

**VILLAGE OF LOMBARD**  
**INTER-DEPARTMENTAL REVIEW GROUP REPORT**

TO: Lombard Plan Commission                      HEARING DATE: May 18, 2009

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

**TITLE**

**PC 09-12; 250 Cortland (Article II Range Inc.):** 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: Barton Brieghner  
c/o Attorney Joseph DiPalmisano  
19 S. LaSalle Street, Suite 900  
Chicago, IL 60603

**PROPERTY INFORMATION**

Existing Zoning: I – Limited Industrial District

Existing Land Use: Vacant Commercial Building

Size of Property: Approximately 40,807 square feet

Comprehensive Plan: Light Industrial

**SURROUNDING ZONING AND LAND USE**

North: I – Limited Industrial District Planned Development; developed as a detention pond.

South: I – Limited Industrial District; developed as Tool & Die manufacturing, known as Tella Tools.

East: I – Limited Industrial District; developed as office/warehousing, known as Faraz International Group.

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

## ANALYSIS

### SUBMITTALS

This report is based on the following documents filed with the Department of Community Development on April 13, 2009:

1. Public Hearing Application.
2. Response to Standards.
3. ALTA/ACSM Land Title Survey, prepared by Harrington Land Surveying Ltd., dated October 17, 2007.
4. Floor Plan/Site Plan, prepared by Thomas Budzik Architecture PC, dated April 13, 2009.
5. Photographs of the subject property, submitted by the petitioner.

### DESCRIPTION

The petitioner intends to utilize the interior of the western tenant space within the existing building located on 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 09-11) would allow the aforementioned use to be subject to conditional use approval. Therefore, 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 the ancillary retail sales of firearms.

Special Note: This petition assumes approval of PC 09-11. If PC 09-11 is not approved, this petition cannot be considered as it is currently proposed.

### INTER-DEPARTMENTAL REVIEW COMMENTS

#### PUBLIC WORKS

##### Engineering

Public Works Engineering has no comments at this time.

**Utilities**

Public Works conducted a cross connection inspection at the subject property on January 10, 2008. They did not pass because they needed to upgrade their fire sprinkler single check valve to a double check detector assembly (DCDA). If it has not already been addressed, this improvement would need to be made.

**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:

- 1) 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.
- 2) 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 western tenant space in the existing building would mainly be used for the monitored use of firearms with ancillary sales of associated product. The building is of brick/masonry construction and there is a dividing wall separating the subject site from the tenant space to the east, located at 240 Cortland Avenue. The proposed layout for the building would consist of three main areas. The twenty-four (24) stall firing range would be the largest component

of the building at 9,784 square feet. The sales retail component would be considered ancillary, and it would be 2,662 square feet in area. The remaining 7,674 square feet of floor area includes miscellaneous features such as a reloading area, gunsmith area, office/storage space, lockers and a virtual shooting range.

The firing range itself is prefabricated (primarily constructed from steel) and will include a HEPA air filtration system to remove lead particulates from the air and soundproofing to eliminate ambient noise. The petitioner has stated that the firing range will comply with State and Federal EPA regulations and guidelines. A secured storage area will be located behind the firing range for the removal and recycling of the lead associated with the bi-product of the shooting range. This area will have direct access to the outside for removal and disposal. 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 9 am – 6 pm & Sunday 9 am – 5 pm). Twelve (12) security cameras will monitor the property – seven (7) cameras inside and five (5) cameras outside. A range officer will be present at the firing positions at all times.

The petitioner has also indicated that a majority of their business will most likely consist of municipal law enforcement agencies and private security firms. Under State law, any individuals wishing to purchase or physically touch a firearm and ammunition would need to possess a valid Firearms Owner's Identification (FOID) card.

### **Existing Site conditions**

#### *Parking*

The proposed site plan provides for a total of 41 parking spaces. The Zoning Ordinance requires a specific amount of handicap accessible parking spaces based on the number of required parking spaces. As 39 regular parking spaces are provided, two (2) accessible parking spaces are required.

The Zoning Ordinance has no available parking provisions to address the proposed shooting range use. 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 (1) parking space must be supplied for every three (3) person's capacity with one (1) space allocated per employee. Although the occupancy capacity for the building cannot be fully determined until all Building Code issues have been evaluated, staff is proposing that the actual parking spaces provided determine the maximum occupancy for the building. Based on this scenario, the petitioner will provide a total of 41 spaces. The petitioner has indicated that they may have up to 10 employees; however, as a condition of approval, the petitioner will only be required to provide a total of at least six (6) delineated employee parking spaces in the northeastern portion of the parking lot. The employee parking spaces are required to reduce the amount of customer traffic in the loading areas. As a result, a total of 35 spaces would be available to the customers of the facility. Based on the Amusement Establishment provisions (1

space per 3 persons capacity), occupancy would be capped at 93 persons (31 spaces x 3 persons per space), plus 10 employees for a total of 103 person's capacity. As a condition of approval, the number of occupants will be capped based upon the number of provided parking spaces and/or the Building Code determination (whichever is less).

#### *Easement*

The tenant to the east (240 Cortland) does have an access easement over the subject site to utilize their access drive for deliveries. The easement does not grant them permission to park on the site or use any spaces. It merely gives the owner of 240 Cortland access to their loading area. To ensure that the loading at 240 Cortland does not interfere with the parking spaces located at the rear of the subject property, staff is recommending a condition requiring that employee parking shall only occur in the northern portion of the parking lot and that the employee spaces shall be delineated with the proper signage.

#### **Compatibility with the Comprehensive Plan**

The Comprehensive Plan recommends Light Industrial at this location. The North Lombard Light Industrial Area is specifically described in the Comprehensive Plan as an established industrial area. Given this circumstance, the very nature of the North Lombard Light Industrial Area can be generally summarized as providing mainly light industrial 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 and recycling 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. Also, the I – Limited Industrial District currently permits Mechanical Parts Reconditioning as a permitted use, which the proposed gunsmith element could be characterized as.

Based upon the above information, staff finds that the proposed use meets the objectives of the Comprehensive Plan.

#### **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 and recycling (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 should 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. As depicted in Appendix “A”, the closest residential property is one half mile from the subject property, the nearest private school, School of Expressive Arts and Learning is more than 1300 feet away and the nearest religious institution is no closer than one half mile.

### **Additional Considerations**

In 2008, the petitioner proposed (as part of PC 08-25 & PC 08-26) a parallel text amendment and conditional use to utilize the interior of the vacant Pitney Bowes building located at 355 Eisenhower Lane South for a similar indoor firing range and ancillary sale of firearms. The Plan Commission recommended approval of both petitions; however, the text amendment was subsequently denied by the Village Board, which resulted in the conditional use not being heard.

### **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 prefabricated indoor shooting range will be constructed of steel and would be completely enclosed within the confines of the existing brick building. The petitioner has also indicated that they 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. The petitioner has also indicated that a majority of their business will most likely consist of municipal law enforcement agencies 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 brick building; however, there will be hazardous material removal and recycling (lead), which would be better suited for an industrial area. The surrounding properties within the North Lombard Light Industrial Area 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 portion of the 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 IDRC 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 250 Cortland Avenue is twenty-three (23) feet wide, where a minimum of twenty-four (24) feet is required for a two-way drive aisle. As the drive aisle already exists it is considered legal non-conforming. The drive aisle is however in a state of disrepair. As such, improvements to the existing ingress/egress will be required as a condition of approval.

*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 Light Industrial at this location. The North Lombard Light Industrial Area is specifically described in the Comprehensive Plan as an established industrial area with some vacant land available. Although described in the Comprehensive Plan, there are no recommendations for the specific types of uses that should occur within the North Lombard Light Industrial Area, only the general recommendation of light industrial land uses.

The activities associated with the firing range that would be conducted on site will require the removal and recycling of hazardous materials (lead); as such, the use could be considered light industrial by nature. Also, the I – Limited Industrial District currently permits Mechanical Parts Reconditioning as a permitted use, which the proposed gunsmith element could be characterized as. 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 previously mentioned, the subject property supplies a total of 41 parking spaces. Loading bays are also provided on the northern portion of the building, which can be used for the delivery of goods associated with the business. The 41 parking spaces provided would be adequate for the proposed use.

*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 09-12; subject to the following conditions:

1. The subject property shall be developed in substantial compliance with Floor Plan/Site Plan, prepared by Thomas Budzik Architecture PC, dated April 13, 2009, except as such plans may be changed to meet Village Codes and the following conditions below:
2. Soundproofing for the proposed firing positions shall be provided so as to eliminate any external noise.



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.
5. The existing commercial driveway apron shall be reconstructed to Village standards.
6. All dumpsters located on the subject property shall be screened pursuant to Section 155.710 of the Zoning Ordinance.
7. Occupancy shall be based on the lesser of the two (2) options:
  - a. 103 persons, or
  - b. As determined by the Building Code
8. A minimum of six (6) employee parking spaces shall be delineated with the proper signage in the northern portion of the parking lot, in a manner acceptable to the Director of Community Development.

Inter-Departmental Review Group Report Approved By:

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William Heniff, AICP  
Director of Community Development