

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Lombard Plan Commission HEARING DATE: September 15, 2008

FROM: Department of PREPARED BY: Michael S. Toth
Community Development Planner I

TITLE

PC 08-26; 355 Eisenhower Lane South (Gun World): The petitioner requests that the Village grant a conditional use, pursuant to Section 155.420(C) of the Zoning Ordinance to allow a “Shooting Gallery & Range, Indoor (with ancillary retail sales of associated product)” within the I - Limited Industrial District:

GENERAL INFORMATION

Petitioner: Jerome Soskin
240 Crescent Knoll
Libertyville, IL 60048

Property Owner: George Novogroder
c/o Attorney Peter Koransky
425 Joliet Street, Suite 425
Dyer, IN 46311

PROPERTY INFORMATION

Existing Zoning: I – Limited Industrial District

Existing Land Use: Vacant Commercial Building

Size of Property: Approximately 90,811 square feet

Comprehensive Plan: Planned Business Park

SURROUNDING ZONING AND LAND USE

North: I – Limited Industrial District; developed as a commercial strip center.

South: Property within Village of Downers Grove zoned M2 - Restricted Manufacturing; developed as office/warehousing.

East: I – Limited Industrial District; developed as an Orthopedic and Medical Appliance Manufacturer known as Orochem.

West: I – Limited Industrial District ; developed as Finley Business Center.

ANALYSIS

SUBMITTALS

This report is based on the following documents filed with the Department of Community Development on August 13, 2008:

1. Public Hearing Application.
2. Response to Standards for Conditional Uses.
3. ALTA/ACSM Land Title Survey, prepared by Webster, McGrath and Ahlberg, Ltd. dated July 17, 1996.
4. Floor Plan, submitted by the petitioner.

DESCRIPTION

The petitioner intends to utilize the interior of the vacant Pitney Bowes building located on the northern portion of the subject property for an indoor firing range with the ancillary sale of firearms. Such a use is currently not permissible as a permitted or conditional use in the I – Limited Industrial District; however, the companion text amendment filed in association with this petition (PC 08-25) would allow the aforementioned use to be subject to conditional use approval. The petitioner is requesting conditional use approval to allow a Shooting Gallery & Range, Indoor (with ancillary retail sales of associated product) in the I - Limited Industrial District. As such, granting the conditional use for a Shooting Gallery & Range, Indoor (with ancillary retail sales of associated product) for the subject property would allow the petitioner the right to establish a firearms shooting range with retail sales of firearms.

Special Note: This petition assumes approval of PC 08-25. If PC 08-25 is not approved, this petition cannot be considered as it is currently proposed.

INTER-DEPARTMENTAL REVIEW COMMENTS

PUBLIC WORKS

The Utilities Division of Public Works has the following comments regarding the above mentioned address:

- 1) The Cross Connection Survey was performed on April 24, 2008 when the building was vacant and it passed as is.
- 2) BIS should review plans to determine if proposed modifications require additional cross connection protection.

PRIVATE ENGINEERING SERVICES

The Private Engineering Services Division of Community Development has no comments.

BUILDING & FIRE

The Fire Department/Bureau of Inspectional Services has the following comments regarding this petitioner's request;

- 1) The use(s) will be required to meet the current fire, life safety and building code requirements (i.e.) separation of use(s), fire suppression and detection.
- 2) The petitioner will be required to meet all Local, State and Federal standards for storing and discharging firearms within the structure.
- 3) The petitioner shall comply with all Local State and Federal environmental requirements for storing, discharging and collecting ammunition.

POLICE

The Police Department has reviewed the above referenced Plan Commission items and the following comments are submitted as part of the Inter-Departmental Review Committee process. Gun World was a business for many years in the Bensenville community. The Bensenville Police Chief stated that there were few problems associated with the business. There were never any problems associated with the business as it relates to having a range facility or their clientele. Additionally, there were no problems with criminal activity around the business. The building in Bensenville was alarmed and described as being a secure facility.

Given the length of time that this gun range and retail facility was in Bensenville, the police department has no significant concerns with the proposed plans.

PLANNING

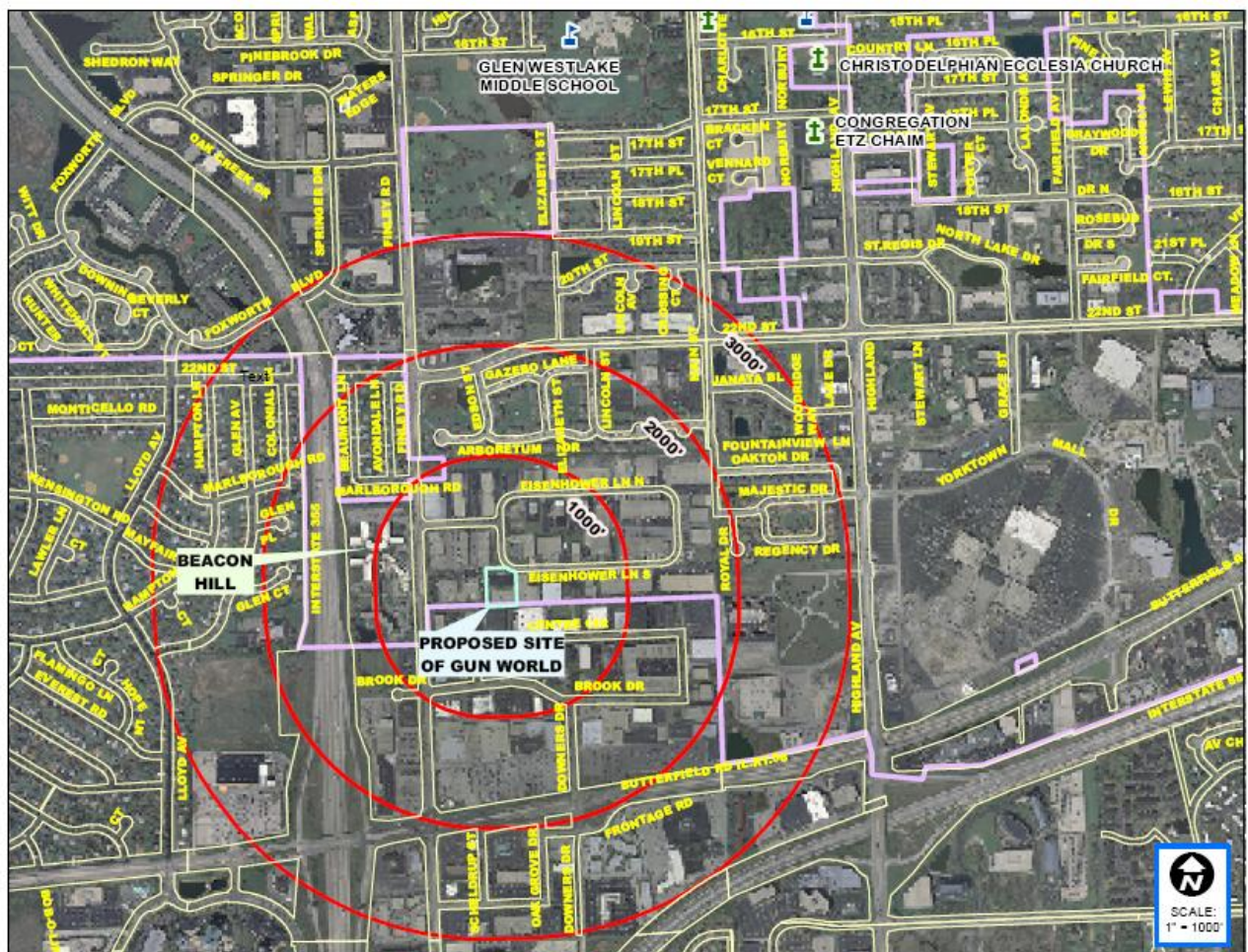
As previously mentioned, the existing building will be used for the monitored use of firearms with ancillary sales. The proposed use would be conducted entirely within the confines of the existing 20,000 square foot Pitney Bowes building. The building is of brick/masonry construction, which along with soundproofing will help eliminate any ambient noise. The retail showroom will consist of a 2,000 square foot sales area with the remaining 18,000 square feet of floor area to include other features such as a machine shop, repair shop, security/training classrooms, a virtual reality training facility, locker/storage area and shooting range that will require a majority of the building space with 30 proposed firing positions. The petitioner has also indicated that the facility would be available for any Olympic training functions requiring the use of a firing range.

The firing range will include a HEPA air filtration system to remove lead particulates from the air and soundproofing to eliminate ambient noise. A secured storage area will be located behind the firing range for the removal of the lead associated with the bi-product of the shooting range. This

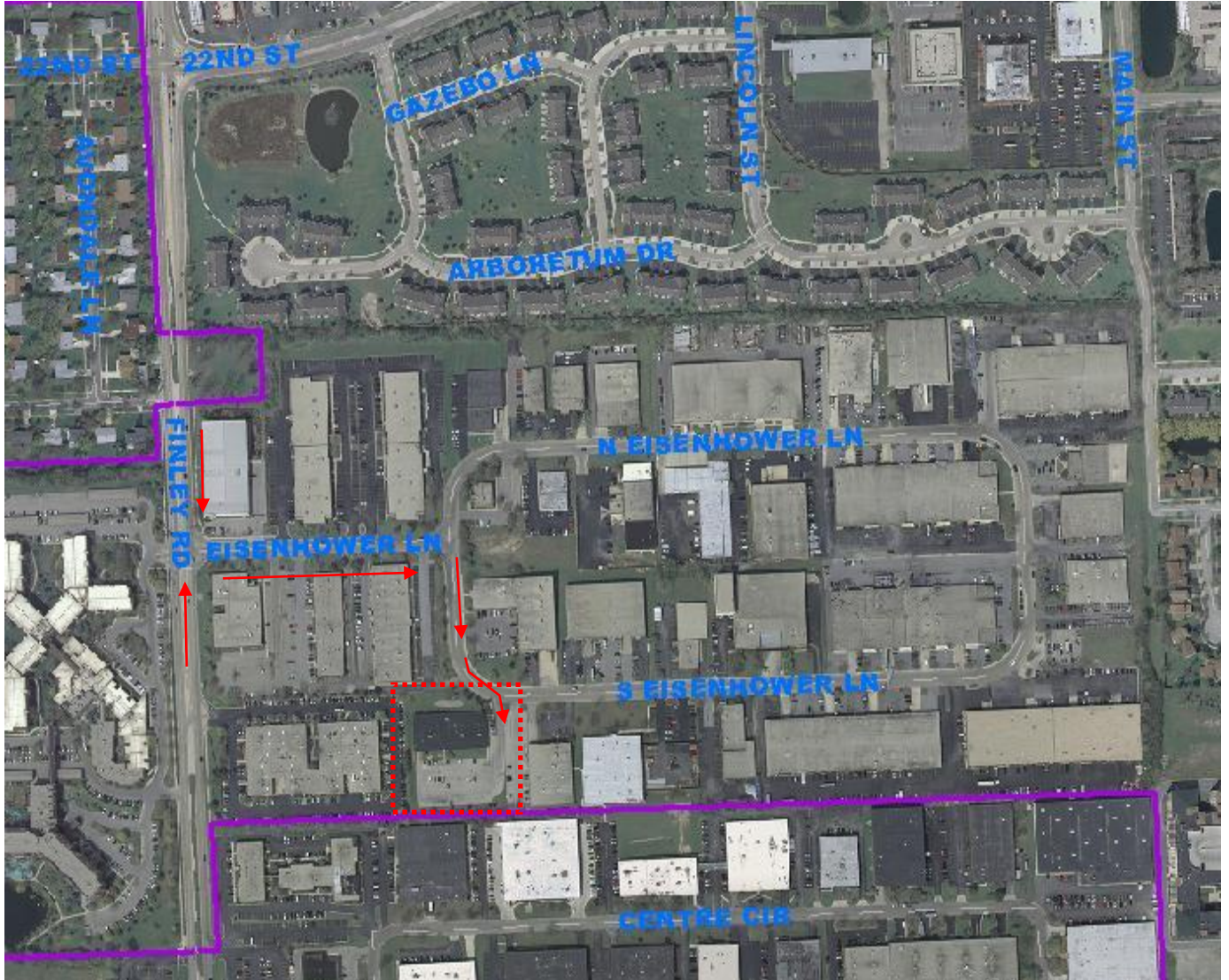
area will have direct access to the outside for easy removal. The Fire Department/Bureau of Inspectional Services has conducted a cursory review of the entire plan and will apply all pertinent building codes during the permit review process.

The hours of operation for the proposed use would vary from the week through the weekend (Monday through Friday 10 am -10 pm, Saturday & Sunday 9 am – 6 pm). Twelve (12) security cameras will monitor the property – nine (9) cameras inside and three (3) cameras outside. A range officer will be present at the firing positions at all times.

The petitioner has indicated that 60% of their business will derive from police departments, private security agencies and clubs/organizations while the remaining 40% would consist of individual customers (including off-duty police officers). Under State law, any individuals wishing to purchase or even handle a firearm that is for sale would need to possess a valid Firearms Owner’s Identification (FOID) card.



Eisenhower Lane, which feeds off of Finley Road, is the only point of ingress to the York Brook Business Park; as such, vehicular access is very limited to the subject property. The following illustration provides a visualization of the vehicular access to/from the subject property and also depicts how concealed the subject property is in relation to any major thoroughfares.



Existing Site conditions

Screening

The southern portion of the subject property is located on a municipal boundary line shared with the Village of Downers Grove. That portion of Downers Grove abutting the subject property contains

properties with light industrial uses as well. Thick vegetation is provided on the southern portion of the subject property whereas the adjacent property to the south is no longer visible from the subject property.

Parking

There are currently 87 spaces provided on a newly paved and striped lot. The Zoning Ordinance has no available parking provisions to address the proposed shooting range. As a means of establishing parking guidelines for the subject use, the Amusement Establishment parking provisions will be utilized to address the shooting range component. Under the Amusement Establishment provisions, one parking space must be supplied for every three person's capacity with one space allocated per employee. The occupancy capacity for the building cannot be determined until all Building Code issues have been evaluated. The petitioner has indicated that there will be 8-10 full time employees. The Zoning Ordinance does contain provisions to address the retail sales component of the proposed use, which requires four parking spaces per one thousand square feet of gross floor area. Under this rationale, the 19,973 square foot building would be divided into two separate parking categories – sales and all other portions being classified as amusement area. Based upon rough evaluation of the occupancy capacity and the retail sales space, the provided 87 parking spaces would be more than adequate for the proposed use.

The Zoning Ordinance requires a specific amount of handicap accessible parking spaces based on the number of required parking spaces. Two (2) handicap accessible spaces are currently provided on-site.

Compatibility with the Comprehensive Plan

The Comprehensive Plan recommends Planned Business Park at this location. The York Brook Business Park is specifically described in the Comprehensive Plan as being one of the newer, established business park locations within the Village. The York Brook Business Park is also completely developed and generally well maintained. Although described in the Comprehensive Plan, there are no specific recommendations for the types of uses that should occur within the York Brook Business Park. Given this circumstance, the very nature of a business park can be generally summarized as providing light industrial, business and office land uses.

As the petitioner plans to establish a firearms shooting range with ancillary retail sales of the associated product, the types of activities being conducted on site could be categorized under multiple land use types. The activities associated with the firing range that would be conducted on site will require the removal of hazardous materials (lead); as such, the use could be considered light industrial by nature. The retail sales component would be categorized as a commercial use as the sale of firearms is already permissible in a number of commercial districts.

Compatibility with Surrounding Land Uses

The property is surrounded by light industrial uses on all sides. Other tenants occupying those surrounding uses include a variety of "light" industrial uses, largely warehousing and distribution. A majority of trips generated by the proposed firearms shooting range would most likely occur after

5:00 p.m., which is after the typical operating hours of the surrounding businesses. From a land use perspective, staff finds that a shooting range is compatible with the surrounding land uses.

From a land use perspective, it is staff's opinion that the types of activities associated with the proposed use may be more suitable for the I – Limited Industrial District. There will be hazardous material removal (lead), which would be better suited for a light industrial area because of the proximity away from residential areas. With the use of modern methods of lead disposal and soundproofing, any nuisances associated with a firearms shooting gallery would be kept below an appreciable level of disturbance. As a condition of approval, the petitioner will be required to keep any noise disturbances internal to the building.

The distant proximity to any residential, educational and religious institutions also makes the subject property within the I – Limited Industrial District more appropriate. In fact, there are currently no residential properties, schools or religious institutions within at least five hundred (500) feet of the subject property. The closest residential property is the Beacon Hill Retirement Community, which is 800 feet from the subject property. Etz Chaim Synagogue at 4,800 feet from the subject property is the closest religious institution and Glenn Westlake Middle School also at 4,800 feet is the closest educational institution, each of which are almost one mile from the subject property.

Standards for Conditional Uses

For a conditional use to be approved, the standards for conditional uses must be met. Staff has reviewed the petitioner's plan and the standards and offers the following comments:

1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare;

The conditional use process allows staff the opportunity to review each applicable petition in context with the surrounding area in regards to health, safety, and general welfare. As indicated in the submittal package, the major business operations associated with the proposed use will be conducted within the confines of the existing building located on the subject property. The petitioner has also indicated that he will maintain a safe environment inside and outside of the building. The use of security cameras will be used to monitor activity inside the building and also on the outside grounds of the subject property. Security personnel will also be present at all times within the building. The petitioner has also indicated that 60% of their business will most likely consist of police officers and private security firms.

2. That the conditional use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the neighborhood in which it is to be located;

The proposed use would be conducted entirely within the confines of the existing building; however, there will be hazardous material removal (lead), which would be better suited for an

industrial area. The surrounding properties within the York Brook Business Park are light industrial by nature and may also require the removal of hazardous materials used for production. As such, the proposed use would be consistent with those surrounding light industrial properties.

3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

The petitioner plans to conduct business entirely within the confines of the existing building with no site improvements planned for the future. From a land use perspective, the type of use being proposed is compatible with the surrounding properties; as such, the normal and orderly development and improvement of the surrounding properties would not be adversely affected.

4. That the adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided;

As the petitioner intends to utilize the vacant building on the subject property and not alter the existing site, any necessary infrastructural improvements are already in existence. Should any infrastructural improvements be deemed necessary, the Private Engineering comments provided within this report shall address such improvements.

5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;

The existing drive aisle leading into the property at 355 Eisenhower S. is twenty-one (21) feet wide, where a minimum of twenty-four (24) feet is required for a two-way drive aisle. No improvements to the existing ingress/egress are required as the drive aisle already exists and considered legal non-conforming. However, in the event that the drive aisle and/or parking is altered in a fashion that would allow for an additional three (3) feet, it would be required at that time to be constructed per Code.

6. That the proposed conditional use is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard; and,

The Comprehensive Plan recommends Planned Business Park at this location. The York Brook Business Park is specifically described in the Comprehensive Plan as being one of the newer, established business park locations within the Village. The York Brook Business Park is also portrayed as being completely developed and well maintained. Although described in the Comprehensive Plan, there are no specific recommendations for the types of uses that should occur within the York Brook Business Park. Given this circumstance, the very nature of a business park can be generally summarized as providing light industrial, business and office land uses.

The activities associated with the firing range that would be conducted on site will require the removal of hazardous materials (lead); as such, the use could be considered light industrial by nature. The retail sales component would be categorized as a commercial use as the sale of firearms

is already permissible in a number of commercial districts. As the bulk of the proposed use could be categorized as light industrial, the proposed use is not contrary to the objectives of the Comprehensive Plan.

Encourage property owners to maintain and enhance the overall condition of existing industrial, business and office developments.

This policy refers to the development in a property maintenance context. Not only would the petitioner need to demonstrate proper property stewardship, future property maintenance must also be carried on through the life of the business.

New development shall have adequate off-street parking and loading facilities.

The ability to provide adequate parking and loading facilities should be provided for all light industrial sites. As the subject property supplies a total of 87 parking spaces, the provided number of parking spaces should far exceed the amount of required parking for the proposed use. A loading dock is also provided on the southwest portion of the building, which can be used for the delivery of goods associated with the business.

7. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission.

Staff has reviewed the petition and if it were to be approved, the applicable code issues and/or conditions of approval would be addressed during the permit review process. As is, the site conforms to all requirements set forth in the Zoning Ordinance, with respect to the use. The petitioner would need to receive an updated Certificate of Occupancy/Zoning Certificate that permitted the proposed conditional uses.

FINDINGS AND RECOMMENDATIONS

Based on the above findings, the Inter-Departmental Review Committee recommends that the petition as presented does meet the standards set forth in the Zoning Ordinance and recommends that Plan Commission make the following motion recommending **approval** of this petition:

Based on the submitted petition and the testimony presented, the requested text amendments and conditional uses **comply** with the standards required by the Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission accept the findings and recommendations of the Inter-Departmental Report as the findings of the Plan Commission and I recommend to the Corporate Authorities **approval** of PC 08-26; subject to the following conditions:

1. The subject property shall be developed in substantial compliance with the site plan prepared by Webster, McGrath and Ahlberg, Ltd. dated July 17, 1996 and the 2008 building plan submitted by the petitioner.

2. Soundproofing for the proposed firing positions will be constructed in such fashion to eliminate any ambient noise external to the building.
3. All comments in the Inter-Departmental Review Committee Report shall be satisfactorily addressed.
4. The petitioner shall secure a building permit from the Village for all required improvements.

Inter-Departmental Review Group Report Approved By:

William Heniff, AICP
Acting Director of Community Development