

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

Resolution or Ordinance (Blue) _____
Recommendations of Boards, Commissions & Committees (Green) _____
Waiver of First Requested
Other Business (Pink) _____

X

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Huliseberg, Village Manager *DAH*

DATE: September 23, 2008 (BOT) Date: October 2, 2008

TITLE: PC 08-25: Text Amendments to the Lombard Zoning Ordinance (Shooting Gallery & Range, Indoor)
PC 08-26: 355 Eisenhower Lane South (Gun World)

SUBMITTED BY: Department of Community Development *WV*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petitions. The petitioner requests:

1. 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.
2. 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. (DISTRICT #3)

The Plan Commission recommended approval of these petitions with conditions.

Please place this item on the October 2, 2008 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X	_____	Date	_____
Finance Director X	_____	Date	_____
Village Manager X	<i>David A. Huliseberg</i>	Date	9/24/08

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: David A. Hulseberg, Village Manager
FROM: William Heniff, AICP *WH*
Acting Director of Community Development
DATE: October 2, 2008

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

Attached please find the following items for Village Board consideration as part of the October 2, 2008 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 08-25;
3. IDRC report for PC 08-26;
4. An Ordinance granting approval of text Amendments to the Zoning Ordinance to allow Shooting Gallery & Range, Indoor (with ancillary retail sales of associated product);
5. An Ordinance granting conditional use approval to allow Shooting Gallery & Range, Indoor (with ancillary retail sales of associated product); and
6. Plans associated with the conditional use petition.

As both petitions are directly related to one another, the Plan Commission decided to hear both petitions as one. The Plan Commission recommended approval of the zoning actions associated with both petitions.

VILLAGE OF LOMBARD
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Village President
William J. Mueller

Village Clerk
Brigitte O'Brien

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:

Trustees
Greg Alan Gron, Dist. 1
Richard J. Tross, Dist. 2
John "Jack" T. O'Brien, Dist. 3
Dana L. Moreau, Dist. 4
Laura A. Fitzpatrick, Dist. 5
Rick Soderstrom, Dist. 6

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.

"Our shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses to create a distinctive sense of spirit and an outstanding quality of life."

"The Mission of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

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 inside.

Barry Soskin, 2 East Brittain 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 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 Soksins 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 Fowikes, 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 shoot 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 Crochem, 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 OSHA 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 Olbrys stated that he has no problem with the proposed text amendment and Commissioner Olbrys made the following motion for approval of the text amendments conditional use. 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 Olbrish.

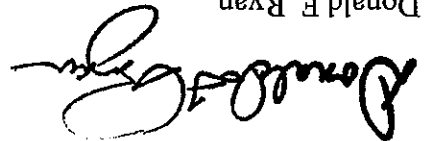
After due consideration of the petition and the testimony presented, the Plan Commission found by a 4-0 vote that the proposal complies with the standards required by the Lombard Zoning Ordinance; and, therefore, moved that the Plan Commission accept the findings and recommendations of the Inter-Departmental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

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

TO: Lombard Plan Commission
FROM: Department of Community Development
HEARING DATE: September 15, 2008
PREPARED BY: Michael S. Toth
Planner I

TITLE

PC 08-25: Text Amendments to the Zoning Ordinance: The petitioner requests 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 August 13, 2008:

1. Public Hearing Application.
2. Response to Standards for Text Amendments

DESCRIPTION

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. 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 08-26) to allow the firearms shooting range with retail sales on the subject property.

INTER-DEPARTMENTAL REVIEW COMMENTS

PUBLIC WORKS

The Department of Public Works has no comments on the petition.

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 firearm sales, this could be done in the B4 – Corridor Commercial District with the proper Board approval. There are no public shooting ranges currently located in the Village, but the sale of firearms has occurred in a number of sporting goods stores. The sale of firearms is permissible as an ancillary function to those sporting goods stores. The following table demonstrates how each of the aforementioned uses are regulated in the Zoning Ordinance:

Uses	B1	B2	B3	B4	B4A	B5	B5A	I
Sporting Goods Stores	-	-	P	P	P	P	P	-
Shooting Gallery (outdoor)	-	-	-	C	-	-	-	-

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.

Standards for Text Amendments

For any change to the Zoning Ordinance, the standards for text amendments must be affirmed. The standards and the petitioner's and staff comments 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 a major employment generating area and will 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

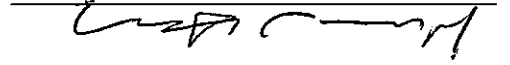
SHOOTING GALLERY & RANGE, INDOOR an establishment for the practicing of target shooting on an established target range(s) within an enclosed building to prevent any projectiles from projecting beyond the confines of the building.

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 08-25.

Inter-Departmental Review Group Report Approved By:



William Heniff, AICP

Acting Director of Community Development

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

TO: Lombard Plan Commission
FROM: Department of Community Development
PREPARED BY: Michael S. Toth
Planner I
HEARING DATE: September 15, 2008

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 Crochem.
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 Finley Boves 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

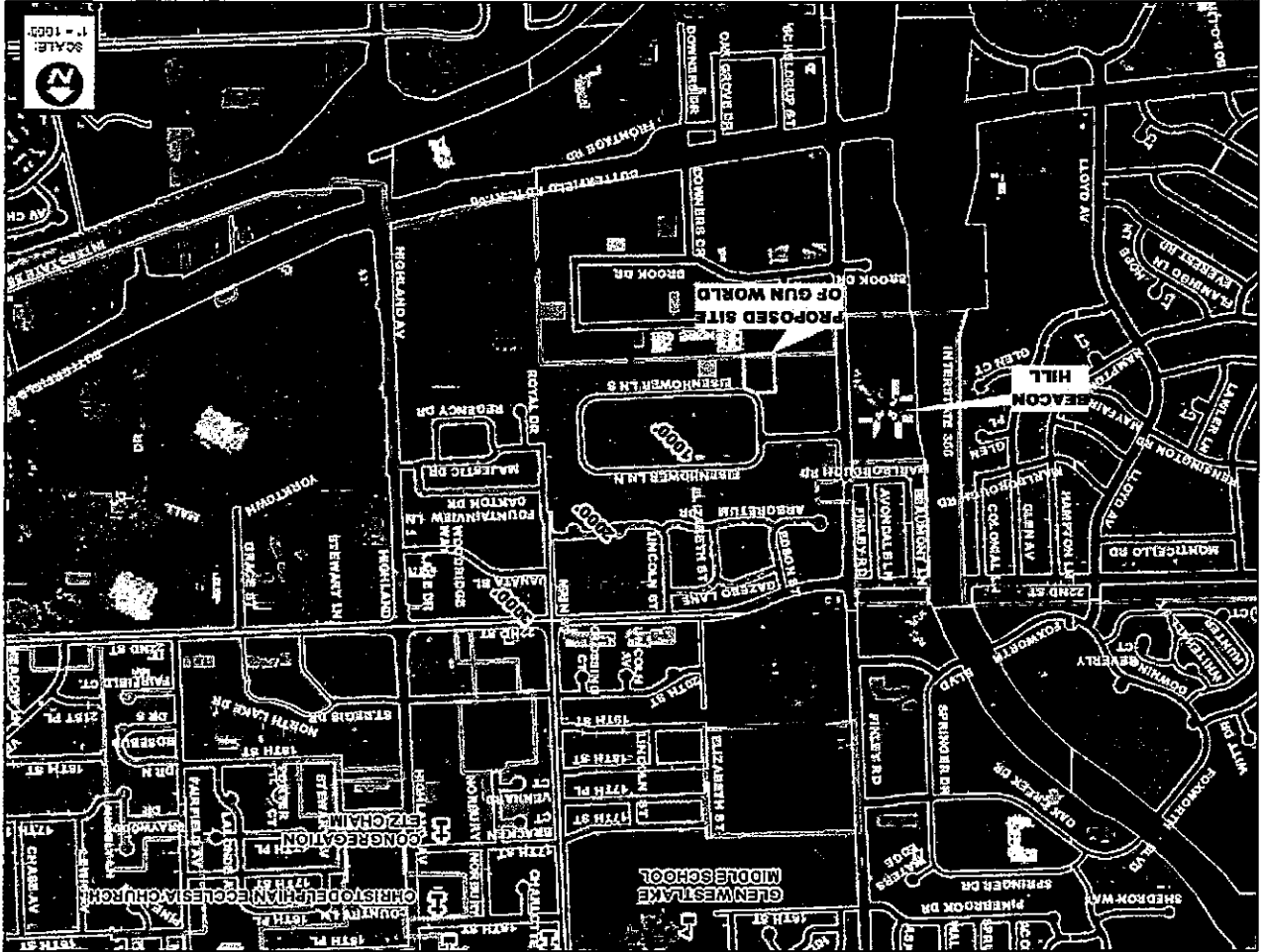
As previously mentioned, the existing building will be used for the monitored use of firearms with ancillary sales. The proposed use would be conducted entirely within the confines of the existing 20,000 square foot Pitney Bowes building. The building is of brick/masonry construction, which along with 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 HHPA 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 infrastructure improvements are already in existence. Should any infrastructure 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

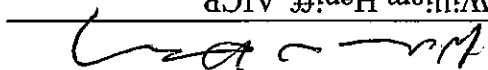
Based on the above findings, the Inter-Departmental Review Committee recommends that the petition as presented does meet the standards set forth in the Zoning Ordinance and recommends that Plan Commission make the following motion recommending **approval** of this petition:

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.

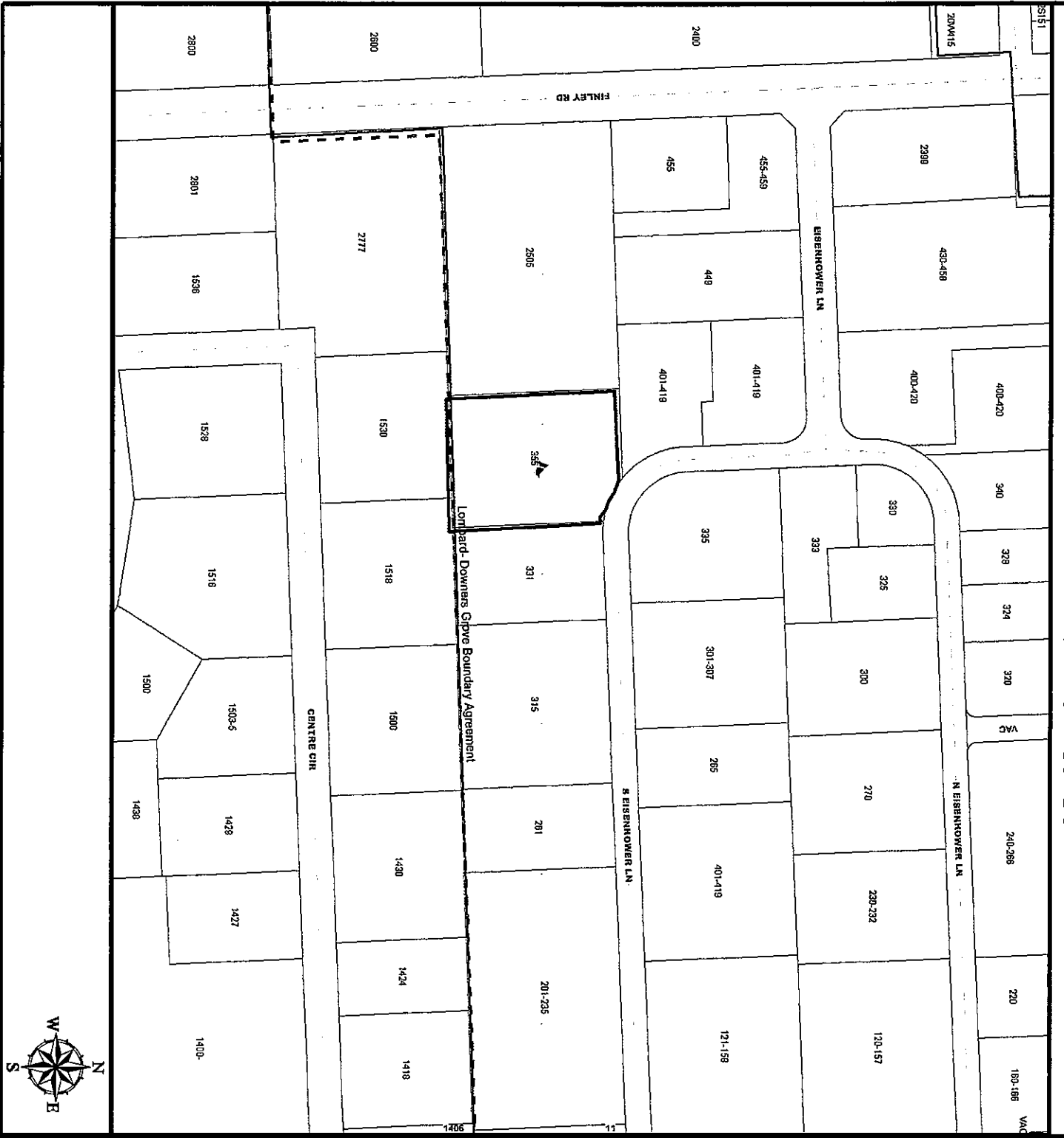
Inter-Departmental Review Group Report Approved By:



William Heniff, AICP

Acting Director of Community Development

PC 08-26: 355 Eisenhower S.



• Active Cases

Parcel Addresses

Centerline

JURIS

--- RIVER

-+ R/R

— TOLLWAY

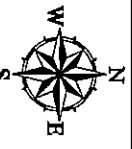
--- TRAIL

- - - Boundary Agreement

□ Parcels

□ Trustee Boundaries

274 ft



August 13, 2008

RE: PETITIONER: JEROME SOSKIN
PROPERTY ADDRESS: 355 EISENHOWER LANE SOUTH,
LOMBARD, ILLINOIS

Mr. Michael Toth
Village of Lombard
Department of Community Development
255 E. Wilson Avenue
Lombard, IL 60148

Dear Mr. Toth:

Please be advised my office represents Jerome Soskin, who is the contract purchaser for the property commonly known as 355 Eisenhower Lane South. The petitioner, Jerome Soskin, is seeking to purchase the property in order to operate an indoor gun range, retail gun store and gun smith operation at the subject location. The property is zoned I, the Limited Industrial District. The petitioner is seeking a Conditional Use and Text Amendment to allow for the operation of the indoor gun range, gun smith and retail gun store at the subject location.

Although each of the uses is not allowed under one zoning district, each of the proposed uses is allowed under the Village of Lombard Code. Specifically, the retail gun sales falls under sporting goods sales which is a permitted use in the B3 District. The gun range is allowable as a conditional use in the B4 District as a shooting gallery. Finally, the gun smith operation is a permitted use under the I District as light machinery repair.

In response to the Conditional Use standards the Petitioner responds as follows:

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 Petitioner has been in business for over 30 years in Bensenville. The Petitioner's business and building were purchased by the City of Chicago,

as part of the O'Hare Modernization Program. The subject property (355 Eisenhower Lane South) is located within the I District. Based upon the location within the industrial park, and the fact that all of the range activity will be indoors, the granting of the Conditional Use will not create a detriment or endanger to public health, safety, comfort or general welfare in Lombard. In addition, the granting of the Conditional Use will allow for local municipal police departments, including Lombard Police Department, to use the proposed range for high powered rifles that most local municipal police ranges can not accommodate. In addition, the location will allow local police departments to complete advanced tactical training including a virtual reality range for police officers. The Petitioner has a long history of working with many local municipal police departments. A copy of the Petitioner's past municipal and corporate client is attached as Exhibit "A".

In addition, the Petitioner historically has retail sales of approximately \$750,000.00 per year. The sales tax that will be generated is much more than the typical industrial use within the industrial park.

The property is over two (2) acres in area and the building is approximately 20,000 square feet. The rear approximate 120 feet of the building will be used for the gun range. The remaining space will be used for classroom area, offices, gun smith services, retail sales and training center. There will be approximately 1200 square feet of retail space. There are approximately 84 parking spaces, which will be more than adequate to handle all of the Petitioner's employees and customers. The range will have approximately 24 shooting stalls. All of the traffic that will be generated from its location will enter Eisenhower Lane from Finely.

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 granting of a Conditional Use will not substantially diminish or impair the other property valuation in the I District within the neighborhood. The gun range will fully comply with state and federal EPA regulations and guidelines and will be self contained within the interior of the existing building. The Petitioner is purchasing a prefabricated range that is entirely enclosed within the existing structure. The building is constructed with all brick masonry. The gun range is sound proof so that any noise heard outside the building is muffled and is less than most uses in the I District.

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 granting of the Conditional Use will not impede or hinder the development of the adjacent land and buildings as the business is going into an existing constructed building. All of the surrounding land is already improved with existing fairly new and well maintained industrial buildings.

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

There are adequate utilities, access roads, drainage and other facilities to support the proposed uses. All of the proposed uses will be indoors and within the existing brick building. In addition, there will not be any increased strain on the public facilities as any other typical industrial use. There are approximately 84 parking spaces available which are more than adequate for the petitioner's business.

5. The 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 roadways will be more than adequate to handle the Petitioner's customers. The proposed business will have primarily automobile traffic that consists of retail users. There will not be any type of increase traffic for the public streets or residential neighborhoods as a result of the granting of the Conditional Use.

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

Again, the Village of Lombard Code allows for each of the uses in the B3, B4 and I District and thus is not contrary to the objectives of the Village of Lombard Comprehensive Plan.

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;

The Petitioner will fully comply with all existing Village Codes and Ordinances for the proposed uses including the sign code and all required state and federal EPA regulations for the installation and operation of the gun range.

As for Petitioner's submittal in response to the standards for Text Amendments, the Petitioner submits the following:

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 Text Amendment to allow for indoor gun range, gun sales and gun smith, is consistent with other permitted uses under the B3 and B4 and I Districts. Without the Village of Lombard adopting a Text Amendment, the Village is open to a retail gun stores opening anywhere within the B3 district under sporting good stores, without Village control. By adopting the Text Amendment for the I district, the Village of Lombard will be able to regulate the location of the proposed business.
2. **The consistency of the proposed amendment with the objectives of this ordinance and the intent of the applicable zoning district regulations;**

The indoor gun range and gun smith operations are consistent with the purpose of the I Limited Industrial District which is to provide an environment suitable for industrial activities that do not create appreciable nuisance or hazard. All of the gun range operations will be indoors and the noise created will be less than the permitted standards under the I District.
3. **The degree to which the proposed amendment would create nonconformity;**

Again, the proposed uses of a gun smith, gun range and retail gun store are allowed as permitted and conditional uses in separate zoning districts within the Village of Lombard. Allowing all of the proposed uses in one location will not create any nonconformity within the code.
4. **The degree to which the proposed amendment would make the ordinance more permissive;**

That the proposed text amendment to the Limited Industrial District expands the uses for the I District, but also grants the Village will have the ability to regulate the business as a Conditional Use.
5. **The consistency of the proposed amendment with the Comprehensive Plan;**

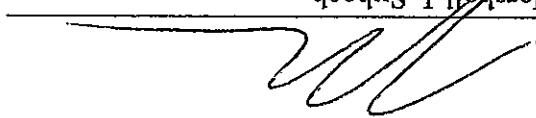
That the proposed Text Amendment is consistent with the Comprehensive Plan.

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

The granting of the Conditional Use and Text Amendment will be consistent with the Village policy to promote new business coming to the Village of Lombard, and have a new business occupy a now vacant industrial building.

Respectfully submitted:

Hunt, Kaiser, Aranda & Subach, Ltd.


Marshall J. Subach
Attorney for Petitioner Jerome Soskin

GUN WORLD CLIENTS

POLICE DEPTS cont'd

Posen

River Grove

Rolling Meadows

Rosemont

Schiller Park

Skokie

St. Charles

Stone Park

Villa Park

Waukegan

West Chicago

Westchester

Willowbrook

Winfield

Wood Dale

Zion

SECURITY FIRMS

Brinks

Dunbar

Knights Security

Thillens

Transport Security Maintenance

Safe Shot

Wells Fargo

GOVERNMENT

F.B.I.

I.C.E.

T.S.A.

MISCELLANEOUS

El Al - Israeli Airlines

Israeli Consulate

ISA

IIT

Mexican Consulate

Danish Air Transport



POLICE DEPTS

Addison

Arlington Heights

Batavia

Bensenville

Brookfield

Brookfield Zoo

Cicero

Clarendon Hills

Darien

Deerfield

East Dundee

Elgin

Elk Grove Village

Elmhurst

Elmwood Park

Fox River Grove

Frankfort

Franklin Park

Harwood Heights

Haywood

Highland Park

Hinsdale

Joliet

La Grange

Lake Bluff

Libertyville

Lincolnwood

Lombard

Lyons

Markham

Maywood

Morris

Naperville

Niles

Northbrook

Northfield

Oak Brook

Oak Brook Terrace

Orland Park

Oswego

Ottawa



tabbles'
EXHIBIT
B

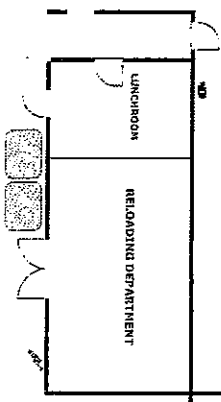




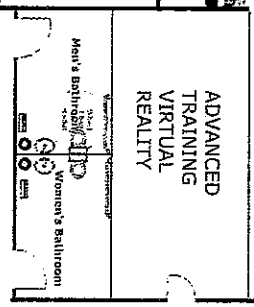




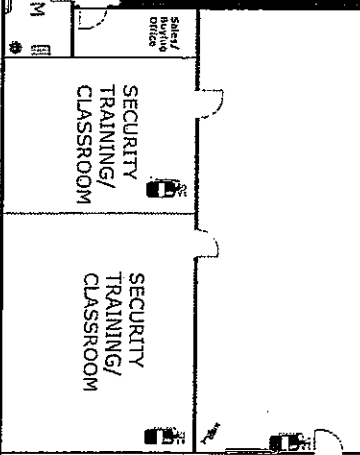
GUN SWITH / RELOADING AREA



LOCKERS / STORAGE / SALES



RANGE LOBBY



RETAIL SHOWROOM



RANGE



EYE AND EAR PROTECTION REQUIRED FOR ALL WHEN INSIDE THE RANGES

RANGE

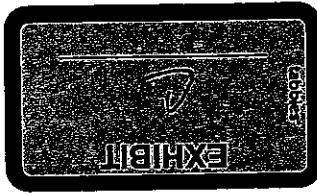


RANGE



Front Range Wall Solid Cinder Block w/ Bullet Resistant Glass Windows





Before it closed due to the O'Hare Modernization Project, I was a regular user of Gunworld Range in Bensenville. I was privileged to meet many members of law enforcement from local, state, and federal departments, several members of the diplomatic protection corps, and both reserve and active-duty service men and women. There were even a couple of pastors who, like me, spent their Mondays off at the range instead of the golf course. I was pleased with the kind of people attracted to the range and with the discretion showed by the managers and owners in screening the range users. They always required the state Firearms Owners Identification (F.O.I.D.) card appropriately from those who used the range. What other business in town caters only to people who have been vetted by the State Police?

I have been a recreational shooter for over forty years, both informally and as part of NRA regulated events. All of my family, men and women, enjoy the sport responsibly and have spent plenty of time with me on the range. As a result I have had the opportunity to observe all aspects of the shooting community up close. During those years I have also served as parochial school principal and teacher, and as a parish pastor. As a law-abiding citizen and as one who conscientiously promotes solid values, I have always found those in the shooting fraternity around the country to be kindred spirits. This is also true in our community, and we do well to cultivate it.

My family and I have been residents of Lombard for six years. I currently serve as the pastor of St. Timothy Lutheran Church at North Main and Sunset. I am writing to urge approval for the Indoor Shooting Range. I would do so in person, but have been scheduled to be out of town since long before the Planning Commission scheduled the hearing.

Dear Commission Members:

RE: Indoor Shooting Range

Lombard Planning Commission
255 East Wilson Avenue
Lombard, IL 60148

Rev. & Mrs. Edward Bryant
527 N. Main St.
Lombard, IL 60148
630-627-2408
September 13, 2008

As a Lombard resident and taxpayer, of course I would rather have a range nearby than take my trade to other communities. Besides that, however, there are other reasons to have a safe place to shoot in a community. It has been my experience that when more people learn safe handling of firearms, and especially respect for proper use of firearms, there is less potential for abuse. The "video-game mentality" is replaced by something more mature and sober, with a constant preoccupation with safety. With firearms and the firearms industry being so highly regulated, legal gun-owners are always paying attention to the law, from having a current F.O.I.D. card to legal storage and transportation of firearms. Those who hunt additionally must take hunter safety classes and address another whole set of legal requirements. It is not surprising that such people are active and law-abiding citizens.

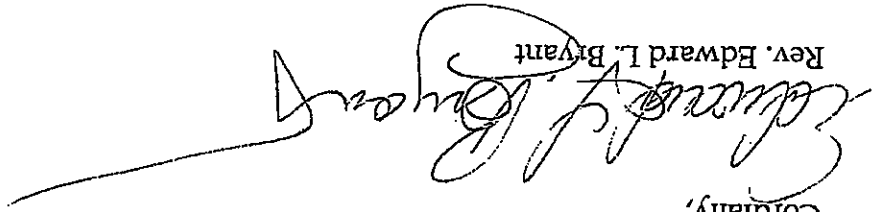
This is in contrast with many of the inaccurate stereotypes, from the "Miami Vice" style of blazing cops to the "gang-bangers." I assure you that Hollywood could learn a lot about safety from any well-run shooting range. The "gang-bangers" from the crime stories on the evening news are not only antithetical to law-abiding users of firearms, but have their own criminal organizations that clearly wouldn't intersect the world of the responsible and law-abiding.

We are blessed to live in a free country where responsible use of firearms by law-abiding citizens is a constitutional right. One way of underscoring the *responsible* part of that right is to have easy access to practice, and that means access to a shooting range. The majority of new firearms owners over the last few years are women, and they, together with carry laws in over forty states, have placed a huge emphasis upon proper training in firearms safety. There is nothing like practice to make a person, man or woman, safer, more confident, and more responsible in their use of anything that requires competence for safety - like cars. We require applicants for driver licenses to have a minimum number of hours for practice. Proper practice for responsible use of firearms is much easier when one doesn't have to drive an hour to find a safe and pleasant place to shoot.

I have tried to give a general sense of the benefits of an indoor shooting range in Lombard. I would be happy to address any other questions or concerns that are within the range of my experience. I urge your approval.

Cordially,

Rev. Edward L. Bryant



PRITCHETT REALTY CORPORATION

Suite 23

2777 Finley Road

Downers Grove, IL 60515-1037

(630) 424-0323 Fax (630) 424-0371

President William J. Mueller and Members of the Board of Trustees

Village of Lombard

255 East Wilson Avenue

Lombard, Illinois 60148

Re: PC 08-26 Opposition to request for conditional use to allow "Shooting Gallery & Range"
355 Eisenhower Lane South, Lombard

Dear President Mueller and Members of the Board of Trustees:

Pritchett Realty Corporation is the developer, property manager and agent for owner of Finley Business Center, 2505 South Finley Road, which is a 63,196 sf office building and which is contiguous to and immediately west of 355 Eisenhower Lane South.

We are writing in opposition to the request for a conditional use to allow a "Shooting Gallery & Range, Indoor (with ancillary retail sales of associated product)" to be located at 355 Eisenhower Lane South.

As recognized in the Comprehensive Plan, Yorkbrook Business Park and the surrounding area is a business park with a combination of office, office/service center, and light industrial users with a trend toward more office-type users. There are undoubtedly industrial parks with heavy industrial uses in which a shooting gallery & range would be a compatible use. However, Yorkbrook Business Park with its office users and office/service center uses is not such an industrial park.

We are opposed to the shooting gallery and range at 355 Eisenhower Lane South, as this proposed shooting gallery and range would change the business park character of Yorkbrook Business Park and would adversely affect the leasing and occupancy of Finley Business Center and the other properties in the vicinity of Yorkbrook Business Park.

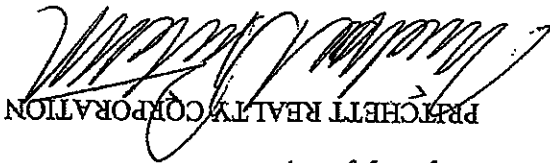
The ownership of Finley Business Center continues to invest in this property and to maintain this building to the high standards called for based on our office use and our prominent location in Lombard. On March 31, 2007, our tenant, which then occupied 100% of Finley Business Center, outgrew the building and moved to a larger building leaving Finley Business Center vacant. Since then - over the past 17 months - we have replaced the parking lot and the site lighting system at a cost of \$509,000 and have leased 73 % of the building to office space users at a cost of \$2,232,000 for new tenant improvements, and we are committed to spend an additional \$750,00 for tenant improvements in the remaining 27% of the space.

The foregoing investment in Finley Business Center totals \$3,491,000 and was made in reliance on the continuing business park character of Yorkbrook Business Park. This amount does not include the funds our tenants have invested in their premises.

For the foregoing reasons, we request that the Village Board reject the application for the conditional use.

Very truly yours,

PRITCHETT REALTY CORPORATION



Michael F. Pritchett
President

TA Associates Realty

28 State Street
Boston, Massachusetts 02109
(617) 476-2700
(617) 476-2799 Facsimile

September 22, 2008

President William J. Mueller & Members of the Board of Trustees

Village of Lombard
255 East Wilson Avenue
Lombard, IL 60148

RE: PC 08-26 Opposition to request for conditional use to allow shooting gallery and range
and opposition to zoning text amendment to name shooting gallery and range as a
conditional use in I-Industrial District.
355 Eisenhower Lane South, Lombard

Dear President Mueller & Members of the Board of Trustees:

As you know TA Associates Realty manages on behalf of The Realty Associates Fund VII, L.P., eighteen of the thirty-two properties within the Yorkbrook Business Park and is the largest single owner of properties within this Park. Of our eighteen properties, two of them are immediately adjacent to 355 Eisenhower Lane South which is under consideration for a zoning amendment to allow for a shooting gallery and range.

TA purchased these properties in October 2005 for more than \$55,000,000 knowing that the age and condition of these buildings was going to require a significant commitment to a high standard of management, maintenance and capital improvement in order to attract and retain quality paying tenants. For many years prior to our ownership these buildings had experienced frequent tenant turnover and long standing vacancies partly due to the low standard of management and maintenance.

Since our acquisition we have established a professional third party onsite management office with NAI Hittman to provide 24-hour service for all of our tenant's needs (of which there are more than 90) and we have invested more than \$7,000,000 in the Park to improve its stature within the leasing community. With this commitment I am proud to say that we have been successful in making Yorkbrook home to more than 20 new businesses within the past two years alone while leasing spaces that had previously sat vacant for up to eight years. While there will always be tenants rolling over, this is only natural with this many spaces, it is important to note that with virtually every deal we are improving the quality of the tenant mix and we are having good success in pushing market rent.

Given this I am very concerned with the Board's consideration to permit a zoning change at 355 Eisenhower Lane South allowing for use as a gun club. This type of use in the Park will be of great concern not only to our existing tenant base but will also negatively impact occupancy in the future as it will become an impediment to the leasing effort. I would hate to

see our hard work and commitment and the corresponding benefits experienced by the immediate community be jeopardized by allowing a gun club in the Park. Please know that I have nothing against gun clubs when located in the proper setting, but Yorkbrook Business Park is not a proper setting.

I sincerely apologize that I will not be in attendance on the evening of October 2nd, however in my place I have asked the Chief Operating Officer of NAI Hittman, Dave Petersen, and the onsite Property Manager, Steve Karlson, to represent TA Associates Realty as we greatly urge the Village Board to reject this change in permitted use of the I Limited Zoning District to include a shooting gallery and range.

Very Truly Yours,

TA Associates Realty on behalf of The Realty Associates Fund VII, L.P., owner.



Brooks D. Wales

Partner & Regional Director

TA Associates Realty

28 State Street

Boston, MA 02109

617-476-2727 direct

617-476-2799 fax

ORDINANCE

**AN ORDINANCE APPROVING TEXT AMENDMENTS
TO THE LOMBARD ZONING ORDINANCE
TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS**

(PC 08-25: Shooting Gallery & Range, Indoor

(with ancillary retail sales of associated product) in the I - Limited Industrial District)

WHEREAS, the Village of Lombard maintains a Zoning Ordinance which is found in Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, Section 155.102 (B)(13) of the Zoning Ordinance directs the Director of Community Development to initiate a review of the provisions established within the Zoning Ordinance; and

WHEREAS, the Board of Trustees deem it reasonable to periodically review said Zoning Ordinance and make necessary changes; and

WHEREAS, as the Director has identified and recommends text amendments to the Zoning Ordinance as set forth herein; and

WHEREAS, a public hearing to consider text amendments to the Zoning Ordinance has been conducted by the Village of Lombard Plan Commission on September 15, 2008 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the text amendments described herein; and,

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That Title 15, Chapter 155, Section 420, of the Code of Lombard, Illinois is hereby amended to read in part, as follows:

SECTION 155.420 I LIMITED INDUSTRIAL DISTRICT REQUIREMENTS

(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, signs, show window or other opening from any public way.

(2) Automobile repair

(3) Automotive service

(4) Banks

(5) Building material sales and storage

(6) Carriage 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 3: That Title 15, Chapter 155, Section 802, of the Code of Lombard, Illinois is hereby amended to read in part, as follows:

SECTION 8: RULES AND DEFINITIONS

SECTION 155.802 RULES AND DEFINITIONS

SHOOTING GALLERY & RANGE, INDOOR 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.

SECTION 4: That this ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2008.

First reading waived by action of the Board of Trustees this _____ day of _____, 2008.

Passed on second reading this _____ day of _____, 2008.

Ayes: _____

Naves: _____

Absent: _____

Approved this _____ day of _____, 2008.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this _____ day of _____, 2008.

Brigitte O'Brien, Village Clerk

**AN ORDINANCE GRANTING A CONDITIONAL USE
PURSUANT TO TITLE 15, CHAPTER 155, SECTION 155.420 (C)
OF THE LOMBARD ZONING ORDINANCE**

(PC 08-26: 355 Eisenhower Lane South)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, the Subject Properties as defined below is zoned I – Limited Industrial District; and,

WHEREAS, an application has been filed requesting approval of a conditional use, pursuant to Section 155.420 (C)(31) of the Zoning Ordinance, to allow to allow a Shooting Gallery & Range, Indoor (with ancillary retail sales of associated product) at the property described below in Section 2; and

WHEREAS, an application has been filed requesting approval of a conditional use, pursuant to Section 155.420 (C)(22) of the Zoning Ordinance, to allow off-site parking at the property described below in Section 5; and

WHEREAS, a public hearings on the foregoing application were conducted by the Village of Lombard Plan Commission on September 15, 2008 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the conditional use described herein, subject to conditions; and,

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That a conditional use from Section 155.420 (C)(31) of the Zoning Ordinance, to allow for the outside storage of automobiles is hereby granted for the Property, as described in Section 2 below and subject to the conditions set forth in Section 3 below.

SECTION 2: The approval granted in Section 1 above shall be limited and restricted to the property located at 355 Eisenhower Lane South, Lombard, Illinois and legally described as follows:

LOT 21 (EXCEPT THE EAST 50.00 FEET THEREOF) IN LOMBAR D INDUSTRIAL PARK UNIT NO. 10, BEING A SUBDIVISION IN PART OF SECTION 30, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 20, 1977 AS DOCUMENT NO. R77-28209 IN DUPAGE COUNTY, ILLINOIS

Parcel Number: 06-30-205-025

SECTION 3: The conditional use, as provided for in Sections 1 of this Ordinance shall be granted subject to compliance with 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.

SECTION 7: This Ordinance, upon approval, shall be recorded by the Village with the Office of County Recorder.

SECTION 8: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2008.

First reading waived by action of the Board of Trustees this _____ day of _____, 2008.

Passed on second reading this _____ day of _____, 2008, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this _____ day of _____, 2008.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published in pamphlet from this _____ day of _____, 2008

Brigitte O'Brien, Village Clerk