



**PLAN COMMISSION/ZONING BOARD OF APPEALS
STAFF REPORT**

To: Chairwoman Helen Wilson
Plan Commission/Zoning Board of Appeals Members

From: Amanda M. Orenchuk, Planning Services

Meeting Date: August 2, 2022

Re: PCZBA – 22-02; 0 Old Hicks Road, Lot 5 Menards Subdivision (the “Property”)
Range USA
Proposed Text Amendment – Shooting Ranges & Related Activities
PUD Ordinance Amendment
Special Use Permit

Attachments: 1. Location Map
2. Legal Notice
3. Petitioner’s Packet
4. Draft Zoning Code Text Amendment Ordinance
5. Ordinance 2005-O-12 Preliminary PUD (Menards)
6. Ordinance 2006-O-34 Final PUD (Menards)

Petitioner

ComptonAddy
3805 Edwards Road, Suite 390
Cincinnati, OH 45209

Property Owner

Menard, Inc. c/o Tom O’Neil
4777 Menard Drive
Eau Claire, WI 54703

Public Notice

Notice was published in the *Daily Herald* on July 15, 2022. Signs were posted on the subject Property. Certified letters were mailed by the petitioner.

Background

The Village was approached several months ago by ComptonAddy, Contract Purchaser/Developer with interest in constructing an indoor shooting range, firearms training facilities, and retail firearms sales for Range USA (the “Proposed Use”) at the Property, which is an outlot of the Menards commercial subdivision. The Property is currently zoned HR Highway Retail and is part of the existing Menard’s Planned Unit Development (the “Menard’s PUD) under Ordinances 2005-O-12 and 2006-O-34 (collectively, the “Existing PUD Ordinance”).

The Village Board previously referred review of this application and proposal to the Plan Commission/Zoning Board of Appeals in November 2021. Village Counsel and staff have been working with the Petitioner to obtain all the necessary documentation to proceed through the process for the petitioner to make this request.

At this time, Petitioner is seeking review of the Proposed Use on the Property. Firearm sales and firing ranges are not currently allowable uses in the HR District or in the Menard's PUD. Accordingly, the PCZBA is requested to review and make a recommendation regarding the following requested zoning relief:

- Zoning Code text amendments to define "firearms-related uses" and "firearms-related sales" and to classify such uses as special uses in the HR District, but only when authorized as part of a planned unit development.
- An amendment to the Existing PUD Ordinance to identify "firearms-related uses" (which may include firearms-related sales) as an allowable use within the Menard's development, subject to issuance of a special use permit.
- Approval of a special use permit for the Proposed Use on the Property, subject to conditions as discussed below.

Building and Site Information

The Property is 1.72 acres in size and is presently undeveloped. The Property is an outlot of the Menard's PUD and is designated for future retail development under the Existing PUD Ordinance. Access to the Property is provided from Route 53 via the existing signalized intersection and private access roads within the Menard's PUD.

The Petitioner has submitted a preliminary proposal and conceptual plans for development of the Property with a 14,933 square foot building, which would contain 20 shooting lanes, 2 classrooms, and a retail area. The proposed building would include soundproofing materials and air ventilation equipment. The proposed building includes the following external materials:

- Concrete brick masonry, gray, light gray, medium gray
- Split-face concrete block, gray and orange
- Aluminum coping, orange and black
- Metal canopy and metal awnings, orange
- Prefinished aluminum storefront system
- Metal doors, except main entrance

Final PUD plans for the Menard's PUD were previously approved by the Existing PUD Ordinance in 2006. The final PUD plans provide for the Property to be developed with an approximately 8,000 square foot retail building, a 90-space parking lot, and related improvements. The Existing PUD Ordinance also approved stormwater management plans and facilities for the Menard's PUD, including a detention basin at the corner of Lake Cook Road and Route 53 that is intended to accommodate stormwater flow from the Property when it is developed. The impervious surface coverage shown on Petitioner's conceptual site plan is consistent with that contemplated by the Existing PUD Ordinance and stormwater management plan.

Petitioner is not currently seeking approval of preliminary or final plans for development of the Property, and Petitioner's conceptual plans are provided for information and discussion only. Prior to beginning development of the Property, Petitioner would need to either: (i) submit plans that conform to the Existing PUD Ordinance, or

(ii) apply for amended preliminary and final PUD plans for the Property. If Petitioner applies for amended preliminary and final PUD plans, then the PCZBA would review those plans at a future public hearing. Prior to any development of the Property, the final plans will also require review by the Architectural Commission.

Zoning Code Text Amendments

A. Requested Zoning Code Amendment

The Petitioner is seeking the following Zoning Code text amendments:

- Amendment to Section 5-4-5.C to add “firearms-related uses” (which includes firearms-related sales) as an allowable special use in the HR District, if authorized as part of a planned unit development.
- Amendment to Section 5-12-13 of the Zoning Code to add the following new definitions:

Firearms-related uses. Any premises where: (i) firearms, ammunition, firearm parts, and/or firearm accessories are sold or offered for sale at retail, (ii) firing range facilities are provided or operated, and/or (iii) firearms training or instruction is provided that involves handling or use of firearms and/or ammunition.

Firearms-related sales. Any firearms-related use involving the sale or offering for sale at retail of firearms, ammunition, firearm parts, and/or firearm accessories.

The PCZBA may consider whether it is appropriate to place conditions and limitations on where firearms-related uses may locate within the HR District. The PCZBA may wish to discuss the following limitations for all firearms-related uses:

- Minimum separation from residential properties
- Requirement to conduct the use entirely within an enclosed structure

The PCZBA may wish to discuss the following additional limitations on firearms-related uses that involve firearms-related sales:

- Minimum separation from other firearms-related uses that involve firearms-related sales
- Requirement for frontage on Lake-Cook Road or a State highway

A draft ordinance amending Sections 5-4-5.C and 5-12-13 of the Zoning Code is attached for the PCZBA’s consideration.

A. Surrounding Areas with Shooting Ranges/Firearms Related Businesses

A quick review of the County and short-distance drives within the State found the following shooting ranges and firearms related businesses.

1. Tri-County Tactical Training and Gear, Libertyville
2. Caliber Gun Range, Waukegan
3. Glenridge Trap Club, Unincorporated Mundelein

4. NorthShore Sports Club, Lake Forest
5. Northbrook Sports Club, Hainesville
6. CY Armory & Range, McHenry
7. On Target Range & Tactical Training Center, Crystal Lake
8. Five Star Firearms, Zion
9. Fox Valley Shooting Range, Elgin
10. Maxon Shooter's Supplies & Indoor Range, Des Plaines
11. 2nd Amendment Sports, McHenry

B. Standard for Considering Zoning Code Text Amendments

Section 5-11-16(E) of the Zoning Code provides the following standard for considering text amendments:

5-11-16 Amendments.

(E) *Standard for Amendments.* The wisdom of amending the zoning map or the text of this title is a matter committed to the sound legislative discretion of the board of trustees and is not dictated by any set standard. However, in determining whether a proposed amendment should be granted or denied the board of trustees should be guided by the principle that its power to amend this title is not an arbitrary one but one that may be exercised only when the public good demands or requires the amendment to be made. In considering whether that principle is satisfied in any particular case, the board of trustees should weigh the factors that the owner is required to address in its application.

Amendments to the Existing PUD Ordinance

The Existing PUD Ordinance established a list of uses that are allowed within the Menard's PUD. Petitioner is requesting an amendment to Section 3(I) of Ordinance No. 2005-O-12 to add firearms-related uses as an allowable use within the Menard's PUD as follows:

- I. Permitted Uses. In addition to those permitted uses listed in Section ~~5-4-2.C~~ ~~5-5-5-2~~ of the Long Grove Zoning Code, the following uses shall be allowed on the Property as permitted uses:

* * *

- 13. Firearms-related uses; provided, however, that such firearms-related uses shall require a special use permit and shall be subject to the limitations of Section 5-4-5(C)(6) of the Long Grove Zoning Code.**

Special Use Permit

A. Requested Special Use

Petitioner is requesting approval of a special use permit for the Proposed Use on the Property (the "Requested SUP"). If approved, the Requested SUP would allow Petitioner to establish the Proposed Use on the Property

consistent with the final PUD plans and all development conditions that were previously approved for the Menard's PUD by the Existing PUD Ordinance.

Alternatively, if Petitioner desires to develop the Property as depicted on the conceptual plans (or otherwise in a manner that is not fully consistent with the Existing PUD Ordinance), then Petitioner will be required to apply for approval of amended preliminary and final PUD plans with respect to the Property. Such application would require a further public hearing, review and recommendation by the PCZBA, and final decision by the Village Board.

B. Recommended Conditions

Staff recommends that the following conditions be incorporated into any recommendation for approval of the Requested SUP:

- No Authorization of Work. No work of any kind shall be commenced on the Property until all approval conditions have been fulfilled and all permits, approvals, and other authorizations for the work have been properly applied for, paid for, and granted in accordance with applicable law.
- Compliance with Laws. Except as otherwise expressly provided by the Existing PUD Ordinance, the Property and Proposed Use must comply with all applicable Village ordinances and codes and with all laws and regulations of other federal, state, and local governments and agencies having jurisdiction. This includes, without limitation, compliance with all applicable stormwater management and drainage ordinances and regulations.
- Compliance with PUD Approvals. Development of the Property and the Proposed Use shall be subject to all applicable terms and conditions of the Existing PUD Ordinance. Additionally, development of the Property shall conform to the final PUD plans for the Menard's PUD as approved by Ordinance No. 2006-O-34. Notwithstanding the foregoing, Petitioner may apply for amendments to the previously approved final PUD plans for the Property subject to the PUD procedures, standards, and limitations set forth in Section 5-11-18 of the Zoning Code. Approval of the Requested SUP for the Property does not guarantee approval of any amendment or modification to the Existing PUD Ordinance or the previously approved final PUD plans.
- Fees and Costs. Developer must pay all applicable fees relating to the zoning approvals granted and must reimburse the Village for all of its reasonable costs incurred in the review, consideration, approval, implementation, or successful enforcement of the zoning approvals (including engineering, planning, and legal expenses).
- Transferees. The zoning approvals will be binding on the Property owner and Applicant and on all of their heirs, successors, and assigns. In the future, if a successor owner enters into a transferee assumption agreement that is acceptable to the Village, then the original owner may be released from further liability for obligations that are assumed by the successor.

C. Standards for Granting Special Uses

Section 5-11-17(E) of the Zoning Code provides the following standard for considering special use permits:

5-11-17 Special Use Permits.

(E) *Standards for Special Use Permits*

1. *General Standards* - No Special Use Permit shall be recommended or granted pursuant to this Section unless the owner shall establish that:
 - (a) It is deemed necessary for the public convenience at that location.
 - (b) It is so designed, located and proposed to be operated that the public health, safety, and welfare will be protected.
 - (c) It will not cause substantial injury to the value of other lots in the neighborhood in which it is located.
 - (d) It conforms to the applicable regulations of the district in which it is to be located, except as may be recommended by the Plan Commission and approved by the Village Board or, except in the case of a planned development; and
 - (e) Owner can demonstrate, to the satisfaction of the Village, that it has the capability and capacity, including, without limitation, the technological, personnel, and financial resources, to complete the project as proposed.
2. *Special Standards for Specified Special Uses* - When the district regulations authorizing any special use in a particular district impose special standards to be met by such use in such district, a permit for such use in such district shall not be recommended or granted unless the owner shall establish compliance with such special standards.
3. *Considerations* - in determining whether the owner's evidence establishes that the foregoing standards have been met, the Plan Commission shall consider:
 - (a) *Public Benefit* - Whether and to what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.
 - (b) *Alternative Locations* - Whether and to what extent such public goals can be met by the location of the proposed use and development at some other site or in some other area that may be more appropriate than the proposed site.
 - (c) *Mitigation of Adverse Impacts* - Whether and to what extent all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.
 - (d) *Conditions on Special Use Permits* - The Plan Commission may recommend and the Board of Trustees may impose such conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of this title upon the premises benefited by a Special Use Permit as may be necessary or appropriate to prevent or minimize adverse effects upon other lots and improvements in the vicinity of the subject lot or upon public facilities and services. Such conditions shall be expressly set forth in the ordinance granting the

special use. Violation of any such condition or limitation shall be a violation of this title and shall constitute grounds for revocation of the Special Use Permit.

Comprehensive Plan & Zoning

The HR Highway Retail District is located in the Route 53/Lake Cook Road Subarea, as identified and described in the Village's Comprehensive Plan. Because of its proximity to major thoroughfares and regional commercial uses, the area is not likely to be developed or redeveloped under either of the Village's other business districts. The intent of the HR district regulations is to control uses and appearances within the area that are consistent with the adjacent thoroughfares, nearby commercial uses, and the Village's Comprehensive Plan for the Route 53/Lake Cook Road Subarea, and to affect an aesthetic and orderly transition to the rural character of the Village.

Summary of Requested Relief

1. Text amendments to the Village of Long Grove Zoning Code [which may include without limitation proposed amendments to Section 5-4-5(C) (HR District Special Uses) and Section 5-12-13 (Definitions)];
2. An amendment to the Existing PUD Ordinance to identify “firearms-related uses” as an allowable use in the Menard’s PUD, subject to issuance of a special use permit; and
3. Approval of a special use permit for the Proposed Use on the Property, subject to the recommended conditions described above.

AMO/BGA