

**MEETING MINUTES OF THE
PLAN COMMISSION**

August 22, 2012

7:00 P.M.

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

MEMBERS PRESENT:

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

MEMBERS ABSENT:

STAFF PRESENT:

Community Development Director Timothy M. Clarke, AICP
Community Development Manager Aaron N. Cook, AICP
Community Development Coordinator Lauren Wolf

VILLAGE COUNSEL

Hart Passman

I. CALL TO ORDER

Chairman Eisterhold noted a quorum of six members present and called the meeting to order at 7:06 p.m.

II. APPROVAL OF MINUTES

Motion to approve the August 1, 2012 Plan Commission minutes was made by Commissioner Touras and seconded by Commissioner Yohanna. Motion approved 6-0.

III. PUBLIC MEETING: 6950 Central Park Avenue – Text Amendment, Special Use, and Variations (*Remanded from the Village Board on July 17, 2012*)

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; 3) Consideration of Front and Side Yard Setback Variations to Permit an Addition to the Existing Building

Chairman Eisterhold read into the record an opening statement: This public meeting is a referral back from the Village Board to the Plan Commission. On July 17, 2012, the Village Board considered this commission’s deliberation and recommendation from our June 6, 2012 Public Hearing regarding Shore Galleries’ request for zoning relief for a future business location site at 6950 Central Park Avenue, and vacating their current location on Devon Avenue. At this discussion meeting, we will hear statements from interested parties who did not address us at our previous public hearing. All those present

August 22, 2012

on June 6th were afforded an opportunity to speak and present documentation for consideration. After our deliberations on the 6th we made a recommendation to the Village Board subject to specific conditions. Tonight we will have a further discussion directed by the Village Board.

First we will hear testimony from the petitioner Shore Galleries, relative to new information that the Village Board requested to be brought to us, and that the petitioner wishes to address.

As a further point of information, we were not required by law to re-notify, re-publish or for that matter to open up our proceedings for further public comment, as that was afforded at our original public hearing on June 6th. However, in the interest of open and full disclosure, we have again provided notification and will hear from those interested in speaking further on this matter, as a courtesy to the public. I again emphasize that tonight's discussion meeting is not a public hearing; that hearing was held and closed on June 6th. The petitioner will be afforded ample time to restate, elaborate and explain their petition. In addition given the Village Board's specific directions and concerns, we will allow the immediate neighboring property owners additional time. The immediate neighbor to the south, Ravenswood Studios, will be afforded about 10 minutes to present their findings in objection to the Shore Galleries petition, and the same will be afforded to the immediate neighbor to the north should they decide to participate. These allotted times will not include questions and answers from the commission and staff; those would be in addition to the allotted time.

Further, in addition, and as I indicated, other residents and interested parties will be afforded a time of up to 2 minutes each to express their views relative to the petitioner's request. That public comment time will take place prior to the petitioner providing any 'closing remarks' and responses to public comments, should he decide to do so.

Tonight's meeting will adhere to a strict following of decorum. Thus if there are any outbursts from the audience at any time, you may be ejected from the building. The time to be heard is during the public comment period. These proceedings are going to be civil and also conducted with fairness. I hope that we do not need to eject anyone from the building for misconduct. Statements made tonight, along with those comments tendered at the last meeting, as well as documents submitted will become part of the official record. The applicant will have as much time as needed to make their summation. Remember this is not a public hearing, but we will swear in those who hold themselves out to be experts on the matter before us.

Chairman Eisterhold swore in the petitioner's representatives.

Mr. Jeremy Margolis, the attorney representing Shore Galleries, introduced all who would speak on behalf of the petitioner. Mr. Margolis identified himself as a resident of Lincolnwood, and a friend and customer of Mitch Shore.

Scott Crone the Architect for Shore Galleries, addressed the questions referred by the Village Board for review. The hours of operation are Monday through Friday 9 AM – 9 PM, Saturday 9 AM – 5 PM, and Sunday 10 AM – 4 PM. Ravenswood Studios operates Monday through Friday 7 AM – 4 PM. The front yard parking was taken by the Village and about thirty feet of front yard would have been used for parking; Mr. Crone asserted

August 22, 2012

that if that area had not been taken, Shore would not have any setback issues. With regards to the site plan, the disabled parking space will be in the front of the building rather than the rear, per the suggestion of the Village Engineer. There are twenty-six total spaces, and are all in accordance with Village Engineer recommendations. Shore has hired a professional traffic engineer to study the traffic and parking in the area. There will be 4-5 employees working at any time. Regarding the security, Shore has operated for over fifty years without incident at its current location. The necessary security plans will be approved by the Police Chief. The current owner of the subject property, Resillo Press Pads, had at its peak 40-50 employees working at one time, and never had parking issues.

Mr. Mark Olesen conducted the parking study. He looked at the existing store every hour the store was open for a week straight, and at the number of customers every hour. With one space per range position, plus retail, Mr. Olesen projects that Shore Galleries will need 29 spaces during week day peak and 30 during the weekend. When this business will be busy, the neighboring properties will not even be in operation. It is projected there will not be any parking issues.

Mr. Scott Krone continued: there are over 120 municipal parking spots in the three municipal lots. In the data presented these are not to full capacity, there is plenty of use available. Also, Mr. Crone went through a list of other shooting ranges in the neighboring area that are next to residential and retail spaces.

Mr. Leo Pearl, current owner of 6950 Central Park, testified about his operation for Resillo Press Pads. Previously, Resillo had fifty employees and over the last few years had forty employees. Shore Galleries came and visited the property a few times and wanted to buy the building. Before he accepted the contract, Mr. Pearl offered the building to Mr. Shapiro, but Mr. Shapiro declined, stating it was too much money. After the contract was signed with Shore Galleries, Mr. Shapiro wanted to buy the building. Resillo Press Pads is now currently shut down. All this has been bothering him quite a bit and created a hardship. Resillo Press Pads made pressing pads that go on machines for pressing garments. Mr. Shapiro's work space is on the other side of the wall. Resillo never heard any noise from Ravenswood Studios. The loading dock is also next to Ravenswood Studios' wall. The trucks came in and out on a regular basis. When a specific pad is made on a very large machine, there are spot welders that use an air hammer that go across and flatten the access spots, this would be used a dozen times a week. Very little noise came out of Resillo Press Pads during operation. Resillo used twenty-two parking spots, but also parked across the street facing the fence. A few years ago they took that parking away and made parking available for everyone and have always had plenty of spaces. Mr. Pearl entered into the contract with Shore Galleries in April.

Mr. Steve Siegel is the contract purchaser for Shore Galleries. It is important to address that there is a certain aspect in tactical training. To teach these necessary skills, there must be many stalls. There is also an economic reason for the number of proposed stalls. A tremendous amount of revenue can be produced for the Village of Lincolnwood. At 100% in the prepared revenue chart, along with the 9% of real estate tax bill, the 2011

August 22, 2012

retail sales tax, utility tax, and telecommunications tax, with a \$2 permit fee the Village is looking at retaining \$163,000 a year. Need to be able to make enough revenue to stay in operation. With the proposed two dollar permit fee, the range at 100% use would generate \$122,994 a year. At 75% usage of the range would make \$92,000 a year. This is a fee that would be paid to the Village.

Mr. Chris Hart explained that he designed this range with twenty-six years of experience to be completely safe. He has over-designed this space to be extremely safe. His firm has designed federal law enforcement training centers as well as hundreds of commercial ranges across the US. He stands behind the design and the work, and pledges to make it a quality facility. His firm has built ranges next to commercial buildings that share a wall with another commercial space. He is not aware of any complaints from neighbors to ranges that his firm has built. In the past ten years, over a thousand ranges have been designed by his company. He is not aware of any complaints and violations from OSHA, or EPA standards.

Mr. David Braslau is the sound study expert in regards to weapons. He presented his findings on behalf of the Petitioner. He conducted a study with the typical guns that would be used, and the loudest M-87 sniper rifle, to study the sound. He used the Spinnaker study in his report to test the data. He reviewed the sound flow results and compared with a more basic model that can also address potential structural coupling effects on performance. In conclusion, with attention to details, the 60 dBA limit of the ordinance can be achieved. (Results of Mr. Braslau's study are in the Record).

Mr. Bill Provencher, with Carey's Small Arms Range Ventilation, discussed the extensive HVAC systems that would have to go into the range, all of which will need to be EPA, NIOSH and OSHA compliant. The gun range with the filtration will emit air that has no lead in it. The ranges will have completely separate systems that are monitored 24 hours a day. There are regulations and standard operating procedures that will need to be put into place by the owners. If the range were to go out of business, they can completely abate the building for about \$30,000; all the surfaces can be cleaned.

Mr. Scott Krone explained that Shore Galleries has discussed putting up a fence on the property to the rear by the bike path. However, Shore can only continue the fence to the property line, and it will be putting state of the art cameras on and around the building, so there will be a high level of security. If the Village would prefer, Shore could install motion detectors on the lights. Mr. Krone also noted that the Village Comprehensive Plan identifies the possibility of retail uses in the manufacturing district. Shore recognizes that there is a parking problem and it will address that. There will be no sound burden to the neighbors other than what is allowed by Municipal law; if Shore is not in full compliance it will take the necessary steps to ensure that it achieves compliance.

Chairman Eisterhold explained that the proposed bike path is not a park entity. This is actually a transportation grant that was being sought. This is no different than a bike path that would be marked out on the street.

August 22, 2012

Mr. Margolis stated that Shore is willing to do whatever to be a compliant business. Shore can put a fence in the rear but if that happens the police officers will not have that line of sight.

Mr. Mitch Shore stated that the peak hours at the range will be after work and the evenings. Saturday and Sunday will be the busy time at the ranges. There are over a hundred parking spaces between the public lots and pull in spaces on the property. Those spaces should all be available on the weekends. If there is a police department coming, they would set up range times. The range is open to the public for all hours, and would be open for walk-ins. About 70% of the business is projected to be law enforcement, it can't be predicted for sure, obviously there will be more civilians coming to use the range than currently using the existing Shore services.

Attorney Passman explained whether or not there would be any type of amusement tax is a legislative decision made by the Village Board. It is not a choice made by the Plan Commission. Generally speaking, the Village could craft some sort of permit fee or amusement tax, but the Village Attorney's office has not been asked to begin this project. If the Village Board were to choose to enact such a tax, the consent of the petitioner would not be required. It could be set as high or low as desired by the Village Board.

Chairman Eisterhold opened the meeting for public comment.

The following Village residents offered testimony and comments concerning the application:

In Support:

Alan Scheinbaum – Highland Park
Stan Wilk – 4830 Chase
Oleg Groeshteyn – 6714 Drake
Brian Richards – Chicago
Brad Blumenthal – 6716 Monticello
Rich Eddington – Evanston
Dennis Anderson – Highland Park
Phil Nelson – Chicago
Wendy Margolis – 6400 Cicero
Gerald Brandt – Lake Village of Lincolnwood
Joseph Spagnoli – 6917 Kilbourn
William Knowles – 4558 North Shore
Bob Nussbaum – 6742 Kimball

Against:

Bertha Gimbel – 7000 McCormick Blvd
Susan Ginsburg – 6947 Kilbourn
Joann Angarola - 6633 Ramona – Attorney behalf of Ravenswood Studios
Michael Shapiro – 6900 Central Park Avenue – Owner Ravenswood Studios

August 22, 2012

Greg Miller – Noise Engineer behalf of Ravenswood Studios
Thomas Furlong - Sound Technician behalf of Ravenswood Studios
Harry Serota – 6515 Kostner
Scott Brandwein – Real Estate Expert behalf of Ravenswood Studios
Roselle Friedman – 6736 Lawndale
Buzz Alpert – 7220 Keeler
Alan Gluck - 6990 Central Park
Kevin Snow – Deerfield
Glenn Ragaisnis – LaGrange Park

Ms. Joann Angarola, attorney representing Ravenswood Studios, stated that Ravenswood Studios is a fabricator for the arts and high-end retail for major corporations. Ravenswood Studios has over fifty employees at the site. If the proposed range is built, it will be directly adjacent to the conference room wall in which all of the Studios' meetings take place. Ms. Angarola introduced Mr. Miller and Mr. Furlong, sound experts who would provide input on noise and sound issues.

Mr. Shapiro, owner of Ravenswood Studios, explained briefly a bird's eye view of the conference room with the build-out. The shared wall is very close to the offices. To Mr. Shapiro, it seems highly unlikely there is a one inch gap between the buildings; it seems there isn't any space between the two buildings.

Mr. Greg Miller gave expert testimony on sound control. (Mr. Miller's resume was entered into the record) Ravenswood Studios asked him to conduct an analysis of the noise impact from the rifle range. Firearm noise is significantly louder than manufacturing noise. 60 dBA at the property line is the midpoint between those two walls, so he analyzed the expected noise level at the walls and measured if those levels will comply with Lincolnwood Ordinance. This is an impulsive noise which cannot be compared to a whisper in a library. Mr. Miller concluded that the noise level will be significantly louder than the Ordinance will allow. The two ways to help cover the noise would be to decrease the number of long-range shooting stalls to seven, which would increase the air space between the wall, and to create a free-standing bunker and new concrete roof which would relieve the flanking effect for the noise. However, Mr. Miller did not conduct a full engineering study to see what could be done.

Mr. Thomas Furlong, sound expert on behalf of Ravenswood Studio (resume entered into the record), has been in the live sound business since 1973. He stated that it is important to know what the sound levels are coming in and the sound levels coming out. He has provided sound systems for stadiums, with the goal to make sure the sound doesn't get out and disturb the neighbors. He has developed a sound perimeter measurement of property lines of sound levels that is utilized all over the world. He created a replicated sound experiment of what would be heard in a shooting range, and measured 51 dBA in the Ravenswood Studios conference center

Mr. Krone stated that Shore Galleries would agree to decrease the number of long-range shooting stalls to seven to increase the air space and help lower the noise levels.

August 22, 2012

(Commissioner Sampen left)

(Commissioner Yohanna left and returned shortly after)

Mr. Margolis, attorney for Shore, stated in his final closing that the Village Ordinance allows 60 dBA, and that either way they must comply with the Ordinance or make the necessary changes to abide by the laws. If there is compliance there should not be a problem. Shore wants to be a good neighbor and not be singled out.

Commissioner Yohanna made a motion to recommend approval of the Text Amendment, Special Use and Variations subject to: hours of operation submitted, reduction to seven long-range shooting stalls, gun shop is the primary use and gun range is secondary use, concur parking in the area is adequate, environmental impact handled appropriately by Shore, security measures approved by Police Chief, petitioner volunteers \$2 permit fee, Shore conducts a sound test prior to opening for operation, and periodically through-out business to verify the sound regulations follow the ordinance, and employees park in the rear of the space. The motion was seconded by Commissioner Auerbach. Motion approved 5-1.

VI. PUBLIC COMMENT: None.

V. ADJOURNMENT:

The next Plan Commission meeting is scheduled for September 5, 2012 at 7:00 PM. Hearing no further business, Motion to adjourn made by Commissioner Goldfein. Seconded by Commissioner Auerbach. Motion approved unanimously 6-0. Meeting adjourned at 12:15 AM.

Respectfully submitted,

Lauren Wolf

Community Development Department Coordinator