

## INDOOR GUN RANGE Q&A

**People who have called me or sent me emails have raised many questions. Here are answers to some of them.**

**You have asked the council to review the indoor gun range. That must mean you oppose it, right?**

No. I repeat again - No. I have said in every communication that I am still undecided. My primary reason for asking for council review is to give residents an opportunity to be heard, either pro or con. I did not know when this would be heard by the planning commission until a day before the meeting. Nearby residents certainly did not. Also, I have a number of questions (see below). I am asking for common council review so that neighbors can be heard and so that their and my questions can be answered. I very well might vote in favor of this application.

**You must be anti-gun if you are asking for common council review.**

That could not be farther from the truth. I support the Second Amendment. I have hunted in a dozen states and a couple of countries. This past year, I took my younger daughter to a gun range. I am certain I will use this range if it is approved. Wanting to ensure that a retail use like the proposed gun range is not located in an improper place does not make me anti-gun.

**Isn't this just a place for residents to practice gun safety?**

Gun safety is great. Shooting is a fine recreational activity. I think those are positives. But this facility will not be limited to residents. That is okay, but we need to recognize that, and make any approved gun range as safe for the surrounding area as possible.

**You say that you are concerned about the right of neighbors to express their concerns; however, you have voted against protesting neighbors in the past. Aren't you being inconsistent?**

I do not believe that the right of a property owner to use his or her property should be decided by a vote of the neighbors. I have voted in favor of applications when they are consistent with surrounding uses unless facts or science say that the new use will harm the neighborhood. However, even when I fully approve of a project, I have *always* supported the right of neighbors to be heard. Neighbors often raise issues that city staff and officials do not think about. This is no different.

**Isn't this just another NIMBY (not in my backyard) complaint?**

Maybe some residents reflexively oppose this because they oppose all change. My concern is not that, and I do not expect that is the case for many of the people expressing concern. My number one concern was lack of notice to area residents. But I also have questions.

**You have complained that Mequon makes it too hard for businesses to open in Mequon. Aren't you being inconsistent?**

If people had been given a reasonable opportunity to express their concerns, I would not be asking for common council review.

**You say that people were not given an adequate opportunity to express their concerns. Did the city staff, the planning commission or the applicant do anything wrong?**

Nobody did anything wrong. All of the city's policies and state law regarding notice were followed. It is just, in this instance, they were inadequate.

Typically, in Mequon, there are two or more monthly meetings before approval of most unusual or controversial proposals. Residents then have plenty of time to learn about and comment regarding the proposals. Most of the city's controversial residential proposals involve a planned unit development rezoning. That takes at least two council meetings before approval. Similarly, the planning commission most often has two or more meetings before approval of unusual or controversial conditional use business applications.

Atypically, this proposal was approved in one meeting. Yet, this is a most unique application. Mequon has never approved anything like it before. I cannot think of any other similarly unique or potentially controversial proposal that was approved without at least two meetings.

Approving an application approved in a single meeting is great. Government should not need months to consider applications. However, the city's current notice processes are inadequate if an application, particularly a unique application, will be approved in one meeting.

**This application was approved through the normal process. Why the special treatment?**

1. The ability of a common council member to seek council review of a conditional use grant is part of the protections provided under the Mequon ordinances. It is not common, but it is not new or abnormal. It is ironic that some supporters of the gun range have used zoning code protections to oppose subdivisions in residential areas, retail establishments on Port Washington Road, the hospital, Newcastle Place and other more ordinary developments. However, when the same level of review is requested for this proposal, they become indignant.
2. Mequon's process for informing the public is adequate. I am proposing a number of changes.
3. The "normal process" is adequate when a new and unique use is being proposed. Mequon has no experience with this kind of application. This is not a new group of homes or another boutique store, office building or light industrial building.
4. Heightened scrutiny is an expected part of the normal process. See below.

**The common council already decided this issue. People near the B-5 and B-6 zoning districts had their opportunity to object to allowing gun ranges in those areas last year when indoor gun ranges were added to the zoning code.**

First, few area residents knew what was happening when the zoning code was amended last year to include this use among the conditional uses in B-5 and B-6.

More importantly, this use was not approved in this location last year.

People who believe that this use was approved for this location last year do not understand zoning. The common council did not approve this as a *permitted use* (a use allowed by right) in the B-5 and B-6 zoning districts. Instead, it allowed people to apply to have indoor gun ranges as

a *special (conditional) use* in this and a couple of other general areas. It specifically rejected gun ranges in other areas.

By making it a conditional use, the common council invited heightened scrutiny and left open the real possibility of disapproval. That is the whole purpose of a conditional use. The planning commission is obligated to look at whether the particular location in a zoning district is appropriate for a conditional use, and the commission may attach conditions to the use. Because it is a conditional use, the common council is permitted to review the location and the conditions. If the council believed that heightened scrutiny was not necessary, it could have approved indoor gun ranges as a permitted use.

If heightened scrutiny was not expected, the planning commission would not have public hearings for conditional uses. It does. But those hearings are a farce if the people most impacted by a decision do not receive advance notice of the hearings and information about the application. As I stated above, there was no information available until the day before the public hearing.

#### **What are your concerns?**

1. People in the area did not have a chance to express their concerns.
2. This retail use will be located in a strip of homes, not in a business park. One homeowner is right next to the parking lot of this proposed range.
3. This location has not historically been highly patrolled; however, with guns and ammunition at the facility, and crime south of the proposed location. It would be an attractive place for burglary.
4. This facility is not in a location with much natural surveillance. There are not many neighbors or nearby active uses to ensure that there are not break-ins.
5. The planning commission has not reviewed the equipment plans. Based on law enforcement and gun range experts from which I have heard, and my review of articles on the subject, more sophisticated ranges generally charge more and are only used by higher-end clientele. Adding appropriate conditions might alleviate concerns about users.
6. The planning commission did not review whether this will adversely affect future development of the surrounding area and, thereby, harm existing property values.

#### **Should Mequon allow indoor gun ranges anywhere?**

That is not currently before the council. That was decided last fall before I was on the council. I am not at this point trying to reargue that issue.

However, I am surprised that little was done to ask for residents' opinions. I like and use gun ranges, and gun practice is a legal activity. But I also like and use big box retail stores, flea markets, dollar stores and paintball facilities, and what happens at those facilities is also legal. They have not been allowed because Mequon residents said they do not belong in Mequon. Similarly, Mequon has discouraged new auto dealerships and drive-through restaurants.

An indoor gun range is, in some respects, similar to those uses. All of such uses are popular, yet none of them are typically found in upscale suburban communities. Residents do not want to live next to them.