. Any such noise or disturbance is hereby declared a public nuisance.”*

*Section 2. Specific Violations*

- 1. *“Unreasonable emission or creation of any excessive noise such as yelling, shouting, singing, or use of any radio, television or other electronic or mechanical sound-producing device, including any musical instrument which disturbs the peace and quiet of the neighborhood.*
- 6. *The operation of any machinery, equipment, or mechanical device so as to emit unreasonably loud or excessive noise which disturbs the peace and quiet of the neighborhood.”*

In conclusion, there may be significant safety concerns to the neighbors and their properties due to both the applicant's design of the outdoor firing range / containment systems, and also the radius of neighboring properties that might be affected by bullets exiting the firing range and/or muzzle blast noise is very uncertain, and merits further review before issuing the Special Use Permit.

Respectfully Submitted,

Mary K. Spraul  
Chair  
Lee Township Planning Commission