

# **Village of Lombard**

*Village Hall  
255 East Wilson Ave.  
Lombard, IL 60148  
villageoflombard.org*



## **Meeting Minutes**

**Monday, May 18, 2009**

**7:30 PM**

**Village Hall**

## **Plan Commission**

*Donald F. Ryan, Chairperson  
Commissioners: Martin Burke,  
Stephen Flint, Ronald Olbrysh,  
Ruth Sweetser, Andrea Cooper and Richard Nelson  
Staff Liaison: Christopher Stilling*

## Call to Order

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*Chairperson Ryan called the meeting to order at 7:30 p.m.*

## Roll Call of Members

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**Present:** Chairperson Donald F. Ryan, Commissioner Stephen Flint, Commissioner Ronald Olbrysh, Commissioner Ruth Sweetser, Commissioner Martin Burke, Commissioner Richard Nelson and Commissioner Andrea Cooper

*Also present: Christopher Stilling, Assistant Director of Community Development and Michael Toth, Planner I.*

Chairperson Ryan called the order of the agenda.

### **PC 09-10: 404 East North Avenue**

Requests that the Village grant a conditional use pursuant to Section 155.416(C)(4) and (5) of the Lombard Zoning Ordinance to allow automobile service and automobile repair in the B4 Corridor Commercial Shopping District. (DISTRICT #4)

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*Chairperson Ryan stated that staff has received a request from the petitioner to continue the petition to the June 15, 2009 Plan Commission meeting.*

**It was moved by Commissioner Flint, seconded by Commissioner Sweetser, that this matter be continued to the June 15, 2009 Plan Commission meeting. The motion carried by the following vote:**

**Aye:** 6 - Flint, Olbrysh, Sweetser, Burke, Nelson and Cooper

Christopher Stilling read the Rules of Procedures as written in the Plan Commission By-Laws.

## Public Hearings

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### **PC 09-11: Text Amendments to the Zoning Ordinance**

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.

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*Chairperson Ryan noted that PC 09-11 will be combined with PC 09-12, but will have two separate votes.*

*Marshall Subach, 1035 S. York Road, Bensenville, attorney representing Jerome Soskin, Contract Purchaser for the property at 250 Cortland, presented the petition. Mr. Subach stated they are seeking a text amendment and a conditional use to allow an indoor shooting range and indoor sales. He stated that they previously came before the Plan Commission for a similar request at a different location. The Commissioners*

approved that petition, but it was ultimately denied by the Board of Trustees. One of the comments the Board had at that time was to search for a location north of North Avenue, which they have now done. He mentioned the history of the business and stated that this issue is not about gun control, but about zoning and land use. He is here tonight to explain the petitions and ease any concerns one might have.

The size of the parcel is approximately 40,000 square feet. The building is a one-story multi-tenant, brick building, approximately 22,000 square feet in size with an existing sprinkler system. There are 41 parking spaces on site. Inside the building the indoor range will consist of 24 shooting stalls at approximately 9,700 square feet, 2,600 square feet of retail space, and the remaining space will consist of a reloading area, classroom space, gunsmith operations, lockers, offices and a virtual shooting range. The hours of operation will be 10 a.m. to 9 p.m. Monday through Friday; 9 a.m. to 6 p.m. Saturday; and 9 a.m. to 5 p.m. Sunday. The property is surrounded by industrial uses and is adjacent to the Village of Addison. The closest residential site is ½ mile away. The only means of access to the site is from North Avenue.

Mr. Subach referred to a display board consisting of photos of the site. The first photo was of the front of the building, which showed the entrance. Next was a photo of the west side yard and the neighboring building to the west; the rear of the subject property, which shows the loading dock doors, which will not be used by his client; the open space to the north of the subject property; the building to the east and lastly the building to the south, which is another industrial building.

He then referred to the site plan to explain how the facility is laid out. He noted the strategic placement of the indoor shooting range, which has been located at the rear of the building. There are 24 shooting stalls, which face north and are constructed of steel. Continuing, he mentioned that the entrance is located in the front of the building off of Cortland. Upon entering the building the retail space will be the first thing you will see. The reloading space is located behind the retail space. The gunsmith operations, lockers and the virtual shooting range are located along the east wall, which is the common wall they share with another tenant of the building. The classrooms, employee room, office and storage are located along the west wall of the building. There is parking along the rear of the site, green space and a detention basin. No parking on the street is allowed. The Zoning Ordinance does not identify indoor shooting ranges, but gun sales are mentioned. His client carries an inventory of high-end products and will not sell to anyone under 21 years of age. This location would not become a local "hang out" as a majority of their clients would consist of various police departments including Lombard, security firms, government and miscellaneous agencies. The storage of guns are located in a safe environment. They will have 5 security cameras on the outside and 7-8 security cameras on the inside. They would have two separate ranges: one virtual range and one indoor 24-stall shooting range constructed by Action Target. He explained how the user would use the range, how it is supervised by a range master, the air filtration system, and the removal and recycling of the lead by-product. They have provided soundproofing and noise will meet the standards set by the Industrial District.

Mr. Subach then introduced Jerome Soskin. He is one of the owners of the business who is here with his son to explain about the business.

Jerome Soskin, 240 Crescent Knoll, Libertyville, indicated he was one of the owners of the business and was a Chicago police officer for many years. A majority of their clients are from various police departments, government agencies, security firms, consulates and the airlines. He then gave examples of each entity. The facility is kept clean and is considered an adult business. They serve sportsmen and adults with gun cards. Their previous business was located in Bensenville for over 31 years until the City of Chicago

acquired their property. During those 31 years they had no problems. They owned two other ranges prior to the Bensenville facility so they have had a lot of experience close to 43 years. This is a high-line family business which does not allow kids. Neighborhood groups wanting to come in and shoot are not allowed to use the facility. They are very careful about who they permit to use the range and that is why they continue to have insurance.

Mr. Subach then introduced Barry Soskin who would speak about the processes associated with acquiring a gun card, the transportation and storage of firearms and how they relate to the facility.

Barry Soskin, 2 E. Brittany Drive, Arlington Heights, stated they have been in business for over 31 years and their business encompasses not only the service and reloading portion, but he personally added a retail component in 1977. He explained the process for purchasing a firearm in the State of Illinois, which includes obtaining a Firearms Owners Identification card (FOID) which is renewable every 5 years. The client needs to produce this card to purchase a firearm and then the business has to get a certification number through the FBI. After the certification number is given, there is a 24-72 hour waiting period before you can take possession. State law allows an individual to purchase a long gun at 18 years of age. They do not allow that in their store, you must be 21 to purchase and if you are not 21 or with a parent or legal guardian being 21, you are not allowed in the store and are asked to leave. This is adult entertainment and geared toward the sporting industry and security and police trades.

He then addressed the transportation of firearms. He stated that a gun has to be unloaded, cased with ammunition being in a separate compartment and carried in the trunk of a vehicle or inaccessible to the driver. You have to enter the store in that fashion with the gun being secured in a case and not wrapped in a blanket or just carried in.

Mr. Subach then introduced Chris Hart of Action Target, the company that will construct the indoor range.

Chris Hart of Action Target, 1679 N. 980 West, Orem, Utah, stated that the company has been in business for over 20 years. They are the largest suppliers to military and law enforcement agencies for indoor range equipment. He explained the materials that will be used in the construction of the shooting range and adjacent areas, how it stops bullets safely and the collection of by-product material from impact. It can handle high power rounds and they plan their designs for the worst case trajectories. Every round will be collected. They use the same equipment specified by the FBI and he named the various training center and agencies that use this same equipment and design.

Commissioner Sweetser asked what his definition of high power is. Mr. Hart stated anything above 2,000 foot pounds. Commissioner Sweetser asked if there was a ceiling on the definition or if it is anything above that. Mr. Hart stated there is a loose definition in terms of high power maybe Mr. Hagearty could explain further.

Mr. Subach then introduced William Provencher who would address the purification system and noise control.

William Provencher, 7904 W. Deerwood, Palos Park, works with Cary's Heating & Air Conditioning and is one of their principals. They design, build and install gun range ventilation systems. NIOSH is the suggested engineering standard and they are governed by two basic agencies that regulate gun ranges - OSHA and the EPA. He explained each agency and their regulations. He explained how the air would be cleaned by using HEPA filters and the discharged air would be cleaner than hospital air.

*They will use a 100 percent outside air system and no contaminants and/or by-products from the guns will leave the range.*

*They will work with the local architect on noise and there will be no problem with meeting the local noise ordinances for the Village. They will use a heavier grade mass in their walls and will stay under the NIOSH suggested limits. The shooting range is located away from the offices so noise will not affect them. The east side stalls of the gun range will be used for law enforcement. It will be the least used so noise won't be an issue. If you get right up against the wall you might hear a popping sound, but at the lot line you won't hear anything.*

*Mr. Subach then covered the factors in which consideration would be given for the text amendments:*

*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. The staff report states that from a land use standard this use fits better in the I district than the B4.*

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

*The gun range operations are consistent with the purposes of the I District and suitable for industrial activities that don't create hazards. All gun range operations will be conducted indoors and the noise created will be less than what the I District standards provide for. The air discharged will be cleaner and there will be no hazardous materials discharged from the use.*

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

*The text amendment would not create a non conformity as this use does not exist as a permitted or conditional use and therefore would not create a nonconformity.*

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

*This proposed amendment will expand the use for the I District, but will also grant the ability for the Village to control the use.*

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

*The gun range will be less of a strain on Village services than a typical industrial use. Most of the traffic will be similar to a retail establishment and there will be no hazardous materials discharged as a result of this use.*

*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 of Lombard has a policy to promote new businesses and has a history of amending their code to address changing business needs. They have approved athletic training centers and the range is just that.*

*He continued with their response to standards that must be met in order to grant conditional use approval.*

*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;*

*This use will not be detrimental to the welfare of the Village of Lombard. They have been in business in Bensenville for over 30 years, are an indoor activity and will not endanger the public. A range master is employed and makes sure all activities follow*

required safety precautions.

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;

All the surrounding properties are industrial. The closest residential is over ½ mile away. There will be no additional traffic and all traffic will enter from North Avenue. They will comply with all state and federal regulations. The building is all brick masonry and is soundproofed and the building is fully sprinkled.

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 north industrial park is built out, with the exception of the property to the north, with light industrial users. This request will not hinder any development in the area.

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

They are not changing the outside of the building. Everything will be self-contained. The 41 parking spaces will remain and staff has requested that the employee parking be contained to the rear of the building, which is acceptable.

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;

All traffic will enter the site off of Cortland Avenue, which can only be accessed from North Avenue.

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

The Comprehensive Plan doesn't give specifics, but wants the user to maintain the objectives, which his client will.

7. Abide by all Village ordinance and codes.

His client will abide by all Village of Lombard codes. They met with the Fire Department staff and will meet those requirements they place upon them. They will meet the Sign Code as well. The Village has recommended approval and staff has asked that they cap the capacity at 103 people, which they agree to. Staff has requested that employee parking be located in the rear, which they have agreed to, and staff has requested the repair of the drive aisle, which they agree to.

Lastly, Mr. Subach mentioned that they have met with the owner of the building to the east and after showing them their presentation and answering their questions, they had no objections and looked forward to having us there. He submitted the photos and the site plan and thanked the Commissioners for their time.

Commissioner Olbrysh asked if the neighbor they met with was Faraz International located at 240 Cortland because that building abuts your building. Mr. Subach responded, yes.

Chairperson Ryan then opened the meeting for public comment.

To speak in favor of the petition were:

Edward Bryant, 527 N. Main Street, Lombard, stated he is the pastor of St. Timothy Lutheran Church. His family has been residents for 7 years and he urged approval of the petition. He is practically a neighbor of the proposed use and has reassured his neighbors that his experience with this group has been positive in the past. He

mentioned he has been a recreational shooter and all of his family also enjoys this sport. He had used the range in Bensenville before it closed by having an annual membership. He enjoyed the place to practice and met many people. He was pleased with the caliber of people attracted to the range and how they used their discretion as to whom could be a user of the facility. He stated that while there might be some concerns about noise and clientele, he reassured his neighbors that they will be happy to have these people as part of their neighborhood.

William Pugh, 30W025 Hurlingham, Warrenville, stated he is an employee of Gun World and one of the range officers employed by them. He is a certified instructor and logs in every person who comes into the range by their identification numbers. There is a check system thereby not allowing unwarranted people. He mentioned he is a tool and dye maker by trade and works in the same industrial area. He compared the noise from the shooting range to the 600 ton punch press they use and stated that if you stand next to the punch press and shot a gun all you would hear is the punch press because the noise emitted from the press makes more noise. The noise from the shooting range will be contained inside the building and you won't be able to hear it outside the building. The building will also be further away from residential areas.

Dave Nass, 130 N. Lincoln, Lombard, stated he has been a resident of Lombard for over 25 years. He is a competitive target pistol shooter. He was also a patron of Gun World in Bensenville where he practiced and trained. He mentioned how he has to drive to DesPlaines or Aurora in order to shoot. As a resident of Lombard, he would rather spend his money here. He supports the proposal, the acceptance of his sport and urged a favorable vote.

Jim Hagearty, 22W618 Burr Oak Drive, Glen Ellyn, stated that he is a 43 year resident. He gave his credentials and indicated this proposal could impact the law enforcement and academic communities. He gave his education background, stated he is a graduate of 3 police academies and currently the highest ranking master firearms instructor in the State of Illinois. He has been a college professor, as the lead instructor at Triton College. They have processed security officers, private detectives, armed alarm contractors, and he is involved in their criminal justice program. They go through 500-1,000 students a year and train them in firearms to Illinois state standards. For the past 20 years, they have been using the Gun World facility in Bensenville. They chose them because they couldn't find a better, good-quality facility. Their classes range from 15-20 students so they desperately need a good indoor range that can accommodate them. He has worked with Action Target on their federal range, various other teams, has worked in Middle Eastern countries in training and has never seen a better more well managed facility than the one operated by the Soskin Family. He asked them to support the facility as he trains military and law enforcement. Lastly, he mentioned that he founded a state junior pistol team, which needs to be trained in an indoor facility. The Soskin facility can provide us with that facility and he encouraged them to vote in favor of the petition.

Robert Savini, 11925 S. Wolf Drive, Plainfield, stated that he is President of the Tri County Revolver and Pistol League and President of the Northwest Gun Club. He had been renting the use of the indoor range from the Soskins and their league has been using this range for competition matches. They selected their range because it was the best equipped range and they had the facilities to accommodate their team shootings as well as for the general public. He mentioned the various facilities they have had to find and the difficulties associated with it. The membership of the range includes upstanding citizens and members of the various clubs which include security personnel and police agencies. He offers his words of encouragement to allow the Soskins to have the range because there are not a lot of ranges in the area.

*Greg Hull, 614 Comstock Avenue, Elmhurst, stated he has lived there for 31 years and has shot off and on at Gun World. He belongs to a shooting sports club with the American Legion Roselle Post 1084 and has had been shooting there since 2002. He is all for the shooting club in Lombard.*

*Jerry Peterson, 1152 Leicester Court, Wheaton, stated he has lived there for 40 years. He has had an annual membership with the Bensenville Club for the last 3 years and it was an extraordinary place to go. They were courteous, kind and knowledgeable. He mentioned how he needed help with a weapon and how impressed a police officer was when he noticed that he had a trigger lock on the gun. They expect highly professional people who enjoy the sport. He mentioned how he had served 3 years as a naval officer and included his experiences. He has seen a lot of firing in his time and noted his personal experiences. He was a member of a Naval Pistol team and has competed against 200 other people. He enjoys the sport and wants to get back into shooting at targets. He was just a customer of Gun World who loved every minute of it. He assured the Commissioners that they are very professional people.*

*Robert Lenz, 7911 N. Cortland Street, Elmwood Park, stated he was a retired federal investigator. He agrees with the previous testimony about having security and police officers and how it is good for the area and he mentioned the sale of firearms nowadays. By opening such a facility that enables people to train and practice, you just never know if you might prevent an accidental shooting and save a life.*

*To speak in opposition to the petition were:*

*Jim Pekay, 244 Cimarron Road, but has a business at 260 Cortland and would be a potential neighbor. He stated he canvassed the local people around the proposed site and everyone was against it, other than the Faraz Company. His concern deals with parking. We do not believe there is enough if you have 24 ranges, a virtual setup and retail. We believe there are better locations with better parking conditions than next to an industrial park where they are at. They don't mind the business, but just not in an industrial complex.*

*Mike Miller, 1133 N. Ridge, stated he is the General Manager of a company located east of the site. He is against the gun club because they have concerns about property values, insurance, parking, road infrastructure and the capacity for increased traffic. The roads are already in bad shape and this will be an additional burden and should be addressed.*

*The petitioner rebutted. Mr. Subach addressed the issue of parking. They will have a maximum of six employees on site working at one time. They drew the site plan for 10 employees. They won't be parking on the street as all parking will be contained on site. Village staff addressed this issue by applying the amusement standards for parking, which requires 30 spaces. They will have 41. Staff also capped their capacity to 103 users on site at one time. His client stated that the capacity is more than adequate. Most of their business users are professionals and will frequent this business after hours when people in the industrial area have vacated.*

*Mr. Subach then addressed the property values. Right now the building has a store that sells retail paintings, which they have been doing outdoors. He doesn't see any evidence of why an indoor shooting range would decrease property values and there has been no professional testimony to the contrary.*

*As far the traffic issue, the roads going back to Cortland are rough but Village budgets are constrained and industrial streets are usually last to be done. Their business won't require the need for any heavy trucks to make an impact.*



Chairperson Ryan then requested the staff report.

Michael Toth, Planner I, indicated that staff has drafted the following IDRC reports to submit to the public record in their entirety.

PC 09-11

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.

The very nature of a shooting range and firearm sales is one that requires special attention. 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.

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.

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.

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.

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.

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.

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.

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.

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.

Staff finds that the standards for text amendments have been met. Furthermore, staff is recommending approval of PC 09-11.

#### PC 09-12

The petitioner is requesting conditional use approval to allow a Shooting Gallery & Range, Indoor (with ancillary retail sales of associated product) in the I - Limited Industrial District. As such, granting the conditional use for a Shooting Gallery & Range, Indoor (with ancillary retail sales of associated product) for the subject property would allow the petitioner the right to establish a firearms shooting range with the ancillary retail sales of firearms.

The western tenant space in the existing building would mainly be used for the monitored use of firearms with ancillary sales of associated product. The building is of brick/masonry construction and there is a dividing wall separating the subject site from the tenant space to the east, located at 240 Cortland Avenue. The proposed layout for the building would consist of three main areas. The twenty-four (24) stall firing range would be the largest component of the building at 9,784 square feet. The sales retail

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

The firing range itself is prefabricated (primarily constructed from steel) and will include a HEPA air filtration system to remove lead particulates from the air and soundproofing to eliminate ambient noise. The petitioner has stated that the firing range will comply with State and Federal EPA regulations and guidelines. A secured storage area will be located behind the firing range for the removal and recycling of the lead associated with the by-product of the shooting range. This area will have direct access to the outside for removal and disposal. The Fire Department/Bureau of Inspectional Services has conducted a cursory review of the entire plan and will apply all pertinent building codes during the permit review process.

The hours of operation for the proposed use would vary from the week through the weekend (Monday through Friday 10 am - 10 p.m., Saturday 9 am - 6 p.m. & Sunday 9 am - 5 p.m.). Twelve (12) security cameras will monitor the property - seven (7) cameras inside and five (5) cameras outside. A range officer will be present at the firing positions at all times.

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

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

Although the occupancy capacity for the building cannot be fully determined until all Building Code issues have been evaluated, staff is proposing that the actual parking spaces provided determine the maximum occupancy for the building. The petitioner has indicated that they may have up to 10 employees; however, as a condition of approval, the petitioner will only be required to provide a total of at least six (6) delineated employee parking spaces in the northeastern portion of the parking lot. The employee parking spaces are required to reduce the amount of customer traffic in the loading areas. As a condition of approval, the number of occupants will be capped based upon the number of provided parking spaces and/or the Building Code determination whichever is less.

The Comprehensive Plan recommends Light Industrial at this location. The activities associated with the firing range that would be conducted on site will require the removal and recycling of hazardous materials (lead); as such, the use could be considered light industrial by nature. The retail sales component would be categorized as a commercial use as the sale of firearms is already permissible in a number of commercial districts. Also, the I - Limited Industrial District currently permits Mechanical Parts Reconditioning as a permitted use, which the proposed gunsmith element could be characterized as. Based upon the above information, staff finds that the proposed use meets the objectives of the Comprehensive Plan.

From a land use perspective, it is staff's opinion that the types of activities associated with the proposed use may be more suitable for the I - Limited Industrial District. There will be hazardous material removal and recycling (lead), which would be better suited for a light industrial area because of the proximity away from residential areas. With the use

*of modern methods of lead disposal and soundproofing, any nuisances associated with a firearms shooting gallery should be kept below an appreciable level of disturbance. As a condition of approval, the petitioner will be required to keep any noise disturbances internal to the building.*

*The distant proximity to any residential, educational and religious institutions also makes the subject property within the I - Limited Industrial District more appropriate. As depicted in Appendix "A", the closest residential property is one half mile from the subject property, the nearest private school, School of Expressive Arts and Learning is more than 1300 feet away and the nearest religious institution is no closer than one half mile.*

*Staff finds that the standards for conditional uses have been met. Furthermore, staff is recommending approval of PC 09-12 subject to the 8 conditions noted in the staff report.*

*Chairperson Ryan then opened the meeting for comments among the Commissioners.*

*Commissioner Sweetser stated she was curious as to why the Village Board recommended that the petitioner look north of North Avenue for a different location. Mr. Toth stated that more than likely it was due to the proximity of residential areas. Beacon Hill Retirement Home was within 800 feet of the previously proposed location. With the site they are proposing tonight, they would be ½ mile way from any residential areas.*

*Commissioner Sweetser confirmed that the closest school is within 1,300 feet. Mr. Toth answered that it is a private school. Every public school and church is ½ mile away or more. Commissioner Sweetser commented that as there are currently no guidelines and as the Village Board did not provide any guidance, proximity is a matter of chance and we should provide guidance. Just because the school is private and forces it be in this area, doesn't mean that the people that go there are any different than people that attend a school located in a residential area.*

*Commissioner Nelson asked what the short loading zone is located in the back of the building. Mr. Subach indicated that it is for the garbage enclosures. Commissioner Nelson suggested that it takes up space that could potentially be used for parking. Mr. Subach stated that there is an easement that the building to the east has for unloading their trucks so we agreed that there would be no parking along there.*

*Commissioner Olbrysh thanked the petitioner for a fine presentation. He felt that this is an ideal location for the facility. He wanted to acknowledge some of the public comments previously mentioned which included the types of conditional uses that the Village now approves for the industrial district. When he looks over the list of some of the conditional uses that the Zoning Ordinance already provides for in that district, it lists such things as a compost collection facility, recycling collection centers, stadiums, auditoriums and arenas, and helicopter pads. Frankly, a shooting range is more of an acceptable business than the ones he just read.*

*Commissioner Sweetser stated that there was an arbitrary attempt to come up with parking standards whereby the amusement standard was used. Looking at the capacity being granted of 93-103 persons and the number of parking spaces, she asked if this standard would hold up should there be a simultaneous use of classes and shooters. She noted that this question specifically relates to the letters of dissent, which mentioned inadequate parking.*

*Mr. Toth deferred to the business owner to address the question of parking spaces and whether the number of parking spaces provided would suffice should there be a class held on site together with regular shooters being present. Mr. Subach stated that at*

their previous location that had 30 parking spaces for 31 shooting stalls and they had a larger retail component. In the proposed location they will have 24 shooting stalls with a smaller retail space so they think the 41 parking spaces will be more than enough. If parking does become an issue, they can look for the architect to relocate the enclosures and put employee parking along the rear of the building to pick up some additional parking. This would not hinder the turn around for the parking to the east.

Commissioner Cooper asked if there was an opportunity for street parking if in fact there are more than 41 people at the facility. Commissioner Burke noted a photo with a "no parking sign" in the front of the building and several other buildings. Mr. Stilling noted there isn't street parking due to the industrial nature of the area. Mr. Subach stated that the larger groups are scheduled for a certain time and date so as not to conflict with the public coming in.

Commissioner Cooper asked if there was an overflow plan. Mr. Subach answered that this will be the same as with any other type of business. If the capacity is 103 people and they are at capacity, they would have to turn people away. They could post signage in the area indicating no parking or the vehicle could be towed, similar to what other businesses do.

Commissioner Sweetser asked the other Commissioners if they had any concerns or thoughts about the proximity of this business to a park or school and whether the 1,300 feet should be a minimum. She mentioned that in the future, there could be a vacancy in one of the buildings and another type of business could move in. The current configuration has no bearing on what might be allowed. She wondered if that should be worth considering.

Commissioner Flint confirmed Commissioner Sweetser's last comment to mean that if a school opens up in the industrial park that there be a certain standard in place as to how close the school could be to the shooting range. He commented that if someone opens a school in that area, it would be at their discretion and they should know about the shooting range and take that into consideration. Commissioner Sweetser stated that they could be disadvantaged by the circumstances and she thought it might be something to think about.

Commissioner Cooper confirmed the name of the school that was within 1,300 feet. Mr. Stilling answered that it was the School for Expressive Arts. Commissioner Cooper then noted that the school didn't show up on the buffer analysis that was attached to the staff report. Mr. Stilling answered that it didn't show up as a point but we made reference to it as being the nearest educational facility.

Chairperson Ryan stated that if the facility is safe for customers and adjacent buildings, than being 1,300 feet away should be no problem. Commissioner Sweetser answered that being "safe" is in the eye of the beholder, especially where children are involved.

Chairperson Ryan stated they would take two separate votes.

The vote for PC 09-11, text amendments to the Lombard Zoning Ordinance is as follows:

**It was moved by Commissioner Olbrysh, seconded by Commissioner Flint, that this matter be recommended to the Corporate Authorities for approval. The motion carried by the following vote:**

**Aye:** 6 - Flint, Olbrysh, Sweetser, Burke, Nelson and Cooper

**Enactment No:** Ordinance 6342

**PC 09-12: 250 Cortland (Article II Range Inc. )**

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. (DISTRICT #1)

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**It was moved by Commissioner Burke, seconded by Commissioner Flint, that this matter be recommended to the Board of Trustees for approval subject to conditions. The motion carried by the following vote:**

**Aye:** 6 - Flint, Olbrysh, Sweetser, Burke, Nelson and Cooper

1. *The subject property shall be developed in substantial compliance with Floor Plan/Site Plan, prepared by Thomas Budzik Architecture PC, dated April 13, 2009, except as such plans may be changed to meet Village Codes and the following conditions below:*
2. *.Soundproofing for the proposed firing positions shall be provided so as to eliminate any external noise.*
3. *All comments in the Inter-Departmental Review Committee Report shall be satisfactorily addressed.*
4. *The petitioner shall secure a building permit from the Village for all required improvements.*
5. *The existing commercial driveway apron shall be reconstructed to Village standards.*
6. *All dumpsters located on the subject property shall be screened pursuant to Section 155.710 of the Zoning Ordinance.*
7. *Occupancy shall be based on the lesser of the two (2) options:*
  - a. *103 persons, or*
  - b. *As determined by the Building Code*
8. *A minimum of six (6) employee parking spaces shall be delineated with the proper signage in the northern portion of the parking lot, in a manner acceptable to the Director of Community Development.*

**PC 09-15: 275 W. Roosevelt Road (Roundheads Pizza)**

Requests that the Village grant a conditional use, pursuant to Section 155.417 (G) (2) (a) of the Lombard Zoning Ordinance, to allow outside service areas (outdoor dining) for the subject property located within the B4A Roosevelt Road Corridor District. (DISTRICT #2)

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*Jay Nagy, 6771 Bear, Downers Grove, IL, introduced the petition. He said they are a family owned business and have been operating for 14 years in Downers Grove and one year in Lombard. He explained that they want to add a new outdoor patio to the northwest corner of the building. He said that he feels that he needs to have this so as to compete with other businesses. He explained that they have a similar patio in Downers Grove and they have not had any complaints.*

*Chairperson Ryan opened the meeting for public comment.*

*There were no comments or questions from the public.*

*Chairperson Ryan then requested the staff report.*

*Christopher Stilling, Assistant Director, presented the staff report. Staff drafted the IDRC report to submit to the public record in its entirety. The subject property, Roundheads Pizza, is currently located in an outlot as part of the Sportmart Plaza Shopping Center. The petitioner is proposing to remove seven (7) parking spaces and construct a 1,600 square foot outdoor dining area on the northwest side of the existing building. Pursuant to Section 155.417 (G) (2) (a) of the Lombard Zoning Ordinance, outside service areas (outdoor dining) require a conditional use in the B4A Roosevelt Road Corridor District.*

#### *Zoning History of the Property*

*In 2007, the existing shopping center, including the subject property, was granted a conditional use for a planned development, by Ordinance 6126 (PC 07-05). Those approvals included plans for a new façade to the existing shopping center, signage relief for the entire center and granted approval for a new Starbucks facility with drive-thru and outdoor dining. Earlier this year, the Village Board approved an amendment to the planned development to allow the existing Starbucks facility to remain. With that approval, the rights previously granted by Ordinance 6126 for the new Starbucks were removed.*

#### *Proposed Improvements*

*The petitioner is proposing to construct a 1,600 square foot outdoor dining area on the northwest side of the existing building. To accommodate the proposed outdoor dining area, the petitioner would remove seven (7) existing parking spaces. The dining area would consist of approximately ten (10) tables with 6-8 chairs per table. Included in the dining area would be a 500 square foot gaming area on the north side, within the fenced area. The petitioner has stated that this area would only be used to play bean bag toss.*

*The petitioners plans indicate two (2) new entrances on the west side of the building. The first entrance is needed to accommodate the new dining area and it would only be accessed from the dining area. However, a second entrance would be provided outside the dining area to allow access for patrons who park on the west side of the building.*

*The dining area would be enclosed with a 4' high ornamental metal fence. The height and style of the fence proposed is consistent with other recently approved outdoor dining areas. In addition, a 2' landscape area would be provided between the fence and existing parking lot curb. The dining area would not be covered, however the existing awning on the west side would remain. No new signage is proposed as part of this request.*

#### *Existing Easement*

*As indicated by the Public Works Department, there is an existing 20' utility easement along the west side of the proposed outdoor dining area. The proposed plans would need to be revised to reflect the location of the easement. As a condition of approval, staff will be recommending that the proposed fence be relocated outside the easement area (approximately 1.5' east). In addition, no permanent landscaping shall be installed along the entire western edge of the patio in-between the fence and curb. The petitioner may be allowed to have planter boxes in lieu of permanent landscaping.*

#### *Hours*

*The petitioner has indicated that the hours of operation outside would be consistent with their current hours of operations which are roughly 11AM -1AM. It should be noted that the former Texan BBQ restaurant was granted outdoor dining last year. That petition*

*(PC 08-24) did have a condition that the hours for the outdoor dining be no later than 11PM. This was due to the location of the dining area and the existing residences directly above. However it should be noted that similar outdoor dining requests were granted for other restaurants along the Roosevelt Road Corridor (Buffalo Wild Wings) and no restrictions were placed on the hours for outdoor dining.*

#### *Compatibility with the Zoning Ordinance/Planned Development*

*Conditional use, pursuant to Section 155.417 (G) (2) (a) of the Lombard Zoning Ordinance, to allow outside service areas (outdoor dining)  
The petitioner is proposing to construct a 1,600 square foot outdoor dining area on the northwest side of the existing building. Similar requests have been granted in the past for properties along Roosevelt Road. As previously noted, the planned development approvals for this shopping center granted approval of a 1,200 square foot outside dining area for the proposed new Starbucks. In addition, Buffalo Wild Wings was approved to have an outdoor dining area in 2007. Staff does not object to this request as it allows for an alternate area for patrons to drink/eat if desired. As the property is not located near any residences, impacts of the outdoor dining function are minimal. The petitioner has submitted responses to the standards for conditional use and staff finds that the standards have been met.*

#### *Parking*

*As part of this petition, staff completed an overall review of the parking requirements for the entire shopping center. Staff also notes that Ordinance 3712, which granted the original approvals for the development, already provided for a 5.5% reduction in the required number spaces for the center. As noted, the proposed outdoor dining area for Roundheads would increase the parking demand by 26 spaces for a total of 523 parking spaces needed for the entire development. The existing center currently has 540 spaces. Since the proposed outdoor dining area would remove seven (7) spaces, 533 spaces would be provided. Staff finds that sufficient parking is being provided.*

#### *Compatibility with the Comprehensive Plan/Roosevelt Road Plan*

*The Comprehensive Plan identifies the subject property for Community Commercial Uses. The Roosevelt Road Corridor plan, a supplement to the Comprehensive Plan, provides additional recommendations regarding the request.*

*\* Ensuring that compatibility with adjacent residential properties is maintained. The proposed outdoor dining element is proposed on the northwest side of the building and will abut other commercial uses. The outdoor area will be over 400 feet away from the nearest residence. Moreover, the petitioner has indicated that they currently play music on the outside speakers while customers wait for tables outside. That volume level would be maintained. Staff has visited the property while music was playing outside and the noise level was minimal. The petition, if approved, would still be required to adhere to the Village's noise Ordinances.*

*Staff finds that this petition is consistent with the Comprehensive Plan and the Roosevelt Road Corridor Plan.*

*The site is surrounded by other retail commercial uses on all sides. The aerial shows the location of the outdoor dining area in relation to the surrounding properties. As noted, the nearest residences are in excess of 400' away. In many cases, there are substantial grade changes, existing buildings and solid fences buffering the site and the existing residences. The intent of the Roosevelt Road Corridor is to provide commercial retail business; therefore staff finds the proposed outdoor dining is consistent with the surrounding land uses. Therefore, staff recommends approval subject to conditions.*



Chairperson Ryan then opened the meeting for comments among the Commissioners.

Commissioner Cooper asked about a landscaping buffer on the west side. Mr. Stilling stated that there was a utility easement and if Public Works has to repair the sanitary sewer, they do not want to have to replace any landscaping, other than grass. That is why staff has suggested that the petitioner use removable planter boxes.

Commissioner Copper asked how customers who park on the west side were going to access the building. Mr. Stilling indicated that the petitioner is proposing a new entrance on the west side.

Commissioner Sweetser asked the petitioner to confirm that there would be no smoking outside. Mr. Nagy stated that there would be no smoking.

**It was moved by Commissioner Burke, seconded by Commissioner Sweetser, subject to conditions. The motion carried by the following vote:**

**Aye:** 6 - Flint, Olbrysh, Sweetser, Burke, Nelson and Cooper

1. The subject property shall be developed in substantial compliance with the site plan, floor plan, landscape plan, and west elevation plan (D) prepared by William R Gleason, dated 4/7/09, except as they may be changed to meet Village Codes and the following conditions below.

2. The petitioner shall apply for and receive a building permit for the proposed outdoor dining area. Said permit shall satisfactorily address all IDRC comments.

3. The proposed plans shall be revised to reflect the existing 20' sanitary sewer easement. No structures other than the curb and grass area shall encroach into the easement area. No permanent landscaping shall be installed along the entire western edge of the patio in-between the fence and curb. Plans shall be revised in a manner acceptable to the Director of Community Development.

## Business Meeting

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The business meeting convened at 9:03 p.m.

## Approval of Minutes

[Play Video](#)

On a motion by Sweetser and seconded by Olbrysh the minutes from the May 4, 2009 meeting were unanimously approved by the members present.

## Public Participation

[Play Video](#)

There was no public participation.

## DuPage County Hearings

[Play Video](#)

There were no DuPage County hearings.

## Chairperson's Report

[Play Video](#)

*The Chairperson deferred to the Assistant Director of Community Development.*

## Planner's Report

[Play Video](#)

*Assistant Director Stilling stated staff has verified a quorum for a special meeting of the Plan Commission on June 8, 2009. He indicated there would be one item maybe two. The meeting will begin at 7:30 p.m.*

## Unfinished Business

[Play Video](#)

*There was no unfinished business.*

## New Business

[Play Video](#)

*There was no new business.*

## Subdivision Reports

[Play Video](#)

*There were no subdivision reports.*

## Site Plan Approvals

[Play Video](#)

*There are no site plan approvals.*

## Workshops

[Play Video](#)

### *Live Entertainment*

*Michael Toth began by mentioning some uses that have live entertainment such as Potbelly's having an acoustic guitar, Riley's Pub and karaoke. There has been an increased demand for live entertainment into new and existing businesses possibly to spruce up their business. Currently the Zoning Ordinance permits live entertainment as a conditional use in conjunction with a restaurant in the O, I, B3, B4 and B4A Districts. There are certain ways to regulate live entertainment and we regulate the use by making sure it is done in conjunction with a restaurant. Staff is proposing to encompass live entertainment as a use on its own merit and be considered a permitted use in the O, I and B1-B5A zoning districts but in conjunction with another permitted or approved conditional use. All live entertainment uses shall comply with certain standards and requirements such as:*

*\* The live entertainment uses shall clearly be an accessory use to either a permitted or an approved conditional use.*

*\* The total area used for the live entertainment use shall not exceed 25% of the gross floor area of the business.*

*\* All live entertainment activities conducted on site shall be conducted within the confines of the building.*

*\* No toxic, explosive, flammable, or other hazardous materials; as defined by the BOCA Basic Fire Prevention Code as adopted in the Building Code of the Village of Lombard shall be used for any live entertainment purposes.*

*\* All live entertainment uses shall fully comply with all other provisions of Village Code.*

*\* Any business serving alcoholic beverages shall be required to meet the full provisions of Chapter 112 of Village Code, which regulates Alcoholic Beverages.*

*\* Each live entertainment applicant shall submit to the Department of Community Development a live entertainment permit. No live entertainment shall be allowed prior to the issuance of a live entertainment permit.*

*A definition of live entertainment will also be provided in the Zoning Ordinance for clarity.*

*Mr. Stilling stated that during the Downtown Visioning workshops staff heard from residents and business owners to create an opportunity for these types of social gatherings and staff wants to ensure we have codes to promote this. He indicated that one of the standards for permitting live entertainment is having the visibility to review the use and ensure that the live entertainment is not the driving force of the property. This is to be considered ancillary in nature.*

*Commissioner Sweetser asked for an example of what other underlying or essential business to which this might be an accessory to. Mr. Toth exemplified a bookstore could want live entertainment. Mr. Stilling stated that staff wanted to create an opportunity for transparency to the process for things that have not been thought of.*

*Chairperson Ryan commented that car dealers are even doing this. Everyone is doing it and unfortunately they are doing it now. The ones that are coming to us asking for permission to have live entertainment point out the ones that are already doing it. We have a tendency to be a little restrictive and this is a good way to be a little more user friendly.*

*Commissioner Olbrysh then exemplified a VFW hall, church or educational facility that could want live entertainment. He then asked if Village code defines adult entertainment. Mr. Stilling answered there is a comprehensive definition of adult entertainment within the Zoning Ordinance and there are other portions of Village code that address the matter. Commissioner Olbrysh stated he didn't want this text amendment left wide open to interpretation. Mr. Toth verified that the Zoning Ordinance defines adult cabaret, adult theater, adult use and adult video store having their own definitions.*

*George Wagner, legal counsel, suggested that staff make sure to include a definition of adult entertainment if it is noted in the definition of live entertainment. Mr. Toth stated that the live entertainment definition specifically precludes adult uses.*

*Commissioner Flint asked if the entertainment applies to both indoor and outdoor. Mr. Stilling answered indoor.*

*Commissioner Cooper commented that she thought it was a good idea.*

*Mr. Stilling stated the public hearing for this text amendment could be forthcoming relatively soon.*

## Adjournment

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*The meeting adjourned at 9:13 p.m.*

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*Donald F. Ryan, Chairperson  
Lombard Plan Commission*

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*Christopher Stilling, Secretary  
Lombard Plan Commission*