

**MEETING MINUTES OF THE  
PLAN COMMISSION  
June 6, 2012  
7:00 P.M.**

**LINCOLNWOOD VILLAGE HALL  
COUNCIL CHAMBERS  
6900 NORTH LINCOLN**

**MEMBERS PRESENT:**

Chairman Paul Eisterhold  
George Touras  
Steve Jakubowski  
Patricia Goldfein  
Don Sampen  
Mark Yohanna

**MEMBERS ABSENT:**

Sue Auerbach

**STAFF PRESENT:**

Community Development Manager Aaron N. Cook, AICP  
Community Development Coordinator Lauren Wolf  
Community Development Intern Andrea Litzhoff

**VILLAGE COUNSEL**

Hart Passman

**I. CALL TO ORDER**

Chairman Eisterhold noted a quorum of five members present and called the meeting to order at 7:05 p.m.

**II. APPROVAL OF MINUTES**

Motion to approve the May 2, 2012 Plan Commission minutes was made by Commissioner Yohanna and seconded by Commissioner Sampen. Motion approved 5-0.

**III. PUBLIC HEARING: 6501 N. Longmeadow Avenue – Reasonable Accommodation**

**Request: Reasonable Accommodation to Establish and Operate a Community Residence (Group Home) in R1 Residential District**

Chairman Eisterhold opened the Public Hearing and notified listeners that the 6501 N. Longmeadow Avenue Reasonable Accommodation had requested an extension until the July 11, 2012 Plan Commission meeting.

Commissioner Yohanna made a motion to continue until a date certain of July 11, 2012 seconded by Commissioner Goldfein. Motion carries 5-0. Commissioner Jakubowski arrived shortly thereafter.

### **III. PUBLIC HEARING: 6950 Central Park Avenue – Text Amendment, Special Use, and Variations**

#### **Request: 1) Text Amendment to the Zoning Code to Add “Firearms Dealers” as a Special Use in the MB District; 2) Special Use Approval for a “Firearms Dealer” at the Subject Property; and 3) Consideration of Front and Side Yard Setback Variations to Permit an Addition to the Existing Building**

Development Manager Cook began with a PowerPoint presentation. The first matter for Plan Commission consideration is the necessary Text Amendment to the Zoning Code. The Zoning Code will need to be amended to even consider the requested Special Use and Variations. Shore Galleries has been operating in the Village since the 1950’s at 3318 Devon Avenue. They sell Firearms and have been limited to a non-public shooting area. They desire to relocate to 6950 Central Park Avenue. A change in the Zoning Code is sought to allow relocation of their business. To authorize Firearms/Gun Shop/Shooting Range in the underlying zoning district, Staff suggests that the Code be amended to allow these uses only upon issuance of a Special Use Permit. Currently, the Village Code requires Firearms dealers to possess a Federal Firearms Dealer License. Also, the license cannot be issued for a location within ½ mile of a school or public park unless the business is operating at a location that was licensed on September 1, 1994. The Park/School restriction effectively prohibits new firearms dealers, and Shore Galleries is grandfathered, but only at its current location.

The subject property that Shore Galleries seeks to move to is 6950 Central Park Avenue which is now occupied by Resillo Press Pads. The property is located in the Lincolnwood Business Park and is zoned M-B Light Manufacturing-Business. The property is within ½ mile from a school and a park. Further, the current Zoning Code does not contain a Zoning Classification authorizing firearms dealers/shooting ranges/or gun shops. The use is prohibited. To authorize the relocation, a Zoning Code Text Amendment is needed. Staff recommends that the appropriate land use category be added as a Special Use in the M-B district only. Staff also recommends that a definition of “Firearms Dealer” be added to the definitions section of the Zoning Code, and that Off-Street Parking Requirements for “Firearms Dealer” be added to the off-street parking table.

Staff further recommends that the Text Amendments for “Firearms Dealer” as a Special Use in the MB District set forth the following additional criteria: 1) Any Firearms Dealer must be a minimum of 800 feet from any property zoned Public Space/Park (P) or Residentially (R) zoned property; 2) Any Firearms Dealer must be a minimum of 800 feet from any other operating firearms dealer in the Village; and 3) Firearms Dealers are not permitted on any property with frontage on a State of Illinois highway. With these requirements it makes it almost impossible for another firearms dealer to come into Lincolnwood.

Village Attorney Passman stated this is a set of suggested text changes. This does not guarantee that another firearms dealer will not try to apply to open and operate in Lincolnwood.

Commissioner Goldfein stated that this proposed relocation should be rejected due to the proximity of the proposed bike path and within ½ mile of three parks, and those rules should be supported and protected.

Development Manager Cook continued with the presentation that the definition of "Firearms Dealer" be defined as: "Any person licensed to deal firearms pursuant to 18 U.S.C § 923 (a)(3)(B), as may be amended, and excluding any person licensed as a collector pursuant to 18 U.S.C § 923(b), as may be amended." As to the appropriate off-street parking requirements for "Firearms Dealer", Manager Cook stated that many communities do not incorporate such uses in their land use table or specifically state off-street parking for "Firearms Dealers". There currently is no standard in the region for applying this use. Staff suggested an off-street parking requirement as follows: Two spaces per shooting range station, plus three spaces per 1,000 square feet of floor space not devoted to indoor shooting range.

If a Text Amendment is deemed appropriate and recommended, Shore Galleries requests consideration of a Special Use Permit for 6950 Central Park Avenue. The proposed use would comply with the suggested Text Amendment for "Firearms Dealers". Additionally, there are no objections from the Chief of Police, but the Chief does recommend a security plan be presented to the Police Department and approved prior to occupancy.

Lastly, there are several variations requested for Shore Galleries to move in and occupy the space: (1) to permit an addition to the front of the existing building, which will encroach into Required Front and Side Setbacks within the M-B District; and (2) to reduce the required minimum off-street parking for Shore Galleries at the proposed new location.

Chairman Eisterhold swore in petitioners Scott Krone, Chris Hart, Steve Siegel, and Mitch Shore. Mr. Krone gave a brief introduction about Shore Galleries. The business has been operating from the 1950's without incident. Mitch Shore is certified as a range master with the FBI and does various certification and training throughout the county with various police departments. His business needs this extra space to continue operating, as a result 6950 Central Park is the only viable option. Many other properties have been looked at throughout the Chicagoland area and Mr. Shore would like to stay in Lincolnwood. The property is isolated with respect to traffic and would not draw any attention to the business. The M-B district allows for retail as an additional use, and this is the easternmost location in the M-B district away from Residential. The other sites have been eliminated, and Shore feels that this is the best site. The construction technique is good, the structure is solid and extremely well built. Additionally, the original property did extend all the way out to Central Park Avenue but at some point some property along Central Park was obtained by the Village and the property line was moved back. That is what created the front yard setback hardship. That is also why the parking was taken away from the property. The plan is to have 13 parking spaces along the street and 9 additional parking spaces on the site. The relocation is required because the business cannot survive at the current location. With regard to the zoning variations, Shore is only

looking to extend the building to its natural front yard setback; all the other buildings are closer or in line with the proposed plan.

Chairman Eisterhold questioned the petitioner if they will add parking spaces along Central Park Avenue. The petitioner responded that there are currently nine spaces, that they are proposing 13 spaces, and will incur the expense to construct the additional spaces. Commissioner Jakubowski suggested as an approval condition that the existing building on Devon must close and the Applicant will only be allowed to have the proposed 6950 Central Park Avenue location.

Chairman Eisterhold stated the current location on Devon does not have a full shooting range, and asked if the petitioner could give an idea of the percentage of police officer clients as opposed to non-police customers. Mr. Krone responded that it is between 80-90% law enforcement. The new shooting range will be open to the public but everyone must have a certified license to operate and fire a firearm.

Mr. Hart testified that he is responsible for designing the technical aspects of the range. The building has steel columns with thickened 18 inch slabs even on the second floor. The entire permitted has block and face brick with the steel columns to support it. Commissioner Sampen questioned the noise factor in the range. Mr. Hart responded that the noise will be minimized and will be no louder than a car passing outside. To the neighbor of the south, the petitioner will add a CMU block wall with a cavity that will buffer the noise as much as possible. The noise will be hard to hear from the property line. Several sound studies have been conducted from other buildings that are not as substantial as this one. Typically, the passing traffic will be louder than the gun shots inside the building. There are two ranges with two separate bays and different lengths with the same equipment on both. With the double wythe wall and the air gaps it will help curtail the sound leaving the building. Mr. Hart has designed hundreds of these ranges a year. They have been built in high rise buildings and share walls with gyms and things of that nature, the noise has been curtailed without complaint.

Commissioner Jakubowski does not want any shots heard when riding bikes on the bike path with families. Mr. Krone stated that it will be almost impossible to hear noise past the property line. Chairman Eisterhold reminded the Commission that there is a certain amount of noise that is allowed in the M-B district.

Commissioner Goldfein questioned the number of shooting booths. Mr. Krone stated there will be eight booths in each. Chairman Eisterhold questioned if they had spoken to neighbors about the proposed business. Mr. Shore stated that he had gone to speak with the neighbors and introduced himself, sat down and addressed any questions they might have.

Mr. Krone added that they will not request any signage that is not allowed, and that signage with only the business' name and address will suffice. The hours of operation would also not be outrageous either. There may be up to twelve employees, they will not be there all at the same times. All the employees have adequate training. There will

always be a range master present and the petitioner will have very high tech security systems.

Commissioner Touras questioned sales tax revenue on the business. The Village would benefit from the sales of merchandise, not from renting the range. Mr. Clarke noted that Mr. Shore was open to charging some sort of amusement tax.

Mr. Michael Shapiro, owner of 6900 Central Park Avenue, expressed two concerns. First concern is about parking. The parking along the side of the building will remain, although, the proposed amendment for parking would require 70 spots and the property is not adequate for that amount of parking. Second concern is the noise. A wall is shared between the two businesses. Where the loading dock is located now is where the offices are located for Ravenswood Studio at 6900 Central Park Avenue. A barrier wall is in the plan; Mr. Shapiro questioned whether that wall runs the entire length of the wall. In the back of the building is where the heavy concrete slab is; Mr. Shapiro questioned whether that is where the person shooting would be standing toward the east by the loading dock. Mr. Krone responded that the wythe wall will go the entire length of the wall, and the trap where the bullet is received will be west, shooting from where the loading dock is.

Mr. Shapiro is concerned about the proximity of where the guns will be shot and the noise. Mr. Krone responded that not all sixteen booths are right there. The ranges are spread out. Mr. Shapiro questioned if there would be any recourse after the addition is built? Village Attorney Passman stated there is legal recourse about noise when it becomes a public or private nuisance. Any property owner has the right to right for a private nuisance action with a neighboring owner who is interfering with the use or enjoyment of their property. It is a right that a property owner may have to any neighboring property.

Commissioner Jakubowski stated that it sounds like there will be significantly less noise than before from the press pad business.

Mr. Krone stated there are two things that allow sound transmission to occur, a very thin mass or holes in the mass. This wall is a solid brick wall with a thickened mass that is enhancing the sound retention capability of the building.

Chairman Eisterhold noted that the petitioner did address all the standards in the application for the Special Use and the Variations, and they are accepted as provided.

Commissioner Yohanna made a motion to approve the Text Amendment to the Zoning Code to add "Firearms Dealers" as a Special Use in the MB district. Including the three criteria that Firearms Dealers in the MB Zoning District be abided by any firearms dealer must be a minimum of 800 feet from any property zoned Public Space/Park (P) or Residentially (R) zoned property, any firearms dealer must be a minimum of 800 feet from any other operating fire arms dealer in the Village, and firearms dealers are not permitted on any property with frontage on a State of Illinois highway. The parking standard. To approve the definition of a "Firearms Dealer" as any person licensed to deal

firearms pursuant to 18 U.S.C §923 (a)(3)(B), as may be amended, and excluding any person licensed as a collector pursuant to 18 U.S.C § 923 (b), as may be amended. Lastly, the recommended two spaces per shooting range station plus three spaces per 1,000 square feet of floor space not devoted to indoor shooting range. Also, the indoor shooting range be ancillary use to a firearms dealer, and the classroom space would be considered part of the retail space in the calculations. Seconded by Commissioner Jakubowski. Motion carries 5-1.

Commissioner Yohanna made a motion to approve the Special Use for a Firearms Dealer in the MB Zoning District and to relocate the “Firearms Dealer” to 6950 Central Park Avenue. Subject to the conditions set forth that a security plan must be submitted and approved by the Police Chief, Shore Galleries will close at current location at 3318 Devon Avenue, and will take the necessary steps for the double wythe walls to eliminate noise and will be well maintained. Will need to also submit a proposal of hours of operation to Staff for the Village Board. Commissioner Jakubowski seconded. Motion carries 5-1.

Commissioner Yohanna made a motion to approve the variations for the proposed additions to the building to align with the existing building location loading berth, which is located closer than the required 25 foot setback, a side yard setback variation, and the off-street parking variation conditioned upon the following; the petitioner will have to rebuild the 13 parking spaces on the public right-of-way in the front of the building, the curbs be re-built to Village standards, and the north side of the building will be rehabilitated. Commissioner Jakubowski seconded. Motion carries 5-1.

Chairman Eisterhold noted that this case is scheduled to be heard by the Village Board on July 17, 2012.

**V. PUBLIC HEARING: Restaurant Parking – Zoning Code Text Amendment  
(Continued from May 2, 2012)  
Request: Text Amendment to Modify the Minimum Off-Street Parking  
Requirements for Eating & Drinking Establishments**

Commissioner Yohanna made a motion to continue this Public Hearing to a date certain of July 11, 2012 at 7:00 PM and seconded by Commissioner Sampen. Motion passes 6-0.

**VI. PUBLIC COMMENT:** None.

**VII. ADJOURNMENT:**

Chairman Eisterhold will be present at the next Village Board meeting on behalf of the Plan Commission. The next Plan Commission meeting is scheduled for July 11, 2012 at 7:00 PM. Hearing no further business, Motion to adjourn made by Commissioner Yohanna. Seconded by Commissioner Goldfein. Motion approved unanimously 6-0. Meeting adjourned at 9:54 P.M.

Respectfully submitted,

Lauren Wolf  
Community Development Department Coordinator