

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Lombard Plan Commission

HEARING DATE: May 18, 2009

FROM: Department of
Community Development

PREPARED BY: Michael S. Toth
Planner I

TITLE

PC 09-11; Text Amendments to the Zoning Ordinance: The petitioner requests a text amendment to Section 155.420(C) of the Lombard Zoning Ordinance (and other sections where needed for clarity) allowing “Shooting Gallery & Range, Indoor (with ancillary retail sales of associated product)” to be listed as a conditional use within the I - Limited Industrial District.

GENERAL INFORMATION

Petitioner: Jerome Soskin
240 Crescent Knoll
Libertyville, IL 60048

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 for Text Amendments

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 in the I – Limited Industrial District. There are currently no uses (permitted or conditional) that would allow such an activity in the I – Limited Industrial District; as such, the petitioner is requesting text amendments to the Zoning Ordinance to allow Shooting Gallery & Range, Indoor (with ancillary retail sales of associated product) as a conditional use in the I - Limited Industrial District. The petitioner has also filed for a companion conditional use approval for a Shooting Gallery & Range, Indoor (with ancillary retail sales of associated product) (PC 09-12) to allow the firearms shooting range with retail sales on the subject property.

INTER-DEPARTMENTAL REVIEW COMMENTS

PUBLIC WORKS

Public Works Engineering has no comments at this time.

PRIVATE ENGINEERING SERVICES

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

BUILDING & FIRE

The Fire Department/Bureau of Inspectional Services has no comments at this time.

POLICE

This proposal will not change existing conditions in terms of retail establishments already located within the Village of Lombard being able to sell firearms.

PLANNING

The very nature of the proposed use (a shooting range and firearm sales) is one that requires special attention. As Table 1 illustrates, neither use is permissible in the I – Limited Industrial District as either a permitted or conditional use; however, if someone wanted to establish an outdoor shooting range with associated firearms sales, this could be done in the B4 – Corridor Commercial District as a conditional use. There are no public shooting ranges currently located in the Village, but the sale of firearms occurs in a number of sporting goods stores. The sale of firearms is permissible as an ancillary function to those sporting goods stores. 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 following table demonstrates how each of the aforementioned uses is regulated in the Zoning Ordinance:

Uses	B1	B2	B3	B4	B4A	B5	B5A	I
Mechanical Parts Reconditioning	-	-	-	-	-	-	-	P
Sporting Goods Stores	-	-	P	P	P	P	P	-
Shooting Gallery (outdoor)	-	-	-	C	-	-	-	-
“C” = Conditional Use, “P” = Permitted Use, “-” Prohibited Use								

Table 1

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. The Zoning Ordinance describes the I – Limited Industrial District as *an area intended to provide an environment suitable for industrial activities that do not create appreciable nuisance or hazards, or that require a pleasant, hazard-and-nuisance-free environment*. As with any firearms shooting range, there may potentially be hazardous material removal (lead) and minimal noise disturbances. 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 the proposed text amendment would add the proposed use as a conditional use, all departments will have the opportunity to review each case on an individual basis with ultimate approval coming from the Village Board.

During the September 18, 2008 Plan Commission meeting, the petitioner proposed (as part of PC 08-25 & PC 08-26) a similar text amendment and conditional use to utilize the interior of the vacant Pitney Bowes building located at 355 Eisenhower Lane South. 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. According to Section 155.103(E)(9) of the Zoning Ordinance, no application for a text amendment, which has been denied shall be resubmitted within 90 days, unless there is a change of condition. As the 90 day period has since passed and a new location is proposed (change in condition), the petitioner has the right to reapply for the text amendment.

Conditional Use Requirement

Comments made by the Board of Trustees during original petition suggest that certain areas within the Village, although located in the I - Limited Industrial District, may not be suitable for the proposed use. Approximation to schools, churches and residential areas was discussed as underlying concern. As proposed, there will be no specific provisions that would prevent the proposed use from being located adjacent to a specific land use. However, as the proposed use would be classified as a conditional use in the I - Limited Industrial District, each case would be viewed on its own merit and the surrounding land uses would then be taken into consideration.

Standards for Text Amendments

For any change to the Zoning Ordinance, the standards for text amendments must be affirmed. Staff's response to Standards for Text Amendments are noted below:

1. *The degree to which the proposed amendment has general applicability within the Village at large and not intended to benefit specific property;*

The proposed amendments would be uniformly applied to the I – Limited Industrial District as a conditional use. All similar use proposals in the I – Limited Industrial District would automatically be subject to the discretion of the Village Board. From a land use perspective, there are uses in the I – Limited Industrial District that are similar to the proposed use. The Zoning Ordinance was amended in 2007 to allow learning centers as a conditional use in the I – Limited Industrial District and the definition of Learning Center was also amended to include athletic training facilities. Like athletic training facilities, a shooting range could also be considered a *specialized indoor facility provided for the instruction and training needs of athletes*. Shooting is considered a sport and the proposed facility would be specialized to provide an environment where patrons can hone their shooting skills by means of target practice.

2. *The consistency of the proposed amendment with the objectives of this ordinance and the intent of the applicable zoning district regulations;*

The I – Limited Industrial District is intended to provide an environment suitable for industrial activities that do not create appreciable nuisance or hazards, or that require a pleasant, hazard-and- nuisance-free environment.

The I – Limited Industrial District is intended as an employment generating area and may create significant traffic and other impacts; as such, lands within the I District shall be designated as “areas of critical concern”. In staff’s opinion, the types of activities associated with the proposed use may be more suitable for the I – Limited Industrial District. The proposed use would be conducted entirely within the confines of the existing building; however, there will be hazardous material removal (lead) and minimal noise disturbances associated with the firing range, which would be better suited for an industrial area.

3. *The degree to which the proposed amendment would create nonconformity;*

The proposed text amendment would not create any non-conforming situations as the proposed use has previously not existed as a permitted or conditional use within the I – Limited Industrial District.

4. *The degree to which the proposed amendment would make this ordinance more permissive;*

The proposed amendment will not make the ordinance more permissive by right; however, the amendments will allow any similar use proposals to petition for a conditional use without requiring the companion text amendment approval.

5. *The consistency of the proposed amendment with the Comprehensive Plan;*

As firearm shooting ranges will require the removal of hazardous materials (lead), the activities associated with a shooting range could be considered light industrial by nature. The subject use could be applied to all light industrial properties throughout the Village; however, discretion as to whether a particular site is suitable for such a use would be determined by the conditional use process.

6. *The degree to which the proposed amendment is consistent with village policy as established in previous rulings on petitions involving similar circumstances.*

The Village has a history of amending its Zoning Ordinance to address evolving circumstances presented by petition or to clarify the intent of the Ordinance provisions. In 2007, text amendments to the Lombard Zoning Ordinance were adopted to allow athletic training facilities and/or learning centers to be listed as a conditional use within the I Limited Industrial District. This amendment is similar in nature and scope.

Proposed Text Amendments

The following are the proposed text amendments for the Zoning Ordinance and Code of Ordinances. Proposed changes to the Zoning Ordinance is denoted by underlining new text.

SECTION 155.418 I LIMITED INDUSTRIAL DISTRICT REQUIREMENTS

(B) Permitted Uses

The following uses shall be permitted in the I District:

- (1) Bedding manufacturing
- (2) Boot and shoe manufacturing
- (3) Cabinet Making
- (4) Carpet manufacturing
- (5) Cloth products manufacturing
- (6) Contractors, architects, and engineers offices and shops
- (7) Dry cleaning plants and operations primarily serving satellite drop-off dry cleaning establishments in other districts.
- (8) Electronic and scientific precision instruments manufacturing
- (9) Exterminating services
- (10) Film Processing; not including retail sales or commercial studios
- (11) Furniture upholstery & Refinishing
- (12) Fur processing
- (13) Laboratories, including research and testing laboratories
- (14) Laundries, including truck route laundries, linen supply, and diaper services
- (15) Light machinery production and repair e.g. household appliances & business machines etc. - appliances, business machines, etc.

- (16) Lithographing
- (17) Mail order houses
- (18) Mechanical Parts Reconditioning
- (19) Mini-Warehouses
- (20) Musical instruments manufacturing
- (21) Offices
- (22) Orthopedic and medical appliance manufacture
- (23) Packing Material Manufacturing
- (24) Parking lots, commercial and lots other than accessory, and subject to the provisions of Section 155.600 of this Ordinance
- (25) Pottery and ceramics manufacture
- (26) Printing and publishing establishments
- (27) Public utility and service uses
- (28) Radio and television stations and towers
- (29) Rope, cord, and twine manufacture
- (30) Sheet Metal Stamping and Fabrication
- (31) Sign Contractors
- (32) Sporting goods manufacture
- (33) Storage Centers
- (34) Tool & Die
- (35) Warehousing, storage, and distribution facilities
- (36) Wearing Apparel Manufacture
- (37) Woodworking and wood products manufacture

(38) Automated Envelope Merging Process

(39) Accessory uses and buildings, incidental to and on the same zoning lot as the permitted use, which are constructed and operated in conformance with Section 155.210 of this Ordinance

(C) Conditional Uses

Subject to the provisions of Section 155.103 (F) in this Ordinance, the following conditional uses may be allowed:

(1) Adult uses (including but not limited to adult book stores, adult cabarets, adult theaters, and adult video stores) subject to the adult use:

(a) not being located within 500 feet of a zoning district which permits (or allows as a conditional use) residential development, educational or religious institutions, parks, or playgrounds;

(b) not being located within 1,000 feet of another adult use (distances to be measured from property lines);

(c) being conducted in a manner that prohibits the observation of any material depicting, describing or relating to any specified sexual activities or specified anatomical areas by display, decorations, sign, show window or other opening from any public way.

(2) Automobile repair

(3) Automotive service

(4) Banks

(5) Building material sales and storage

(6) Cartage and express facilities

(7) Catering Services

(8) Clubs and lodges, nonprofit and fraternal

(9) Compost collection facility

(10) Concrete and cast stone fabrication and molding

(11) Contractors, architects, and engineers equipment and material storage yards

- (12) Cosmetics production
- (13) Dairy products processing or manufacture
- (14) Food manufacture, packaging, and processing
- (15) Gasoline sales
- (16) Glass products production
- (17) Heliports, private or commercial
- (18) Learning centers (no outdoor component)
- (19) Metal Plating, Forging, or Casting
- (20) Mortuarial Services
- (21) Off-site parking, conforming to Section 155.602 (A) (3) (b) of this Ordinance
- (22) Outpatient medical and dental offices and clinics
- (23) Paper products manufacture
- (24) Parks and playgrounds
- (25) Planned developments in conformance with Section 155.500 of this Ordinance
- (26) Plastic extruding
- (27) Recreation buildings or community centers
- (28) Recycling collection centers
- (29) Restaurants
- (30) Schools: public and/or private elementary, middle and high
- (31) Shooting Gallery & Range, Indoor (with ancillary retail sales of associated product)
- (32) Soap manufacture
- (33) Stadiums, auditoriums, and arenas - open or enclosed
- (34) Outside Storage of Motor Vehicles

(35) Trade school

(36) Other manufacturing, processing, storage, or industrial uses as determined by the Director of Community Development to be of the same general character as the uses permitted in Subsection 155.418(C), above, and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, toxic or noxious matter or glare or heat.

(37) Four (4) story buildings within one hundred feet (100') of residentially-zoned property or a minor or major arterial street and buildings which are forty feet (40') to forty-five feet (45') in height and which are within one hundred (100') of a residentially-zoned property or a minor or major arterial street.

(38) Accessory uses and buildings incidental to and on the same zoning lot as the conditional use, which are constructed and operated in conformance with Section 155.210 of this Ordinance.

SECTION 155.802 RULES AND DEFINITIONS

SHOOTING GALLERY & RANGE, INDOOR (WITH ANCILLARY RETAIL SALES OF ASSOCIATED PRODUCT) an establishment for the practicing of target shooting on an established target range(s) within an enclosed building to prevent any projectiles from projecting beyond the confines of the building. The sale of firearms may be permitted as an accessory use.

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 09-11.

Inter-Departmental Review Group Report Approved By:

William Heniff, AICP
Director of Community Development