

October 2, 2008

Mr. William J. Mueller,
Village President, and
Board of Trustees
Village of Lombard

Subject: PC 08-25 & PC 08-26: 355 Eisenhower Lane South

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petitions. The petitioner is requesting text amendments to the Zoning Ordinance to allow Shooting Gallery & Range, Indoor (with ancillary retail sales of associated product) and companion conditional use approval to allow Shooting Gallery & Range, Indoor (with ancillary retail sales of associated product) on the subject property located in the I – Limited Industrial District.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on September 15, 2008. Chairperson Ryan asked if there was anyone to cross-examine the witnesses. Hearing none, he requested that the petitioner begin their presentation.

Marshall Subach, 1035 S. York Road, Bensenville, IL, stated that his client is asking for text amendments to the Zoning Ordinance and conditional use approval to allow a gun store, shooting range and gunsmith area in the existing building on the subject property. He stated that his client has operated in Bensenville for over 31 years. Mr. Subach declared that the hearing pertains only to land use and zoning issues and should not concern gun control issues.

Mr. Subach stated that the subject building is one-story and of brick construction. Mr. Subach then shared photographs of the building with the Plan Commission (See Exhibit B). Mr. Subach then explained that there are 87 parking spaces provided on-site. Mr. Subach added that there is also berming on the southern portion of the property along with thick vegetation provided in that area. Referring back to the building, Mr. Subach stated that there would be 30 indoor shooting stalls provided.

Mr. Subach stated that there are three separate components to the proposed use – gun sale, shooting range and gunsmithing. Mr. Subach explained that the sale of firearms already occurs within the Village at certain sporting goods stores. Mr. Subach mentioned that his client has sold firearms for more than 30 years. He added that his client intends on selling high-end firearms and the facility will service certain police departments. Mr. Subach mentioned a number of those departments, which included Lombard PD.

Mr. Subach stated that sales from Gun World would be around \$750,000 per year, which would generate more tax than some of the surrounding industrial uses. Referring to some safety concerns, Mr. Subach mentioned that all guns will be in locked cases and there will be nine security cameras on the inside of the building and three on the outside.

Barry Soskin, 2 East Brittany Dr. Arlington Heights, IL, is one of the owners of Gun World. Mr. Soskin explained some of the State requirements pertaining to the handling of firearms. Mr. Soskin stated that anyone wishing to handle a firearm must possess a Firearms Owner's Identification (FOID) card, which is issued by the Illinois State Police. Mr. Soskin also explained that there is a 72-hour waiting period for all handguns and a 24-hour waiting period for long guns. Mr. Soskin also explained that State law requires that all firearms entering the building and exiting the building be unloaded and in a case.

Marshall Subach went on to explain that there will be no black powder or wastewater that will be improperly dispensed. Mr. Subach stated that that the proposed use is actually like many other uses in the community. He added that there will be two ranges – one is a virtual reality training simulator and the other is a self-contained indoor firing range. He mentioned that the range does allow high-power rifles, which would most likely be used by police departments. Mr. Subach stated that the firing range will cost \$1.2 to \$1.3 million to construct and the retail component will cost \$100,000 to \$200,000. Mr. Subach explained that the range does contain safety baffles, which prevents bad shooters from misfiring onto other stalls. He added that any waste and/or spent lead will be recycled. Mr. Subach stated that HEPA vacuums will be used to clean up any waste and HEPA air purifiers will also be provided. Mr. Subach explained that anyone wishing to enter the range will be required to be 21 years of age and possess a valid FOID card. Mr. Subach mentioned that there will be a range master available in the firing range.

Mr. Soskin stated that all spent lead will be placed in five-gallon buckets, which will be stored indoors behind the range. He added that the five-gallon buckets will be loaded and unloaded at the loading dock located on the southwest portion of the building. Mr. Soskin also explained that the HEPA filtration will prevent any dust particles from lingering in the air.

Jerome Soskin, 240 Crescent Road, Libertyville, IL, who is the owner and petitioner for Gun World stated that he was a member of the Chicago Police Department for 27 years. Mr. Soskin explained how the sound is reduced in the shooting range. Mr. Soskin explained that sound is directed forward and to the sides of the shooting wall, which reduces ambient noise. Mr. Soskin stated that the sound generated in the stalls is around seven decibels, which is similar to that of a

boom box. Marshall Subach reiterated the fact that the range would be located in a brick building, which also helps reduce the noise.

Marshall Subach then read their responses to standards for text amendments and conditional uses (see the petitioner's response to both, which were submitted as part of the public record).

Marshall Subach then read a letter favoring Gun World from Reverend Edward Bryant (See Exhibit C).

Chairperson Ryan then opened the meeting for public comment.

The following made comments in favor of the petition:

William Pugh, 30W025 Hurlingham, Warrenville, IL, stated that he has been an employee of Gun World since 1981. Mr. Pugh stated that he is an NRA certified firearms instructor and range master. Mr. Pugh stated that Gun World is a safe environment and that all patrons using the range must wear eye and ear protection.

Sam Cozzo, 422 Prospect, Elmhurst, IL, stated that he has been a patron of Gun World for more than 25 years. Mr. Cozzo stated that he took his son there when he was six years old and his son has grown to be a stand up individual because he learned to respect firearms. Mr. Cozzo added that the Soskins are very safety conscious and professional. He also stated that the range master is very strict. Mr. Cozzo also mentioned that Gun World also does certain charity work.

Michele Fowlkes, 6127 W. Rosedale, Chicago, IL, stated that she has been a customer of Gun World for over two years. She stated that the employees of Gun World go over the "do and don'ts" of gun safety with their customers.

Keith Germe, 217 N. Biermann Ave., stated that he is a FOID card holder who learned to shot in the armed forces. He added that the Village should vote to approve Gun World.

The following made comments in opposition of the petition:

Mike Pritchett, 2777 Finley Road, Suite 23, Downers Grove, IL, stated that he owns the Finley Business Center, which is west and contiguous to the subject property. Mr. Pritchett stated that he is opposed to the petition because it is not the right location for such a business. Mr. Pritchett stated that Finley Business Center is 63,000 square feet and lost their major tenant a couple of years ago. Since then, they have invested a lot of money into renovations of the building and property. Mr. Pritchett stated that York Brook Business Park consists of businesses, not industrial uses. He added that the proposed use is not compatible and office space users don't want to be located next to a gun range.

Robert Gay, 335 Eisenhower Lane, Lombard, IL, stated that he owns Mallard Press, which is located by the subject property. Mr. Gay stated that if his business is located next to a gun range it might change people's perception of his business. He added that his employees might not be as safe with a gun range located in close proximity.

The following had questions of the petition:

Paul Wasieki, 331 Eisenhower Lane South Lombard, IL, represents Orochem, which is adjacent to the subject property. Mr. Wasieki inquired about the hours of operation, the entrance location, and signage. He also stated that he has concerns with people walking into his office with a shotgun over their shoulder looking for Gun World, which might scare his employees. He stated that their business generates noise so noise from Gun World wont be heard at there location. He also inquired about the fumes as they could contaminate some of the DNA testing that goes on at their facility. Mr. Wasieki also asked about the parking scenario and security measures. He added that he had some computers and a snow plow stolen from his business and he hopes that Gun World would not attract more people trying to break into his building. He added that hopefully police do come to the gun range, increasing police presence.

Marshall Subach stated that the hours of business will be from 10 a.m. to 10 p.m. Monday through Friday and 9 a.m. to 6 p.m. on Saturdays and Sundays. He added that egress and ingress into building will take place at the front door off of Eisenhower. Mr. Subach stated that there were no break-ins in 31 years in the last building. He added that they have to follow EPA and OSEA guidelines and they are inspected every six months. He also mentioned that with the HEPA system nothing should be dispersed into the air affecting surrounding businesses. Mr. Subach stated that there is triple the parking spaces than there was at the Bensenville location so there will be no need to use any adjoining parking lots. Pertaining to signage, Mr. Subach stated that the sign will comply with I district signage standards. He mentioned that this is a destination business with customers waiting for them to open so there will not be any large neon signs, rather just a monument sign.

Barry Soskin stated that the shooting stalls are enclosed and there will be additional steel along the back wall. He explained that shots won't protrude through the backstop, let alone additional steel. Referring to the gun transportation policy, the State of Illinois requires that guns be unloaded and in a case with ammo in a separate compartment. He added that people don't come in with guns over their shoulder, rather something that looks like a nice looking gym bag.

Mr. Gay asked about the unloading policy at Gun World when you leave the store and who monitors that.

Barry Soskin stated that the range master checks that and the guns have to leave the store the same way they came in - cased and unloaded, but it is their job to put it in their trunk or back of their car.

Commissioner Nelson asked if there have been any gun-related accidents in the past 10 years.

Barry Soskin stated that there have been no gun-related accidents in 31 years of business.

Chairperson Ryan then requested the staff report.

Michael Toth, Planner I, presented the staff report. Mr. Toth stated that the petitioner has already covered all of the information in both staff reports. Mr. Toth submitted both staff reports to the public record and then gave a brief summary of staff's opinion. He stated that the petitioner is proposing to convert a vacant building into a firearms shooting range with a retail component for the sale of firearms in the I – Limited Industrial District. 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.

Chairperson Ryan then opened the meeting for questions and comments among the Commissioners. The Commissioners had no comments.

Commissioner Sweetser indicated that she is an employee of one of Gun World's clients. She stated she has no personal benefit from this case. She then stated that she could recuse herself from the hearing, but she has decided not to.

Chairperson Ryan stated that he has no problems with Commissioner Sweetser's actions.

Commissioner Olbrysh stated that he has no problem the proposed text amendment and conditional use.

Commissioner Olbrysh made the following motion for approval of the text amendments associated with PC 08-25, which was seconded by Commissioner Burke.

After due consideration of the petition and the testimony presented, the Plan Commission found by a 4-0 vote that the proposal complies with the standards required by the Lombard Zoning Ordinance; and, therefore, moved that the Plan Commission accept the findings and recommendations of the Inter-Departmental Report as the findings of the Plan Commission and recommend to the Corporate Authorities approval of PC 08-25.

Chairperson Ryan then opened the meeting for questions and comments among the Commissioners pertaining to the conditional use associated with PC 08-26.

Commissioner Sweetser stated that given this case and then the list of uses, she wondered if there is really a too broad of a list range in the kinds of businesses. She mentioned that this might become an issue in the future.

William Heniff, Acting Director of Community Development, stated that staff has looked into the issue. He then stated that there has been an increase in the number of quasi industrial uses. He stated that this is something that staff will look into in the future to seek further clarification through text amendments to distinguish such uses to traditional industrial uses. He used trade school and athletic training facilities as examples. Mr. Heniff then stated that staff may bring forward future text amendments.

Commissioner Sweetser stated that just because there is no education institution type nearby that doesn't mean that other I - Limited Industrial areas that situation might not occur the way things stand right now. She urged staff to look into the issue.

Commissioner Burke made the following motion for approval of the conditional use associated with PC 08-26, which was seconded by Commissioner Olbrysh.

After due consideration of the petition and the testimony presented, the Plan Commission found by a 4-0 vote that the proposal complies with the standards required by the Lombard Zoning Ordinance; and, therefore, moved that the Plan Commission accept the findings and recommendations of the Inter-Departmental Report as the findings of the Plan Commission and 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.

Respectfully,

VILLAGE OF LOMBARD

Donald F. Ryan
Lombard Plan Commission

c. Petitioner
Lombard Plan Commission