



# Village of Lincolnwood Plan Commission

*Meeting*  
**Wednesday July 10, 2013**  
**7:00 P.M.**

*in the*  
**Council Chambers Room**  
**Lincolnwood Village Hall - 6900 Lincoln Avenue**  
**Meeting Agenda**

1. **Call to Order/Roll Call**
2. **Pledge of Allegiance**
3. **Approval of Minutes**  
June 5, 2013 Meeting Minutes
4. **Public Hearing: Final Plat of Consolidation – 3700 West Pratt Avenue**  
**Request:** Review of Final Plat of Consolidation and Certain Variations from the Subdivision Ordinance
5. **Public Hearing: Health Club or Private Recreation and Firearms Shooting Ranges - Zoning Code Text Amendment**  
*(Continued from May 1, 2013, March 6, 2013 and February 6, 2013)*  
**Request:** Text Amendment to Definition Section to consider Modifying and Adding Certain Definitions Including but Limited to Health Club or Private Recreation and Firearms Shooting Ranges, Consideration of Firearms Shooting Ranges as a Special Use in M-B District Subject to Certain Restrictions, and the Addition or Modification of Off-Street Parking Requirements for Firearms Shooting Ranges, Commercial Recreation Facility, or Other Similar Uses
6. **Public Hearing: Appeals of Administrative Order or Zoning Officer - Zoning Code Text Amendment**  
*(Continued from May 1, 2013, March 6, 2013 and February 6, 2013)*  
**Request:** Text Amendment to Consider Modification Concerning the Zoning Board of Appeals as the Final Administrative Determination Body for the Village
7. **Public Hearing: Accessory Structures - Zoning Code Text Amendment**  
*(Continued from June 5, 2013, May 1, 2013, March 6, 2013 and February 6, 2013)*

**Request:** Text Amendment to Permitted Obstructions in Required Yards Section to consider Modifying Regulations Including but Not Limited to Open Balconies, Porches, and Open Patios or Terraces

- 8. Other Business: Public Hearing Procedures**
- 9. Next Meeting**
- 10. Public Comment**
- 11. Adjournment**

**MEETING MINUTES OF THE  
PLAN COMMISSION**

**DRAFT**

**June 5, 2013**

**7:00 P.M.**

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

**MEMBERS PRESENT:**

Chairman Paul Eisterhold  
Irving Fishman  
Don Sampen  
Mark Yohanna  
Patricia Goldfein

**MEMBERS ABSENT:**

Sue Auerbach  
Steve Jakubowski

**STAFF PRESENT:**

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

**VILLAGE COUNSEL**

None.

**I. CALL TO ORDER**

Chairman Eisterhold noted a quorum of five members present and called the meeting to order at 7:07 p.m. Chairman Eisterhold notified the public that Commissioner Jakubowski would be absent.

**II. APPROVAL OF MINUTES**

Motion to approve the May 1, 2013 Plan Commission minutes was made by Commissioner Sampen and Seconded by Commissioner Goldfein. Motion approved 3-0-2 with Commissioner Yohanna and Fishman abstaining.

**III. Public Hearing: Illumination/Glare Requirements for Signs – Zoning Code Text Amendment (*Continued from May 1, 2013, March 6, 2013, and February 6, 2013*)  
Request: Text Amendment to Organize or Modify References to Glare Reduction Regulations for Signs**

Development Manager Cook indicated that this matter will need to be continued. Staff is working on specific language to bring back to the Commission. The Village recently amended the Sign Chapter of the Zoning Code for glare requirements with maximum foot candle level of 75 foot candles. There are other glare references within the Sign Chapter. Staff noticed scattered through-out the code there are many different mentions. Brought this forward to the Commission to make the Sign Chapter more user friendly. Staff has

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been working with Sign Contractors for their point of view. Staff can also put together research on how other communities handle this. The Sign Chapter also needs to be cleaned up.

Commissioner Sampen made a motion to continue to the August 7, 2013 Plan Commission Meeting to allow Staff to put together a formal packet. Seconded by Commissioner Goldfein. Motion carried 5-0.

**IV. PUBLIC HEARING: Sign Requirements – Zoning Code Text Amendment**  
*(Continued from May 1, 2013, March 6, 2013, February 6, 2013 & January 9, 2013)*  
**Request: Text Amendment to Review Requirements for A-Frame, Sandwich Board, and Similar Signs**

Chairman Eisterhold noted that the Marathon Gas Station on Cicero and Pratt had new A-frame signs in the parkway this past weekend. The signs were too small to read what they said, but did capture his attention.

Development Manager Cook explained the three sections that are effected by Staff language. Amendment to Section 11.04(8) regarding Special Event/Grant Opening Signs, this section has been modified to clarify such signs are permitted on private property only. This section has also been amended to eliminate references to portable signs and A-frame signs as a new section will be added that will regulate these types of signs. A new section 11.04(9) Portable/A-frame/Sandwich Board Signs: This is the new section containing the regulations that are proposed passed on the Morton Grove model. This new section has been added to the “Permitted on premises signs” section. All signs within this section require sign permits. Lastly, the deleted section 11.06(1) eliminate reference within “Prohibited Signs” section as A-frame/sandwich board signs are not prohibited. Staff believes this section can be eliminated as A-frame/sandwich board signs located within the public right-of-way are prohibited. This is the section that staff would use to regulate the improper placement of a portable/A-frame/sandwich board within the right-of-way.

Commissioner Sampen suggested that within 11.04(9) allowed signs to change i. and vii. to read limited to one (1) for each frontage of a ~~tenant~~ business space, and that signs shall only be displayed during the hours that the ~~tenant~~ business space is open for business.

Development Manager Cook indicated that in an effort to clean up this section regarding A-frame signs the signs in place today likely to not comply, but enforcement has not started because the ambiguity of the Sign Chapter to find compliance.

The Plan Commission struggled with requiring a permit for A-frame signs. Discussion ensued.

Chairman Eisterhold asked if there was anyone in the audience who wanted to comment. There was none.

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Motion was made by Commissioner Fishman to recommend the Text Amendment to the three codes relative to A-frame/Portable/Sandwich Board Signs as written by Staff with the exception to changes as follows; proposed 11.04(9) –i. and vii. change tenant to business, 11.04(9) moved to under exempt signs in 11.05(24) , and that the suggestion of the enforcement of these new provisions will not take place until January 1, 2014. Seconded by Commissioner Goldfein. Motion approved 5-0 Aye.

**V. PUBLIC HEARING: Notice Requirements – Zoning Code Text Amendment**  
***(Continued from May 1, 2013, March 6, 2013, February 6, 2013 & January 9, 2013)***  
**Request: Text Amendment to Review Notice Requirements for Public Hearings**

Development Manager Cook explained last meeting this was continued due to a 2-2 vote. Discussion ensued.

Chairman Eisterhold asked if there was anyone in the audience who wanted to comment. There was none.

Motion to remove and eliminate 5.20 (1)e the Zoning Officer discretionary rule and keep the 250 feet mailing requirement. Seconded by Commissioner Yohanna. Vote 3-1-1 Commissioner Sampen voted No, Commissioner Goldfein Abstained.

**VI. PUBLIC HEARING: Definitions – Zoning Code Text Amendment**  
**Request: Text Amendment to Definition Section to consider Modifying and Adding Certain Definitions Including but Not limited to Banquet Facility, Banquet Hall, Façade, Fence or Semi Private Fence, Restaurant and Restaurants, Fast-Food or Carryout**  
***(Continued from May 1, 2013, March 6, 2013 & February 6, 2013)***

Development Manager Cook indicated to the Commission that Trustee Cope had some concerns relative to this definition Text Amendment. Would like to continue this meeting to allow him to be present.

Chairman Eisterhold asked if there was anyone in the audience who wanted to comment. There was none. Motion to continue to August 7, 2013 made by Commissioner Yohanna and Seconded by Commissioner Goldfein. Motion approved 5-0.

**VII. PUBLIC HEARING: Accessory Structures – Zoning Code Text Amendment**  
**Request: Text Amendment to Permitted Obstructions in Required Yards Section to consider Modifying Regulations Including but Not Limited to Open Balconies, Porches, and Open Patios or Terraces**  
***(Continued from May 1, 2013, March 6, 2013 & February 6, 2013)***

Development Manager Cook indicated there are three various obstructions are permitted. However a review is necessary at this time. Within those three we should discuss open patios. Currently, a resident is interested in the outcome of this discussion. The Zoning Ordinance has unclear language when discussing open patios when it pertains to the size of patios. Open patios are permitted as follows: Open patios or terraces in a residential

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district, provided that they are at least four feet from all side and rear property lines, not over four feet above the average level of the adjoining ground and do not project over ten feet (excludes covered porches). The portion of the regulation that staff seeks consideration by the Plan Commission is the part that states, do not project over ten feet. There is not starting point of that measurement, it can't be interpreted in any number of ways. Staff believes that the requirement is intended to limit patios to not extend more than ten feet into the required rear yard. It would be very restrictive to limit patios to not extend more than ten feet from the principal structure.

Commissioner Yohanna stated that it is all about the obstruction, and the language. A raised patio is an obstruction, the flat patio is not. Commissioner Sampen indicated that should exclude patios at grade and raised patios and terraces that project over 10 feet from principal structure. Need to change ~~open~~ to raised open patio.

Commissioner Yohanna suggested to not apply this section to apply to driveway or patio coming from the house. Give staff the liberty to re-draft this provision. Suggestions:

- Only raised patio and terraces
- Four foot height to remain
- Allow patios to invade 10 feet in required rear setback and the limitations to how far things can project measured from principal structure.
- Front 10 feet

Staff will revise and come back to future meeting.

Chairman Eisterhold asked if there was anyone in the audience who wanted to comment. There was none.

Motion to continue to July 10, 2013 by Commissioner Yohanna and Seconded by Commissioner Sampen. Motion approved 5-0 Aye.

**VIII. PUBLIC HEARING: Voting Requirements – Zoning Code Text Amendment Request: Text Amendment to Consider Modifying or Eliminating Voting Deadlines for Plan Commission and Zoning Board of Appeals (*Continued from March 6, 2013 & February 6, 2013*)**

Chairman Eisterhold asked if there was anyone in the audience who wanted to comment. There was none. Motion to continue to August 7, 2013 made by Commissioner Yohanna and Seconded by Commissioner Fishman. Motion approved 5-0 Aye.

**IX. PUBLIC HEARING: Driveway Requirements – Zoning Code Text Amendment Request: Text Amendment to Consider Residential Driveway Requirements (*Continued from March 6, 2013 & February 6, 2013*)**

Chairman Eisterhold asked if there was anyone in the audience who wanted to comment. There was none. Motion to continue to August 7, 2013 made by Commissioner Yohanna and Seconded by Commissioner Fishman. Motion approved 5-0 Aye.

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**X. PUBLIC HEARING: Final Approval Procedure of Planned Unit Development – Zoning Code Text Amendment**

**Request: Text Amendment to Consider Requiring Public Hearing for Final Approval of Planned Unit Development (*Continued from March 6, 2013 & February 6, 2013*)**

Chairman Eisterhold asked if there was anyone in the audience who wanted to comment. There was none. Motion to continue to August 7, 2013 made by Commissioner Yohanna and Seconded by Commissioner Fishman. Motion approved 5-0 Aye.

**XI. OTHER BUSINESS:**

Public Hearing Procedures will discuss at a future meeting.

**XII. PUBLIC COMMENT:** None.

**XIII. ADJOURNMENT:**

The next Plan Commission public hearing will be held on July 10, 2013. Hearing no further business, Motion to adjourn made by Commissioner Yohanna. Seconded by Commissioner Sampen. Motion approved unanimously 5-0. Meeting adjourned at 9:31 PM.

Respectfully submitted,

Lauren Wolf  
Community Development Department Coordinator



## Staff Report Plan Commission July 10, 2013

**Subject Property:**  
3700 West Pratt Avenue

**Zoning District:** MB Light  
Industrial/Business District

**Petitioner:** Lincolnwood Properties,  
Property Owner

**Nature of Request:** The petitioner seeks approval of a Final Plat of Consolidation and certain variations to consolidate eleven parcels into one lot of record.



**Notification:** Notice of the July 10, 2013 meeting was published in the Lincolnwood Review on June 20, 2013. One Public Hearing Sign was also installed at 3700 West Pratt Avenue (facing Pratt Avenue).

### **Summary of Request**

At the May 1<sup>st</sup> meeting, the Plan Commission concurred with Lincolnwood Properties' request that their proposed Plat of Consolidation can be effectively and fully considered without separate preliminary and final review. As a result, Lincolnwood Properties has submitted their application for Final Plat review. The subject property, which is the location of Trim-Tex, is comprised of eleven underlying parcels which the property owner seeks to consolidate into one lot of record. The proposed consolidation is within the MB Light Manufacturing/Business District. No improvements to private or public property are proposed as part of this consolidation request.

### **Subdivision Ordinance Variations**

1. **Section 16-5-2(B) Lot Shapes:** *"Every lot shall have four sides."* The applicant requires a variation to permit the consolidation of parcels that will result in a total of six lot lines. Trim-Tex seeks to consolidate their existing parcels. In order to consolidate all eleven into one parcel the result is a six-sided lot. As a result, Trim-Tex requires a variation to permit the consolidation as proposed.
2. **Section 16-5-2(D)(2) Consolidations - More than two lots:** *"No consolidation of more than two lots shall be permitted unless a variation is granted..."* As previously

indicated, Trim-Tex seeks to consolidate all eleven of their parcels into one lot. As a result, they require a variation as per Section 16-5-2(D)(2). The Subdivision Ordinance contains a list of certain conditions that may be imposed upon request for relief from this section. Those conditions include but are not limited to:

- a. The installation of additional landscaping on the lot;
  - b. An increase in the width of any required yard or yards on such lot beyond what is required by the Zoning Ordinance;
  - c. A restriction on the gross floor area for the lot that is less than what is permitted by the Zoning Ordinance; and
  - d. A restriction on the maximum impervious surface on the lot.
3. Section 16-5-4 Landscaping: “*Street trees shall be installed along all parkways in the subdivision...Landscaping may be required when the Village determines that additional landscaping is desirable or necessary to mitigate the impact of any new buildings or structures...*” As indicated previously, Trim-Tex is not proposing any new construction upon approval of the Plat of Consolidation. Trim-Tex is not proposing any landscaping as part of their Plat of Consolidation. There are street trees along Pratt Avenue however no such street trees are in place along Hamlin Avenue or Morse Avenue. Much of the length of the property along both Hamlin Avenue and Morse Avenue is a continual curb cut which does not allow for the installation of street trees.
4. Section 16-6-1(A)(8) Streetlights: “*Standard streetlights shall be installed...*” Trim-Tex is not proposing any streetlights as part of their Plat of Consolidation. There are streetlights installed along Pratt Avenue but no such streetlights are installed along Hamlin Avenue and only a few along Morse Avenue. As stated before, much of the length of the property line along both Hamlin Avenue and Morse Avenue is a continual curb cut which does not allow for installation of streetlights.
5. Section 16-6-1(B) Sidewalks: “*Sidewalks shall be provided on both sides of all streets...*” Currently, there are sidewalks along Morse Avenue and Hamlin Avenue. Along Pratt Avenue there is no sidewalk from the railroad right-of-way west until the loading dock facing Pratt Avenue. The remaining 215 feet west of the loading dock has hardsurfaced walking area (driveway/sidewalk). Trim-Tex is not proposing to install any new sidewalk as part of the Plat of Consolidation.

### **Conclusion**

The property owner is seeking approval of a Final Plat of Consolidation and variations from the Subdivision Ordinance. Trim-Tex desires to consolidate eleven parcels into one lot of record. Trim-Tex is not proposing any improvements as part of the Consolidation. The Subdivision Ordinance requires for all Subdivisions, which includes Plats of Consolidation, certain design and improvement requirements. The Applicant in addition to seeking approval of the Plat of Consolidation also seeks certain variations.

### **Documents Attached**

1. Plan Commission Minutes – May 1, 2013
2. Subdivision Application Packet
  - a. Subdivision Application
  - b. Commitment for Title Insurance
  - c. Final Plat of Consolidation – “Koenig Subdivision”

**MEETING MINUTES OF THE  
PLAN COMMISSION**

**May 1, 2013  
7:00 P.M.**

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

**MEMBERS PRESENT:**

Chairman Paul Eisterhold  
Patricia Goldfein  
Sue Auerbach  
Don Sampen

**MEMBERS ABSENT:**

George Touras  
Mark Yohanna  
Steve Jakubowski

**STAFF PRESENT:**

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

**VILLAGE COUNSEL**

None.

**I. CALL TO ORDER**

Chairman Eisterhold noted a quorum of four members present and called the meeting to order at 7:10 p.m. Chairman Eisterhold notified public that Commissioners' Touras, Yohanna and Jakubowski would not be in attendance.

**II. APPROVAL OF MINUTES**

Motion to approve the April 3, 2013 Plan Commission minutes was made by Commissioner Sampen and Seconded by Commissioner Auerbach. Motion approved 3-0 with Chairman Eisterhold's abstention.

Chairman Eisterhold notified the public and Commission that agenda items #7 and #11 regarding Firearms Shooting Ranges and Appeals of Administrative Hearing Officer will take more deliberation and would like the Village Attorney present and will continue these two items to a date certain of July 10, 2013. Motion to continue made by Commissioner Auerbach and Seconded by Commissioner Sampen. 4-0 Approved.

**III. Review of Plat of Consolidation: Consideration of Combined Preliminary and Final Plat of Subdivision – 3700 West Pratt Avenue**

**Request: Request to Review Proposed Plat of Consolidation in Accordance with Final Plat of Subdivision Review Only Rather than Preliminary and Final Plat of Subdivision Reviews**

May 1, 2013

Chairman Eisterhold noted to the public and petitioners that his daughter used to babysit for the owner of Trim-Tex and purchased girl scout cookies from the family. If anyone had an issue with this please come forward. No one in audience indicated any issue.

Chairman Eisterhold indicated two petitioners are present and swore them in. Mr. Leo Burzik with Trim-Tex and Mr. Marek Krzyzanowski with Double "M" Chamberlin Masse, Engineer for property.

Development Manager Cook indicated that this request is for parcel consolidation and if it could be done in one meeting, rather than two public hearings. Lincolnwood Properties Trust seeks under Section 16-4-3 of the Subdivision Code for the elimination of preliminary review of a Major Subdivision. If the elimination of preliminary review is granted, the Plat of Consolidation will be reviewed at a future regularly scheduled meeting of the Plan Commission in accordance with all notice requirements. There are eleven underlying parcels which the property owner seeks to consolidate into one lot of record. No improvements are proposed with this consolidation request.

Commissioner Auerbach and Goldfein both indicated that this makes sense to approve and to consolidate.

Chairman Eisterhold asked if anyone in the audience wanted to speak on the matter. There was none.

Petitioner Mr. Burzik thanked the Commission for time and consideration on the matter. We are bombarded with a lot of paper work because of all the parcels, but this was an existing problem and want to clean it up.

Commissioner Auerbach made a motion to allow the petitioner to proceed with Final Plat of Consolidation and combine Final Plat of Subdivision. Seconded by Commissioner Goldfein. Motion carried 4-0.

**IV. PUBLIC HEARING: Sign Requirements – Zoning Code Text Amendment**  
*(Continued from March 6, 2013, February 6, 2013 & January 9, 2013)*

**Request: Text Amendment to Review Requirements for A-Frame, Sandwich Board, and Similar Signs**

Development Manager Cook stated at the March 6, 2013 meeting the Commission indicated to Staff that they liked the Morton Grove Sign Ordinance, and wanted to mirror that. Staff needs clarification on how to regulate these signs. Staff took photos of signs that are in existence, and explained that none of them would be in compliance with the Morton Grove Ordinance.

Commissioner Auerbach stated that it seems these examples are in line with pedestrians. However, signs should not be in the public right-of-way.



**SUBJECT PROPERTY**

Property Address: 3700 W. PRATT AVE. ; LINCOLNWOOD

Permanent Real Estate Index Number(s): 10-35-134-008 ; 10-35-134-005 ; 10-35-134-016 ; 10-35-134-017 ; 10-35-500-012 ; 10-35-134-015 ; 10-35-134-014 ; 10-35-134-012 ; 10-35-134-013 10-35-134-011

Zoning District MB Lot Area: 7.53 AC.

List all existing structures on the property. Include fencing, sheds, garages, pools, etc.

TWO LARGE MANUFACTURING BUILDINGS, PARKING LOTS, SIDEWALKS, DRIVEWAYS, AND FENCES

Are there existing development restrictions affecting the property?  Yes  No  
(Examples: previous variations, conditions, easements, covenants)

If yes, describe: EXISTING EASEMENTS

**REQUESTED ACTION**

- |   |   |
|---|---|
| <input type="checkbox"/> Preliminary Plat of Subdivision      | <input checked="" type="checkbox"/> Plat of Consolidation |
| <input checked="" type="checkbox"/> Final Plat of Subdivision | <input type="checkbox"/> Plat of Vacation                 |
| <input type="checkbox"/> Minor Subdivision                    | <input type="checkbox"/> Subdivision Variation            |

**PROJECT DESCRIPTION**

Describe the Request, Project and Requested Variations: \_\_\_\_\_

OWNER REQUESTS THE CONSOLIDATION OF 10 PARCELS INTO A SINGLE LOT OF RECORD FOR THE PURPOSE OF CONSOLIDATING THE REAL ESTATE TAX BILLS.

**PROPERTY OWNER/PETITIONER INFORMATION**

Property Owner(s): KATIE KOENIG, DEBOCD DEBORAH KOENIG

Name: (List all beneficiaries if Trust): LAUREN KOENIG, LINDSEY KOENIG

Address: 1925 BURR OAK DR E GLENVIEW, IL 60025-1856

Telephone: (847) 7293315 Fax: (\_\_\_\_) \_\_\_\_\_ E-mail Address: debo@comca

**Petitioner (if different from owner):**

Name: \_\_\_\_\_ Relationship to Property: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: (\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_) \_\_\_\_\_ E-mail Address: \_\_\_\_\_

## REQUIRED ATTACHMENTS \*

Check all documents that are attached:

Plat of Survey \_\_\_\_\_  
Plat of Subdivision X  
Final Engineering (Final Plat Only) \_\_\_\_\_  
Copy of Current Title Policy X  
Copies of Other Applications \_\_\_\_\_  
PDF files of all drawings X

*\*The above documents are required for all applications. The Zoning Officer may release an applicant from specific required documents or may require additional documents as deemed necessary.*

### For Office Use Only

Fee: 500 Deposit: 2000

Date Received: 6/6/13

Checked By: Lauren Wolf

The article(s), section(s) and paragraph(s) of the Village of Lincolnwood Zoning Ordinance from which the Action is being sought:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## COST REIMBURSEMENT REQUIREMENT

The Village requires reimbursement of certain out-of-pocket costs incurred by the Village in connection with applications for subdivision approvals and relief. These costs include, but are not limited to, mailing costs, attorney and engineer costs, and other out-of-pocket costs incurred by the Village in connection with this application. In accordance with Section 18-3-1(A) of the Village of Lincolnwood Subdivision Ordinance, both the petitioner and the property owner shall be jointly and severally liable for the payment of such out-of-pocket costs.

Invoices in connection with this application shall be directed to:

Name: TRIM - TEX  
Address: 3700 W. PRATT  
City, State: LINCOLN WOOD IL 60712

## ATTESTMENT AND SIGNATURE

I hereby state that I have read and understand the Village cost reimbursement requirement, as well as the requirements and procedures outlined in Section 18-3-1 of the Village Subdivision Ordinance, and I agree to reimburse the Village within 30 days after receipt of an invoice therefor. I further attest that all statements and information provided in this application are true and correct to the best of my knowledge and that I have vested in me the authority to execute this application.

PROPERTY OWNER

PETITIONER (If different than property owner)

Deborah Koenig 3/18/13  
Signature Date

\_\_\_\_\_  
Signature Date

Deborah Koenig  
Print Name

\_\_\_\_\_  
Print Name

COMMITMENT FOR TITLE INSURANCE



# Chicago Title Insurance Company

CHICAGO TITLE INSURANCE COMPANY, a Nebraska corporation, herein called the Company, for valuable consideration, commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the Proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest in the Land described or referred to in Schedule A, upon payment of the premiums and charges and compliance with the Requirements; all subject to the provisions of Schedule A and B and to the Conditions of this Commitment.

This Commitment shall be effective only when the identity of the Proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A by the Company.

All liability and obligation under this Commitment shall cease and terminate 6 months after the Effective Date or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue the policy or policies is not the fault of the Company.

The Company will provide a sample of the policy form upon request.

IN WITNESS WHEREOF, Chicago Title Insurance Company has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A.

CHICAGO TITLE INSURANCE COMPANY

Issued By:

CHICAGO TITLE INSURANCE COMPANY  
10 S. LASALLE ST. 3100  
CHICAGO, IL 60603

Refer Inquiries To:  
(312) 223-3025



By

Authorized Signatory

Commitment No.: 1401 008917484 D1



CHICAGO TITLE INSURANCE COMPANY

COMMITMENT FOR TITLE INSURANCE

SCHEDULE A

YOUR REFERENCE: LEVENFELD - MATTER 34874.58987 - 2

ORDER NO.: 1401 008917484 D1

EFFECTIVE DATE: OCTOBER 30, 2012

1. POLICY OR POLICIES TO BE ISSUED:

OWNER'S POLICY: ALTA OWNERS 2006  
AMOUNT: \$10,000.00  
PROPOSED INSURED: TO COME

2. THE ESTATE OR INTEREST IN THE LAND DESCRIBED OR REFERRED TO IN THIS COMMITMENT IS FEE SIMPLE, UNLESS OTHERWISE NOTED.

3. TITLE TO THE ESTATE OR INTEREST IN THE LAND IS AT THE EFFECTIVE DATE VESTED IN:  
LINCOLNWOOD PROPERTIES, L.P., AN ILLINOIS LIMITED PARTNERSHIP

CHICAGO TITLE INSURANCE COMPANY  
COMMITMENT FOR TITLE INSURANCE  
SCHEDULE A (CONTINUED)

ORDER NO. : 1401 008917484 D1

4A. LOAN POLICY 1 MORTGAGE OR TRUST DEED TO BE INSURED:

NONE

4B. LOAN POLICY 2 MORTGAGE OR TRUST DEED TO BE INSURED:

NONE



CHICAGO TITLE INSURANCE COMPANY  
COMMITMENT FOR TITLE INSURANCE  
SCHEDULE A (CONTINUED)

ORDER NO.: 1401 008917484 D1

5. THE LAND REFERRED TO IN THIS COMMITMENT IS DESCRIBED AS FOLLOWS:

LOT 9 IN JOHN REINBERG'S MORSE AVENUE ADDITION TO LINCOLNWOOD, BEING A RESUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 35, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 2, 1960 AS DOCUMENT 17954788, IN COOK COUNTY, ILLINOIS.



CHICAGO TITLE INSURANCE COMPANY  
COMMITMENT FOR TITLE INSURANCE  
SCHEDULE B

ORDER NO.: 1401 008917484 D1

SCHEDULE B OF THE POLICY OR POLICIES TO BE ISSUED WILL CONTAIN EXCEPTIONS TO THE FOLLOWING MATTERS UNLESS THE SAME ARE DISPOSED OF TO THE SATISFACTION OF THE COMPANY.

GENERAL EXCEPTIONS

1. RIGHTS OR CLAIMS OF PARTIES IN POSSESSION NOT SHOWN BY PUBLIC RECORDS.
2. ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND.
3. EASEMENTS, OR CLAIMS OF EASEMENTS, NOT SHOWN BY PUBLIC RECORDS.
4. ANY LIEN, OR RIGHT TO A LIEN, FOR SERVICES, LABOR OR MATERIAL HERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW AND NOT SHOWN BY THE PUBLIC RECORDS.
5. TAXES OR SPECIAL ASSESSMENTS WHICH ARE NOT SHOWN AS EXISTING LIENS BY THE PUBLIC RECORDS.
6. IF EXTENDED COVERAGE OVER THE FIVE GENERAL EXCEPTIONS IS REQUESTED, WE SHOULD BE FURNISHED THE FOLLOWING:
  - A. A CURRENT ALTA/ACSM OR ILLINOIS LAND TITLE SURVEY CERTIFIED TO CHICAGO TITLE INSURANCE COMPANY;
  - B. A PROPERLY EXECUTED ALTA STATEMENT;

MATTERS DISCLOSED BY THE ABOVE DOCUMENTATION WILL BE SHOWN SPECIFICALLY.

NOTE: THERE WILL BE AN ADDITIONAL CHARGE FOR THIS COVERAGE.

7. NOTE FOR INFORMATION: THE COVERAGE AFFORDED BY THIS COMMITMENT AND ANY POLICY ISSUED PURSUANT HERETO SHALL NOT COMMENCE PRIOR TO THE DATE ON WHICH ALL CHARGES PROPERLY BILLED BY THE COMPANY HAVE BEEN FULLY PAID.

A 8.

1. TAXES FOR THE YEAR(S) 2012  
2012 TAXES ARE NOT YET DUE OR PAYABLE.

- 1A. NOTE: 2011 FIRST INSTALLMENT WAS DUE MARCH 1, 2012  
NOTE: 2011 FINAL INSTALLMENT WAS DUE AUGUST 1, 2012

| PERM TAX#          | PCL    | YEAR | 1ST INST    | STAT | 2ND INST    | STAT |
|--------------------|--------|------|-------------|------|-------------|------|
| 10-35-134-008-0000 | 1 OF 1 | 2011 | \$18,565.05 | PAID | \$14,882.85 | PAID |

- C 9. NOTE: THE LAND LIES WITHIN A COUNTY WHICH IS SUBJECT TO THE PREDATORY LENDING DATABASE ACT (765 ILCS 77/70 ET SEQ. AS AMENDED). A CERTIFICATE OF COMPLIANCE WITH THE ACT OR A CERTIFICATE OF EXEMPTION THEREFROM MUST BE OBTAINED AT TIME OF CLOSING IN ORDER FOR THE COMPANY TO RECORD ANY INSURED MORTGAGE. IF THE

CHICAGO TITLE INSURANCE COMPANY  
COMMITMENT FOR TITLE INSURANCE  
SCHEDULE B (CONTINUED)

ORDER NO.: 1401 008917484 D1

CLOSING IS NOT CONDUCTED BY THE COMPANY, A CERTIFICATE OF COMPLIANCE OR A CERTIFICATE OF EXEMPTION MUST BE ATTACHED TO ANY MORTGAGE TO BE RECORDED.

NOTE: FOR KANE, WILL AND PEORIA COUNTIES, THE ACT APPLIES TO MORTGAGES RECORDED ON OR AFTER JULY 1, 2010.

- E 10. NOTE: IT APPEARS THAT THE AMOUNT OF INSURANCE STATED IN SCHEDULE A MAY BE LESS THAN 80 PERCENT OF THE LESSER OF: (1) THE VALUE OF THE INSURED ESTATE OR INTEREST OR (2) THE FULL CONSIDERATION PAID FOR THE LAND. YOUR ATTENTION IS DIRECTED TO THOSE PROVISIONS OF PARAGRAPH 7(B) OF THE CONDITIONS AND STIPULATIONS OF THE OWNER'S POLICY WHICH PROVIDE THAT IN SUCH CASE, THE COMPANY MAY ONLY BE OBLIGATED TO PAY PART OF ANY LOSS INSURED AGAINST UNDER THE TERMS OF THE POLICY.

THE ABOVE NOTE IS SHOWN FOR YOUR INFORMATION WITH RESPECT TO THE OWNER'S POLICY ONLY AND WILL NOT APPEAR ON SUCH POLICY. NEVERTHELESS, SUCH OMISSION SHOULD NOT BE CONSTRUED TO MEAN THAT SUCH POLICY IS NOT SUBJECT TO THOSE PROVISIONS OF PARAGRAPH 7(B) OF THE CONDITIONS AND STIPULATIONS REFERRED TO IN THE NOTE. IF, HOWEVER, THE NOTE IS STAMPED "WAIVED" ON THE FACE OF THIS COMMITMENT, SUCH WAIVER SHALL BE DEEMED AN ACKNOWLEDGMENT BY THE COMPANY THAT THE AMOUNT OF INSURANCE STATED IN SCHEDULE A HEREIN IS, FOR THE PURPOSES OF SAID PARAGRAPH 7(B), NOT LESS THAN 80 PERCENT OF THE LESSER OF THE VALUE OF THE INSURED ESTATE OR INTEREST OR THE FULL CONSIDERATION PAID FOR THE LAND.

- F 11. EXISTING UNRECORDED LEASES AND ALL RIGHTS THEREUNDER OF THE LESSEES AND OF ANY PERSON OR PARTY CLAIMING BY, THROUGH OR UNDER THE LESSEES.
- G 12. WE SHOULD BE FURNISHED A STATEMENT THAT THERE IS NO PROPERTY MANAGER EMPLOYED TO MANAGE THE LAND, OR, IN THE ALTERNATIVE, A FINAL LIEN WAIVER FROM ANY SUCH PROPERTY MANAGER.
- H 13. MUNICIPAL REAL ESTATE TRANSFER TAX STAMPS (OR PROOF OF EXEMPTION) MUST ACCOMPANY ANY CONVEYANCE AND CERTAIN OTHER TRANSFERS OF PROPERTY LOCATED IN LINCOLNWOOD. PLEASE CONTACT SAID MUNICIPALITY PRIOR TO CLOSING FOR ITS SPECIFIC REQUIREMENTS, WHICH MAY INCLUDE THE PAYMENT OF FEES, AN INSPECTION OR OTHER APPROVALS.
- I 14. THE PARTNERSHIP AGREEMENT ESTABLISHING THE PARTNERSHIP OF LINCOLNWOOD PROPERTIES, L.P., AN ILLINOIS LIMITED PARTNERSHIP, TOGETHER WITH ALL AMENDMENTS THERETO, PROPERLY IDENTIFIED IN WRITING BY ALL THE PARTNERS AS BEING THE TERMS AND PROVISIONS OF THE AGREEMENT UNDER WHICH THE PARTNERSHIP ACQUIRED AND HOLDS TITLE, SHOULD BE FURNISHED; AND THIS COMMITMENT IS SUBJECT TO SUCH FURTHER EXCEPTIONS, IF ANY, AS THEN MAY BE DEEMED NECESSARY.

NOTE: THIS COMMITMENT IS SUBJECT TO SUCH FURTHER EXCEPTIONS, IF ANY, WHICH MAY BE DISCLOSED AFTER A NAME SEARCH HAS BEEN MADE FOR JUDGMENTS AND OTHER MATTERS AGAINST ALL THE MEMBERS OF THE SAID PARTNERSHIP.

CHICAGO TITLE INSURANCE COMPANY  
COMMITMENT FOR TITLE INSURANCE  
SCHEDULE B (CONTINUED)

ORDER NO.: 1401 008917484 D1

- J 15. TERMS, POWERS, PROVISIONS AND LIMITATIONS OF THE PARTNERSHIP AGREEMENT UNDER WHICH TITLE IS HELD.
- P 16. BUILDING LINE AS SHOWN ON THE PLAT OF SUBDIVISION RECORDED AS DOCUMENT 17954788, OVER THE SOUTH 80 FEET AND OVER THE WEST 25 FEET OF THE LAND.
- Q 17. EASEMENT IN FAVOR OF THE COMMONWEALTH EDISON COMPANY, THE ILLINOIS BELL TELEPHONE COMPANY AND NORTHERN ILLINOIS GAS COMPANY, AND ITS/THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, TO INSTALL, OPERATE AND MAINTAIN ALL EQUIPMENT NECESSARY FOR THE PURPOSE OF SERVING THE LAND AND OTHER PROPERTY, TOGETHER WITH THE RIGHT OF ACCESS TO SAID EQUIPMENT, AND THE PROVISIONS RELATING THERETO, IN THE WEST 1/2 OF THE VACATED NORTH AND SOUTH ALLEY LYING EAST OF AND ADJOINING LOTS 5 TO 19 OF GEORGE REINBERG'S PRATT AVENUE SUBDIVISION IN THE NORTHWEST 1/4 OF SECTION 35, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.
- K FOR ALL ILLINOIS PROPERTY: FOR COMMITMENT ONLY
- EFFECTIVE JUNE 1, 2009, PURSUANT TO PUBLIC ACT 95-988, SATISFACTORY EVIDENCE OF IDENTIFICATION MUST BE PRESENTED FOR THE NOTARIZATION OF ANY AND ALL DOCUMENTS NOTARIZED BY AN ILLINOIS NOTARY PUBLIC. UNTIL JULY 1, 2013, SATISFACTORY IDENTIFICATION DOCUMENTS ARE DOCUMENTS THAT ARE VALID AT THE TIME OF THE NOTARIAL ACT; ARE ISSUED BY A STATE OF FEDERAL GOVERNMENT AGENCY; BEAR THE PHOTOGRAPHIC IMAGE OF THE INDIVIDUAL'S FACE; AND BEAR THE INDIVIDUAL'S SIGNATURE.
- L FOR COOK COUNTY PROPERTY: FOR COMMITMENT ONLY
- EFFECTIVE JUNE 1, 2009, IF ANY DOCUMENT OF CONVEYANCE FOR COOK COUNTY RESIDENTIAL REAL PROPERTY IS TO BE NOTARIZED BY AN ILLINOIS NOTARY PUBLIC, PUBLIC ACT 95-988 REQUIRES THE COMPLETION OF A NOTARIAL RECORD FOR EACH GRANTOR WHOSE SIGNATURE IS NOTARIZED. THE NOTARIAL RECORD WILL INCLUDE THE THUMBPRINT OR FINGERPRINT OF THE GRANTOR. THE GRANTOR MUST PRESENT IDENTIFICATION DOCUMENTS THAT ARE VALID; ARE ISSUED BY STATE OR FEDERAL GOVERNMENT AGENCY; BEAR THE PHOTOGRAPHIC IMAGE OF THE INDIVIDUAL'S FACE; AND BEAR THE INDIVIDUAL'S SIGNATURE. THE COMPANY WILL CHARGE \$25.00 PER NOTARIAL RECORD.
- M "Be advised that the "Good Funds" section of the Title Insurance Act (215 ILCS 155/26) becomes effective 1-1-2010. This act places limitations upon the settlement agent's ability to accept certain types of deposits into escrow. Please contact your local Chicago Title Office regarding the application of this new law to your transaction."
- N 18. NOTE FOR INFORMATION (ENDORSEMENT REQUESTS):
- ALL ENDORSEMENT REQUESTS SHOULD BE MADE PRIOR TO CLOSING TO ALLOW AMPLE TIME FOR THE COMPANY TO EXAMINE REQUIRED DOCUMENTATION.
- (THIS NOTE WILL BE WAIVED FOR POLICY).

CHICAGO TITLE INSURANCE COMPANY  
COMMITMENT FOR TITLE INSURANCE  
SCHEDULE B (CONTINUED)

ORDER NO.: 1401 008917484 D1

0 19. INFORMATIONAL NOTE:

TO SCHEDULE ANY CLOSINGS IN THE CHICAGO COMMERCIAL CENTER, PLEASE CALL  
(312)223-2707.

\*\* END \*\*

CHICAGO TITLE INSURANCE COMPANY  
COMMITMENT FOR TITLE INSURANCE

ORDER NO. : 1401 008917484 D1

CONDITIONS

1. The term mortgage, when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquired actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 or these Conditions.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and Conditions and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. This Commitment is a contract to issue one or more title insurance policies and is not an abstract of title or a report of the condition of title. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.
5. The policy to be issued contains an arbitration clause. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. You may review a copy of the arbitration rules at <<http://www.alta.org/>>.

# CHICAGO TITLE INSURANCE COMPANY

## 1031 EXCHANGE SERVICES

If your transaction involves a tax deferred exchange, we offer this service through our 1031 division, IPX1031. As the nation's largest 1031 company, IPX1031 offers guidance and expertise. Security for Exchange funds includes segregated bank accounts and a 100 million dollar Fidelity Bond. Fidelity National Title Group also provides a 50 million dollar Performance Guaranty for each Exchange. For additional information or to set-up an Exchange, please call Scott Nathanson at (312) 223-2178 or Anna Barsky at (312) 223-2169.

Effective Date: May 1, 2008

Fidelity National Financial, Inc.  
Privacy Statement

Fidelity National Financial, Inc. and its subsidiaries ("FNF") respect the privacy and security of your non-public personal information ("Personal Information") and protecting your Personal Information is one of our top priorities. This Privacy Statement explains FNF's privacy practices, including how we use the Personal Information we receive from you and from other specified sources, and to whom it may be disclosed. FNF follows the privacy practices described in this Privacy Statement and, depending on the business performed, FNF companies may share information as described herein.

**Personal Information Collected**

We may collect Personal Information about you from the following sources:

Information we receive from you on applications or other forms, such as your name, address, social security number, tax identification number, asset information and income information;

Information we receive from you through our Internet websites, such as your name, address, email address, Internet Protocol address, the website links you used to get to our websites, and your activity while using or reviewing our websites;

Information about your transactions with or services performed by us, our affiliates, or others, such as information concerning your policy, premiums, payment history, information about your home or other real property, information from lenders and other third parties involved in such transactions, account balances, and credit card information; and

Information we receive from consumer or other reporting agencies and publicly recorded documents.

**Disclosure of Personal Information**

We may provide your Personal Information (excluding information we receive from consumer or other credit reporting agencies) to various individuals and companies, as permitted by law, without obtaining your prior authorization. Such laws do not allow consumers to restrict these disclosures. Disclosures may include, without limitation, the following:

To insurance agents, brokers, representatives, support organizations, or others to provide you with services you have requested, and to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure in connections with an insurance transactions;

To third-party contractors or service providers for the purpose of determining your eligibility for an insurance benefit or payment and/or providing you with services you have requested;

To an insurance regulatory authority, or law enforcement or other governmental authority, in a civil action, in connection with a subpoena or a governmental investigation;

To companies that perform marketing services on our behalf or to other financial institutions with which we have had joint marketing agreements and/or

To lenders, lien holders, judgement creditors, or other parties claiming an encumbrance or an interest in title whose claim or interest must be determined, settled, paid or released prior to a title or escrow closing.

We may also disclose your Personal Information to others when we believe, in good faith, that such disclosure is reasonably necessary to comply with the law or to protect the safety of our customers, employees, or property and/or to comply with a judicial proceeding, court order or legal process.

Disclosure to Affiliated Companies - We are permitted by law to share your name, address and facts about your transaction with other FNF companies, such as insurance companies, agents, and other real estate service providers to provide you with services you have requested, for marketing or product development research, or to market products or services to you. We do not, however, disclose information we collect from consumer or credit reporting agencies with our affiliates or others without your consent, in conformity with applicable law, unless such disclosure is otherwise permitted by law.

Disclosure to Nonaffiliated Third Parties - We do not disclose Personal Information about our customers or former customers to nonaffiliated third parties, except as outlined herein or as otherwise permitted by law.

**Confidentiality and Security of Personal Information**

We restrict access to Personal Information about you to those employees who need to know that information to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard Personal Information.

**Access to Personal Information/**

**Requests for Correction, Amendment, or Deletion of Personal Information**

As required by applicable law, we will afford you the right to access your Personal Information, under certain circumstances to find out to whom your Personal Information has been disclosed, and request correction or deletion of your Personal Information. However, FNF's current policy is to maintain customers' Personal Information for no less than your state's required record retention requirements for the purpose of handling future coverage claims.

For your protection, all requests made under this section must be in writing and must include your notarized signature to establish your identity.

Where permitted by law, we may charge a reasonable fee to cover the costs incurred in responding to such requests. Please send requests to:

Chief Privacy Officer  
Fidelity National Financial, Inc.  
601 Riverside Avenue  
Jacksonville, FL 32204

**Changes to this Privacy Statement**

This Privacy Statement may be amended from time to time consistent with applicable privacy laws. When we amend this Privacy Statement, we will post a notice of such changes on our website. The effective date of this Privacy Statement, as stated above, indicates the last time this Privacy Statement was revised or materially changed.





AVENUE

Plat hereby certify that we are the owners of all of the property described hereon and that we caused the same to be surveyed and re-subdivided as shown on the plat hereon drawn.

Notary Public

STATE OF ILLINOIS }  
COUNTY OF COOK }

I, George Reinberg, a Notary Public, in and for said County, in the State aforesaid, hereby certify that John Reinberg and Minnie Reinberg, heretofore known to me to be the same persons whose names are subscribed above as owners, appeared before me this day in person and acknowledged at the time of such appearance that they are the owners of the property described hereon and that they caused the same to be surveyed and re-subdivided as shown on the plat hereon drawn, and that they signed and sealed the foregoing instrument as a free and voluntary act and deed for the uses and purposes herein set forth.

Given under my hand and notarial seal this 23 day of July, A.D. 1960.

Notary Public

Trustees of the Village of Chicago, A.D. 1960.

Special assessments due

any national banking association known as Trust No. 1 and known as Trust No. 2 and known as Trust No. 3 hereon drawn.

as trustee, under estate and not individual.

TITLE HOLDER

I, George Reinberg, a Notary Public, hereby certify that Metropolitan National Bank, personally known to me as Metropolitan National Bank, described in the foregoing instrument, respectively, and acknowledged that they are the owners of the property described in set forth, and that they caused the same to be surveyed and re-subdivided as shown on the plat hereon drawn, and that they signed and sealed the foregoing instrument as a free and voluntary act and deed for the uses and purposes herein set forth.

Given under my hand and notarial seal this 23 day of July, A.D. 1960.

Notary Public

George Reinberg  
Minnie Reinberg

John Reinberg

STATE OF ILLINOIS }  
COUNTY OF COOK }

I, George Reinberg, a competent Illinois Land Surveyor do hereby certify that I have surveyed all of Blocks 4 and 5 and Lots 1, 2, 3 and 4 in Block 6 in Block 7 and Reynolds East Prairie Road & Lunt Ave. Subdivision of that part of the 10 Acres South of and adjoining the North 30 acres of the NW 1/4 of Sec. 35, Twp. 41 N., R. 13 E. of the NW 1/4 of Sec. 35 aforesaid, also that part of the N. 8 1/2 acres of the S 1/2 of the NW 1/4 of Sec. 35 aforesaid lying East of East Prairie Rd. (ex. railroad right-of-way) together with all vacated alleys lying within said blocks and those parts of Ridgeway Ave. lying North of and adjoining said Block 6, also all of lots 1 to 12 both incl. and vacated alley lying West of and adjoining lot 3 and East of and adjoining lots 4 to 12 both incl. in George Reinberg's Hamlin Ave. Subdiv. in the NW 1/4 of Sec. 35 aforesaid, also Lot 57 (ex. the N. 16 ft. thereof) and all of lots 58 to 63 both incl. and the 16 ft. vacated alley lying East of and adjoining said lots and lots 46 to 54 both incl. and vacated W 1/2 of Ridgeway Ave. lying East of and adjoining the East line of said lots, and the 16 ft. vacated alley lying West of and adjoining said lots all in Jan. Ohlings Subdiv. of that part of the 18 1/2 acres South of and adjoining the North 26 1/2 acres of the S 1/2 of the NW 1/4 of Sec. 35, Twp. 41 N., R. 13 E. of the 3 1/2 PM. East of East Prairie Rd. and West of the right-of-way of the Junction Railway Co. also Lots 13 to 20 and Lot 31 together with the 15 ft. vacated alley lying East of and adjoining said lots 13 to 20 and West of and adjoining said lot 31 in George Reinberg's Hamlin Ave. Subdiv. No. 2, being a resubdiv. of Lots 28 to 36 and Lots 37 to 45 all incl. and vacated part of Hamlin Ave. in Jan. Ohlings Subdiv. in the NW 1/4 of Sec. 35, aforesaid, also Lot 2 in George Reinberg's Hamlin Ave. Subdiv. No. 3, being a resubdiv. of lots 64 to 81 all incl. and vacated part of Lelandale Ave. in Jan. Ohlings Subdiv. in the NW 1/4 of Sec. 35 aforesaid, also Lots 5 to 19 both incl. and the E 1/2 of area vacated alley lying West of and adjoining lot 3 aforesaid and North of the South line of said lot 3 aforesaid, being all of the lots, blocks, vacated streets and vacated alleys lying South of the center line of Lunt Ave. and said line extended East, North of the North line of Pratt Ave., East of the East line of Hamlin Ave. and West of the West line of the right-of-way of the C. & N.W. Ry. Co. in the Village of Lincolnwood (ex. Lot 1 in George Reinberg's Hamlin Ave. Subdiv. No. 3 also ex. Lots 1 & 4 and the E 1/2 of the 16 ft. vacated alley lying West of and adjoining said lot 4 and lying South of the North line of said lot extended West in George Reinberg's Pratt Ave. Subdiv. aforesaid, also except Lots 55 and 56 in Jan. Ohlings Subdiv. (aforesaid), and I further certify that I have re-subdivided the same as correctly shown on the plat hereon drawn.

Chicago JUNE 7 3 4 A.D. 1960

Notary Public

3700 Pratt

PARCELS 2, 3, & 4

CHICAGO TITLE INSURANCE COMPANY  
COMMITMENT FOR TITLE INSURANCE  
SCHEDULE A

YOUR REFERENCE: 3700 E PRATT AVE

ORDER NO.: 1401 WP8377264 F1

EFFECTIVE DATE: APRIL 10, 2003

1. POLICY OR POLICIES TO BE ISSUED:

OWNER'S POLICY: ALTA OWNERS 1992  
AMOUNT: \$2,000,000.00  
PROPOSED INSURED: LINCOLNWOOD PROPERTIES LP

LOAN POLICY: ALTA LOAN 1992  
AMOUNT: TO COME  
PROPOSED INSURED: TO COME

2. THE ESTATE OR INTEREST IN THE LAND DESCRIBED OR REFERRED TO IN THIS COMMITMENT AND COVERED HEREIN IS A FEE SIMPLE UNLESS OTHERWISE NOTED.

3. TITLE TO SAID ESTATE OR INTEREST IN SAID LAND IS AT THE EFFECTIVE DATE VESTED IN:

TRIM-TEX, INC., AN ILLINOIS CORPORATION

4. MORTGAGE OR TRUST DEED TO BE INSURED:

TO COME.

CHICAGO TITLE INSURANCE COMPANY  
COMMITMENT FOR TITLE INSURANCE  
SCHEDULE A (CONTINUED)

ORDER NO.: 1401 WP8377264 F1

5. THE LAND REFERRED TO IN THIS COMMITMENT IS DESCRIBED AS FOLLOWS:

PARCEL <sup>3</sup>/~~1~~:

THAT PART OF THE SOUTH EAST 1/4 OF THE NORTH WEST 1/4 OF SECTION 35, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF PRATT AVENUE, DISTANT 50 FEET NORTHWESTERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTER LINE BETWEEN THE TWO MAIN TRACKS OF THE JUNCTION RAILWAY COMPANY (NOW THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY) AS SAID MAIN TRACK CENTER LINE WAS ORIGINALLY LOCATED AND ESTABLISHED ACROSS SAID SECTION 35; THENCE NORTHEASTERLY PARALLEL WITH SAID ORIGINAL CENTER LINE BETWEEN MAIN TRACKS A DISTANCE OF 280 FEET; THENCE SOUTHEASTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE A DISTANCE OF 20 FEET, MORE OR LESS, TO A POINT DISTANT 22.5 FEET NORTHWESTERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTER LINE OF THE MOST NORTHWESTERLY OR WEST-BOUND MAIN TRACK OF THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY, AS SAID MAIN TRACK IS NOW LOCATED; THENCE SOUTHWESTERLY PARALLEL WITH SAID LAST DESCRIBED MAIN TRACK CENTER LINE A DISTANCE OF 272 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF SAID PRATT AVENUE; THENCE WESTERLY ALONG SAID NORTH LINE OF PRATT AVENUE A DISTANCE OF 22 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

✓  
PARCEL 2:

LOTS 1 AND 4 IN REINBERG'S PRATT AVENUE SUBDIVISION IN THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 35, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

<sup>4</sup>/~~3~~  
PARCEL ~~3~~:

THAT PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 35, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 1, IN GEORGE RINBERG'S PRATT AVENUE SUBDIVISION, SAID CORNER BEING ON THE NORTH LINE OF PRATT AVENUE AND ALSO BEING DISTANT 50.00 FEET NORTHWESTERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTER LINE BETWEEN THE TWO MAIN TRACKS OF THE JUNCTION RAILWAY COMPANY (NOW CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY) AS SAID CENTER LINE WAS ORIGINALLY LOCATED AND ESTABLISHED; THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY LINE OF SAID LOT 1 AND PARALLEL TO SAID ORIGINAL CENTER LINE A DISTANCE OF 280.00 FEET; THENCE SOUTHEASTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE A DISTANCE OF 20.00 FEET, MORE OR LESS, TO A POINT DISTANT 22.50 FEET NORTHWESTERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTER LINE OF THE MOST NORTHWESTERLY OR WEST-BOUND MAIN TRACK OF THE CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY AS SAID TRACK WAS FORMERLY LOCATED, SAID POINT ALSO BEING 23.43 FEET NORTHWESTERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTER LINE OF THE PRESENT MAIN TRACK OF THE CHICAGO AND

CHICAGO TITLE INSURANCE COMPANY  
COMMITMENT FOR TITLE INSURANCE  
SCHEDULE A (CONTINUED)

ORDER NO. : 1401 WP8377264 F1

NORTH WESTERN TRANSPORTATION COMPANY, SAID POINT BEING THE POINT OF BEGINNING; THENCE SOUTHWESTERLY PARALLEL TO THE SOUTHEASTERLY LINE OF SAID LOT 1 AND THE CENTER LINE OF SAID PRESENT MAIN TRACK A DISTANCE OF 271.21 FEET TO A POINT ON THE NORTH LINE OF PRATT AVENUE; THENCE EASTERLY ALONG THE NORTH LINE OF PRATT AVENUE, A DISTANCE OF 14.61 FEET TO A LINE PARALLEL WITH AND DISTANT 10.00 FEET NORTHWESTERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTER LINE OF SAID PRESENT MAIN TRACK; THENCE NORTHEASTERLY PARALLEL TO THE SOUTHEASTERLY LINE OF SAID LOT 1 AND THE CENTER LINE OF SAID PRESENT MAIN TRACK A DISTANCE OF 265.45 FEET TO A POINT ON A LINE DRAWN AT RIGHT ANGLES TO THE CENTER LINE OF SAID PRESENT MAIN TRACK THROUGH THE POINT OF BEGINNING; THENCE NORTHWESTERLY ALONG SAID LAST DESCRIBED RIGHT ANGLE LINE A DISTANCE OF 13.43 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

CHICAGO TITLE INSURANCE COMPANY  
 COMMITMENT FOR TITLE INSURANCE  
 SCHEDULE B

ORDER NO.: 1401 WP8377264 F1

1. IF EXTENDED COVERAGE OVER THE FIVE GENERAL EXCEPTIONS IS REQUESTED, WE SHOULD BE FURNISHED THE FOLLOWING:

- A. A CURRENT ALTA/ACSM OR ILLINOIS LAND TITLE SURVEY CERTIFIED TO CHICAGO TITLE INSURANCE COMPANY;
- B. A PROPERLY EXECUTED ALTA STATEMENT;
- C. FOR UNIMPROVED LAND ONLY, UTILITY LETTERS FROM THE MUNICIPALITY OR COUNTY (IF UNINCORPORATED), LOCAL GAS, ELECTRIC AND TELEPHONE COMPANIES AND IF APPLICABLE, THE LOCAL CABLE TELEVISION COMPANY.

MATTERS DISCLOSED BY THE ABOVE DOCUMENTATION WILL BE SHOWN SPECIFICALLY.

NOTE: THERE WILL BE AN ADDITIONAL CHARGE FOR THIS COVERAGE.

2. NOTE FOR INFORMATION: THE COVERAGE AFFORDED BY THIS COMMITMENT AND ANY POLICY ISSUED PURSUANT HERETO SHALL NOT COMMENCE PRIOR TO THE DATE ON WHICH ALL CHARGES PROPERLY BILLED BY THE COMPANY HAVE BEEN FULLY PAID.

A 3.

1. TAXES FOR THE YEAR(S) 2002 AND 2003  
 2003 TAXES ARE NOT YET DUE OR PAYABLE.

1A. NOTE: 2002 FIRST INSTALLMENT WAS DUE MARCH 04, 2003  
 NOTE: 2002 FINAL INSTALLMENT NOT YET DUE OR PAYABLE

| PERM TAX#          | PCL    | YEAR | 1ST INST    | STAT |
|--------------------|--------|------|-------------|------|
| 10-35-134-005-0000 | 1 OF 3 | 2002 | \$45,635.59 | PAID |
| 10-35-134-016-0000 | 2 OF 3 | 2002 | \$675.72    | PAID |
| 10-35-134-017-0000 | 3 OF 3 | 2002 | \$512.30    | PAID |

\*\*\*\*\*  
 \*

B 4. MORTGAGE DATED SEPTEMBER 30, 1996 AND RECORDED OCTOBER 4, 1996 AS DOCUMENT NO. 96758905, MADE BY TRIM-TEX, INC. AN ILLINOIS CORPORATION, TO BANK OF LINCOLNWOOD, TO SECURE A NOTE FOR \$1,000,000.00. MODIFICATION AGREEMENT RECORDED AS DOCUMENT 97448779, 99292276, 00880410, 00880411, 0010294026, 0010294027

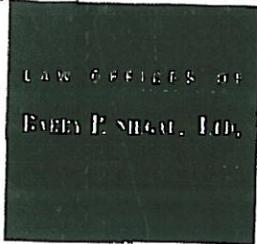
L 5. SECURITY INTEREST OF BANK OF LINCOLNWOOD , SECURED PARTY, IN CERTAIN DESCRIBED CHATTELS ON THE LAND, AS DISCLOSED BY FINANCING STATEMENT NAMING TRIM-TEX INC AS DEBTOR AND RECORDED NOVEMBER 12, 1996 AS DOCUMENT NO. 96U14266.

CHICAGO TITLE INSURANCE COMPANY  
COMMITMENT FOR TITLE INSURANCE  
SCHEDULE B (CONTINUED)

ORDER NO.: 1401 WP8377264 F1

- F 13. THIS POLICY SHOULD NOT BE CONSTRUED AS INSURING ACCESS TO THE LAND FROM AN OPEN PUBLIC STREET.  
  
(AFFECTS PARCEL 1)
- G 14. UTILITY EASEMENT FOR OVERHEAD FACILITIES, AS DISCLOSED BY UNRECORDED ELECTRIC SERVICE STATION AGREEMENT, DATED MAY 22, 1953 BY AND BETWEEN ALLSTATE INSURANCE CO. AND PUBLIC SERVICE COMPANY OF NORTHERN ILLINOIS, AS DISCLOSED BY UTILITY LETTER DATED JANUARY 28, 1991 FROM THE COMMONWEALTH EDISON COMPANY BY DON L. LAWRENCE, FIELD AGENT, AND ALSO AS DISCLOSED BY SURVEY DATED FEBRUARY 11, 1991 MADE BY JOHN P. TICE AND KNOWN AS ORDER NO. 9102.  
  
(AFFECTS PARCELS 1 AND 2)
- H 15. NOTE: THE FOLLOWING IS PROVIDED FOR YOUR INFORMATION AND IS NOT A PART OF THIS POLICY. THE FOLLOWING ENVIRONMENTAL DISCLOSURE DOCUMENT FOR TRANSFER OF REAL PROPERTY APPEARS OF RECORD WHICH INCLUDES A DESCRIPTION OF THE LAND INSURED OR A PART THEREOF.  
  
DOCUMENT, NO. 91092773 - DATE OF RECORDING: FEBRUARY 28, 1991.  
  
(AFFECTS PARCELS 1 AND 2)
- I 16. EXISTING UNRECORDED LEASES, IF ANY.
- J 17. ELECTRICAL LINES AND TRANSFORMERS OVER THE NORTHERLY PORTION OF THE PROPERTY AS SHOWN ON SURVEY MADE BY TICE SURVEY CO. DATED SEPTEMBER 3, 1996.
- K 18. ENCROACHMENT OF A CONCRETE RAMP LOCATED ON THE LAND HEREIN ONTO PROPERTY NORTH AND ADJOINING AS DISCLOSED BY SURVEY MADE BY JON P. TICE DATED SEPTEMBER 3, 1996.
- M 19. NOTE FOR INFORMATION (ENDORSEMENT REQUESTS):  
  
ALL ENDORSEMENT REQUESTS SHOULD BE MADE PRIOR TO CLOSING TO ALLOW AMPLE TIME FOR THE COMPANY TO EXAMINE REQUIRED DOCUMENTATION.  
  
(THIS NOTE WILL BE WAIVED FOR POLICY).
- N 20. INFORMATIONAL NOTE:  
TO SCHEDULE A RESIDENTIAL CLOSING IN OUR CHICAGO LOOP OFFICE, OR TO RECEIVE CLOSING FIGURES, PLEASE CALL OUR AUTOMATED INFORMATION LINE AT (312)223-2800.  
  
TO FAX FIGURES TO OUR CHICAGO LOOP OFFICE FOR RESIDENTIAL CLOSINGS, PLEASE DIAL (312)223-2815.  
  
TO SCHEDULE COMMERCIAL CLOSINGS IN DIVISION 1 OF OUR CHICAGO LOOP OFFICE PLEASE CALL (312)223-2757.

PARCEL 5



May 25, 1999

Barry P. Siegal

Donald B. Leventhal  
Sam Elliot Pfeiffer  
Nathaniel J. Pomrenze  
Michael H. Wagner  
of Counsel

**VIA FAX (402) 997-3601 / [ 6 pp. ]**  
Mr. James L. Harrel  
Senior Manager - Real Estate  
Union Pacific Railroad Company  
1800 Farnam Street  
Omaha, Nebraska 68102

Linda C. Molen  
Legal Assistant

Re: Sale of Real Estate to Lincolnwood Properties, L.P.

Dear Mr. Harrel:

Enclosed is a copy of the title insurance commitment for the above-referenced transaction. As you can see, I have finally managed to get the title company to waive exception numbers 6, 7 and 10. *Therefore, we are now in a position to close at your convenience.*

I propose that you have the deed and any necessary documents (e.g., corporate resolutions (exception # 9) and "Plat Act" affidavits (exception # 3)) delivered to the title company for it to hold on your behalf. We will then go to the title company with the purchase proceeds for delivery to it. When the title company is prepared to issue title in my client's name, it will record the deed and pay the proceeds over to you. Please call me to discuss the specifics of this transaction and what kind of things we need to do to close.

I look forward to hearing from you soon.

Cordially,

BARRY P. SIEGAL, LTD.

Nathaniel J. Pomrenze

230 West Monroe  
Suite 325  
Chicago, Illinois 60606  
312.782.5910  
312.263.5645 Fax

NJP:bwp  
Enclosures  
cc: Joe Koenig, Jr. (via fax @ 847-673-3017) ✓

570 Lake Cook Road  
Deerfield, Illinois 60015  
847.405.9645  
847.948.5970 Fax

**SCHEDULE A**

**Effective Date:**

Number S1564078B

March 23, 1999

1. ~~Under~~ Policies to be issued:

Owner's: (1992 Alta)

Amount:

Proposed insured:

\$33,054.00

LINCOLNWOOD PROPERTIES, L.P., AN ILLINOIS LIMITED PARTNERSHIP.

Loan: (1992 Alta)

Amount:

Proposed insured:

NONE

2. The estate or interest in the land described or referred to in this commitment and covered herein is fee simple, and title thereto is at the effective date hereof vested in:

UNION PACIFIC RAILROAD COMPANY, AS SUCCESSOR CORPORATION IN INTEREST BY A SERIES OF MERGERS TO CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY.

3. The land referred to in this Commitment is described as follows:

A PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 35, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 7 IN JOHN REINBERG'S MORSE AVENUE ADDITION TO LINCOLNWOOD, BEING A RESUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 35, SAID POINT OF BEGINNING BEING ALSO THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF WEST MORSE AVENUE AND THE NORTHWESTERLY RIGHT OF WAY LINE OF THE

NATHANIEL J. POMRENZE  
230 WEST MONROE  
SUITE # 325  
CHICAGO, IL 60606  
(312) 580-1030

THIS COMMITMENT IS VALID ONLY IF SCHEDULE B IS ATTACHED

**SCHEDULE A**

JUNCTION RAILWAY COMPANY (NOW THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY); THENCE NORTHEASTERLY ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE A DISTANCE OF 35.98 FEET TO A POINT IN THE CENTER LINE OF WEST MORSE AVENUE; THENCE EASTERLY ALONG THE EXTENDED CENTER LINE OF WEST MORSE AVENUE FORMING AN ANGLE OF 113 DEGREES 31 MINUTES 20 SECONDS TO THE LEFT OF THE LAST DESCRIBED COURSE A DISTANCE OF 35.52 FEET TO A POINT; THENCE SOUTHWESTERLY FORMING AN ANGLE OF 66 DEGREES 37 MINUTES 32 SECONDS TO THE LEFT OF THE LAST DESCRIBED COURSE A DISTANCE OF 332.61 FEET TO A POINT; THENCE NORTHWESTERLY FORMING AN ANGLE OF 89 DEGREES 51 MINUTES 08 SECONDS TO THE LEFT OF THE LAST DESCRIBED COURSE A DISTANCE OF 33.43 FEET TO THE SOUTHEAST CORNER OF SAID LOT 7; THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY LINE OF SAID LOT 7 FORMING AN ANGLE OF 90 DEGREES 00 MINUTES 00 SECONDS TO THE LEFT OF THE LAST DESCRIBED COURSE A DISTANCE OF 282.45 FEET TO THE POINT OF BEGINNING.

**THIS COMMITMENT IS VALID ONLY IF SCHEDULE B IS ATTACHED**

**SCHEDULE B**

~~Schedule B of 8640289~~ or polices to be issued will contain the exceptions shown on inside front cover of this Commitment and the following exceptions, unless same are disposed of to the satisfaction of the Company:

1. GENERAL REAL ESTATE TAXES FOR THE YEARS 1996, 1997, 1998 AND 1999. TAX NUMBER 10-35-500-012 (AFFECTS THE SUBJECT LAND AND OTHER PROPERTY), VOLUME 130.

NOTE: THE FIRST INSTALLMENT OF THE 1998 TAXES HAS NOT BEEN BILLED, THEREFORE THE ENTIRE AMOUNT WILL BE DUE UPON THE SECOND INSTALLMENT.

NOTE: THE SECOND INSTALLMENT OF THE 1998 TAXES, AND THE 1999 TAXES ARE NOT YET DUE AND PAYABLE.

NOTE: AS RETURNED IN SCHEDULE 85 OF RAILROAD WARRANTS YEARS 1996 AND 1997 APPARENTLY NOT ASSESSED.

NOTE: AS RETURNED IN SCHEDULE A OF RAILROAD WARRANTS BY CHICAGO AND NORTHWESTERN RAILROAD. TOWN OF NILES. YEAR 1996 AND PRIOR SATISFIED.

2. RIGHTS OF THE PUBLIC, THE MUNICIPALITY AND THE STATE OF ILLINOIS IN AND TO THAT PART OF THE LAND TAKEN AND USED FOR ROADS AND HIGHWAYS, IF ANY.
3. NOTE: COMPLIANCE WITH THE PROVISIONS OF THE "PLAT ACT" CHAPTER 109, OF THE ILLINOIS REVISED STATUTES, WILL BE NECESSARY PRIOR TO RECORDING ANY CONVEYANCE OF THE LAND.
4. DRAINAGE DITCHES, FEEDERS AND LATERALS, AND OTHER DRAINAGE EASEMENTS, IF ANY.
5. ANY LOSS OR DAMAGE BY REASON OF THE EXISTENCE OF THE RAILROAD ADJACENT TO, ABUTTING ON, OR PART OF THE PROPERTY IN QUESTION, OR RAILROAD RIGHTS OF WAY, OR ANY OTHER EASEMENTS, INCLUDING BUT NOT LIMITED TO ELECTRIC AND TELEPHONE TRANSMISSION LINES, PERTAINING THERETO, IF ANY, OVER THE SUBJECT PROPERTY.

Countersigned:

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**AUTHORIZED SIGNATORY**

Page 3

Number S1564078B

12. NOTE: THE ILLINOIS RESPONSIBLE PROPERTY TRANSFER ACT OF 1988, AS AMENDED, APPLICABLE TO TRANSFERS OF REAL PROPERTY AFTER JANUARY 1, 1990, (765 ILCS 90/3, ET SEQ.) MAY REQUIRE THE DELIVERY OF AN "ENVIRONMENTAL DISCLOSURE DOCUMENT FOR TRANSFER OF REAL PROPERTY" WITHIN THE STATUTORY TIME PROVIDED UNLESS SAID TIME PERIOD HAS BEEN WAIVED, IN WHICH CASE THE DISCLOSURE DOCUMENT MUST BE DELIVERED TO THE PURCHASER AND THE LENDER, IF ANY, ON OR BEFORE THE DATE OF TRANSFER OF THE PROPERTY.

SUCH DISCLOSURE DOCUMENT, IF REQUIRED, MUST BE FILED WITH THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY AND MUST BE RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF THE COUNTY IN WHICH THE REAL PROPERTY IS LOCATED.

THIS COMPANY IS WILLING TO ACCEPT SUCH A DISCLOSURE DOCUMENT FOR PURPOSES OF RECORDATION IN THE APPROPRIATE OFFICE OF THE RECORDER OF DEEDS IF A WRITTEN DIRECTION TO DO SO IS PROVIDED BY THE TRANSFEROR AND THE TRANSFEREE.

THIS COMPANY WILL NOT ACCEPT SUCH DISCLOSURE DOCUMENT FOR PURPOSES OF FILING WITH THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY.

13. RIGHTS, IF ANY, OF OTHER RAILROAD COMPANIES TO THE USE OF TRACKS, SWITCHES, ETC., WHICH MAY BE LOCATED ON THE LAND.
14. FRANCHISE TAX IN FAVOR OF THE STATE OF ILLINOIS AGAINST THE UNION PACIFIC RAILROAD COMPANY.

Countersigned:

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AUTHORIZED SIGNATORY

COMMITMENT FOR TITLE INSURANCE



# Chicago Title Insurance Company

CHICAGO TITLE INSURANCE COMPANY, a Nebraska corporation, herein called the Company, for valuable consideration, commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the Proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest in the Land described or referred to in Schedule A, upon payment of the premiums and charges and compliance with the Requirements; all subject to the provisions of Schedule A and B and to the Conditions of this Commitment.

This Commitment shall be effective only when the identity of the Proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A by the Company.

All liability and obligation under this Commitment shall cease and terminate 6 months after the Effective Date or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue the policy or policies is not the fault of the Company.

The Company will provide a sample of the policy form upon request.

IN WITNESS WHEREOF, Chicago Title Insurance Company has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A.

CHICAGO TITLE INSURANCE COMPANY

Issued By:

CHICAGO TITLE INSURANCE COMPANY  
10 S. LASALLE ST. 3100  
CHICAGO, IL 60603

Refer Inquiries To:  
(312) 223-3025



By

Authorized Signatory

Commitment No.: 1401 008917483 D1



CHICAGO TITLE INSURANCE COMPANY

COMMITMENT FOR TITLE INSURANCE

SCHEDULE A

YOUR REFERENCE: LEVENFELD - MATTER 34874.58987

ORDER NO.: 1401 008917483 D1

EFFECTIVE DATE: NOVEMBER 5, 2012

1. POLICY OR POLICIES TO BE ISSUED:

OWNER'S POLICY: ALTA OWNERS 2006  
AMOUNT: \$10,000.00  
PROPOSED INSURED: TO COME

2. THE ESTATE OR INTEREST IN THE LAND DESCRIBED OR REFERRED TO IN THIS COMMITMENT IS FEE SIMPLE, UNLESS OTHERWISE NOTED.

3. TITLE TO THE ESTATE OR INTEREST IN THE LAND IS AT THE EFFECTIVE DATE VESTED IN:  
LINCOLNWOOD PROPERTIES, L.P., AN ILLINOIS LIMITED PARTNERSHIP

CHICAGO TITLE INSURANCE COMPANY  
COMMITMENT FOR TITLE INSURANCE  
SCHEDULE A (CONTINUED)

ORDER NO. : 1401 008917483 D1

4A. LOAN POLICY 1 MORTGAGE OR TRUST DEED TO BE INSURED:

NONE

4B. LOAN POLICY 2 MORTGAGE OR TRUST DEED TO BE INSURED:

NONE

CHICAGO TITLE INSURANCE COMPANY  
COMMITMENT FOR TITLE INSURANCE  
SCHEDULE A (CONTINUED)

ORDER NO.: 1401 008917483 D1

5. THE LAND REFERRED TO IN THIS COMMITMENT IS DESCRIBED AS FOLLOWS:  
LOT 7 (EXCEPT THE WEST 505.0 FEET) (AS MEASURED PARALLEL WITH WEST LINE) OF JOHN REINBERG'S MORSE AVENUE ADDITION TO LINCOLNWOOD, BEING A RESUBDIVISION OF PART OF THE SOUTH EAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 35, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

CHICAGO TITLE INSURANCE COMPANY  
COMMITMENT FOR TITLE INSURANCE  
SCHEDULE B

ORDER NO. : 1401 008917483 D1

SCHEDULE B OF THE POLICY OR POLICIES TO BE ISSUED WILL CONTAIN EXCEPTIONS TO THE FOLLOWING MATTERS UNLESS THE SAME ARE DISPOSED OF TO THE SATISFACTION OF THE COMPANY.

GENERAL EXCEPTIONS

1. RIGHTS OR CLAIMS OF PARTIES IN POSSESSION NOT SHOWN BY PUBLIC RECORDS.
2. ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND.
3. EASEMENTS, OR CLAIMS OF EASEMENTS, NOT SHOWN BY PUBLIC RECORDS.
4. ANY LIEN, OR RIGHT TO A LIEN, FOR SERVICES, LABOR OR MATERIAL HERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW AND NOT SHOWN BY THE PUBLIC RECORDS.
5. TAXES OR SPECIAL ASSESSMENTS WHICH ARE NOT SHOWN AS EXISTING LIENS BY THE PUBLIC RECORDS.
6. WE SHOULD BE FURNISHED A PROPERLY EXECUTED ALTA STATEMENT AND, UNLESS THE LAND INSURED IS A CONDOMINIUM UNIT, A SURVEY IF AVAILABLE. MATTERS DISCLOSED BY THE ABOVE DOCUMENTATION WILL BE SHOWN SPECIFICALLY.
7. NOTE FOR INFORMATION: THE COVERAGE AFFORDED BY THIS COMMITMENT AND ANY POLICY ISSUED PURSUANT HERETO SHALL NOT COMMENCE PRIOR TO THE DATE ON WHICH ALL CHARGES PROPERLY BILLED BY THE COMPANY HAVE BEEN FULLY PAID.
- D 8. NOTE: WE SHOULD BE FURNISHED WITH THE SELLING PRICE AND THE NAME(S) OF THE PROPOSED OWNER(S):  
THE TITLE INSURANCE PREMIUM, TRANSFER TAXES, RECORDINGS OR CLOSING FEE HAVE NOT BEEN BILLED OR ARE SUBJECT TO CHANGE, DEPENDING ON THE SALES PRICE. THE INVOICE IS SUBJECT TO REBILLING UNTIL FINAL REQUESTS FOR INSURANCE, ENDORSEMENTS AND SERVICES ARE MADE AND ALL DOCUMENTS TO BE RECORDED HAVE BEEN RECEIVED AND THIS COMMITMENT IS SUBJECT TO SUCH FURTHER EXCEPTIONS AS MAY BE DEEMED NECESSARY.
- A 9. 1. TAXES FOR THE YEAR(S) 2012  
2012 TAXES ARE NOT YET DUE OR PAYABLE.  
  
1A. NOTE: 2011 FIRST INSTALLMENT WAS DUE MARCH 1, 2012  
NOTE: 2011 FINAL INSTALLMENT WAS DUE AUGUST 1, 2012  
  

| PERM TAX#          | PCL    | YEAR | 1ST INST    | STAT | 2ND INST    | STAT |
|--------------------|--------|------|-------------|------|-------------|------|
| 10-35-134-015-0000 | 1 OF 1 | 2011 | \$16,758.14 | PAID | \$13,318.30 | PAID |
- C 10. NOTE: THE LAND LIES WITHIN A COUNTY WHICH IS SUBJECT TO THE PREDATORY LENDING DATABASE ACT (765 ILCS 77/70 ET SEQ. AS AMENDED). A CERTIFICATE OF COMPLIANCE WITH THE ACT OR A CERTIFICATE OF EXEMPTION THEREFROM MUST BE OBTAINED AT TIME OF CLOSING IN ORDER FOR THE COMPANY TO RECORD ANY INSURED MORTGAGE. IF THE CLOSING IS NOT CONDUCTED BY THE COMPANY, A CERTIFICATE OF COMPLIANCE OR A CERTIFICATE OF EXEMPTION MUST BE ATTACHED TO ANY MORTGAGE TO BE RECORDED.  
  
NOTE: FOR KANE, WILL AND PEORIA COUNTIES, THE ACT APPLIES TO MORTGAGES RECORDED ON OR AFTER JULY 1, 2010.

CHICAGO TITLE INSURANCE COMPANY  
COMMITMENT FOR TITLE INSURANCE  
SCHEDULE B (CONTINUED)

ORDER NO.: 1401 008917483 D1

EFFECTIVE JUNE 1, 2009, IF ANY DOCUMENT OF CONVEYANCE FOR COOK COUNTY RESIDENTIAL REAL PROPERTY IS TO BE NOTARIZED BY AN ILLINOIS NOTARY PUBLIC, PUBLIC ACT 95-988 REQUIRES THE COMPLETION OF A NOTARIAL RECORD FOR EACH GRANTOR WHOSE SIGNATURE IS NOTARIZED. THE NOTARIAL RECORD WILL INCLUDE THE THUMBPRINT OR FINGERPRINT OF THE GRANTOR. THE GRANTOR MUST PRESENT IDENTIFICATION DOCUMENTS THAT ARE VALID; ARE ISSUED BY STATE OR FEDERAL GOVERNMENT AGENCY; BEAR THE PHOTOGRAPHIC IMAGE OF THE INDIVIDUAL'S FACE; AND BEAR THE INDIVIDUAL'S SIGNATURE. THE COMPANY WILL CHARGE \$25.00 PER NOTARIAL RECORD.

K "Be advised that the "Good Funds" section of the Title Insurance Act (215 ILCS 155/26) becomes effective 1-1-2010. This act places limitations upon the settlement agent's ability to accept certain types of deposits into escrow. Please contact your local Chicago Title Office regarding the application of this new law to your transaction."

L 18. NOTE FOR INFORMATION (ENDORSEMENT REQUESTS):

ALL ENDORSEMENT REQUESTS SHOULD BE MADE PRIOR TO CLOSING TO ALLOW AMPLE TIME FOR THE COMPANY TO EXAMINE REQUIRED DOCUMENTATION.

(THIS NOTE WILL BE WAIVED FOR POLICY).

M 19. INFORMATIONAL NOTE:

TO SCHEDULE ANY CLOSINGS IN THE CHICAGO COMMERCIAL CENTER, PLEASE CALL (312)223-2707.

TO FAX FIGURES FOR A RESIDENTIAL CLOSING IN THE CHICAGO COMMERCIAL CENTER, PLEASE DIAL (312)223-5888

\*\* END \*\*

CHICAGO TITLE INSURANCE COMPANY  
COMMITMENT FOR TITLE INSURANCE

ORDER NO. : 1401 008917483 D1

CONDITIONS

1. The term mortgage, when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquired actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 or these Conditions.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and Conditions and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. This Commitment is a contract to issue one or more title insurance policies and is not an abstract of title or a report of the condition of title. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.
5. The policy to be issued contains an arbitration clause. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. You may review a copy of the arbitration rules at <<http://www.alta.org/>>.

# CHICAGO TITLE INSURANCE COMPANY

## 1031 EXCHANGE SERVICES

If your transaction involves a tax deferred exchange, we offer this service through our 1031 division, IPX1031. As the nation's largest 1031 company, IPX1031 offers guidance and expertise. Security for Exchange funds includes segregated bank accounts and a 100 million dollar Fidelity Bond. Fidelity National Title Group also provides a 50 million dollar Performance Guaranty for each Exchange. For additional information or to set-up an Exchange, please call Scott Nathanson at (312) 223-2178 or Anna Barsky at (312) 223-2169.

ISSUED BY



**Commonwealth.**  
Land Title Insurance Company

POLICY NUMBER

207-351117

**OWNER'S POLICY OF TITLE INSURANCE**

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, COMMONWEALTH LAND TITLE INSURANCE COMPANY, a Pennsylvania corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

IN WITNESS WHEREOF, COMMONWEALTH LAND TITLE INSURANCE COMPANY has caused its corporate name and seal to be hereunto affixed by its duly authorized officers, the Policy to become valid when countersigned by an authorized officer or agent of the Company.

**COMMONWEALTH LAND TITLE INSURANCE COMPANY**

Attest:

*James J. D. Lynch, Jr.*  
Secretary



By:

*[Signature]*  
President

**EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the affect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
  - (a) created, suffered, assumed or agreed to by the insured claimant;
  - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
  - (c) resulting in no loss or damage to the insured claimant;
  - (d) attaching or created subsequent to Date of Policy; or
  - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.
4. Any claim, which arises out of the transaction vesting in the Insured the estate or interest insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
  - (a) the transaction creating the estate or interest insured by this policy being deemed a fraudulent conveyance or fraudulent transfer; or
  - (b) the transaction creating the estate or interest insured by this policy being deemed a preferential transfer except where the preferential transfer results from the failure:
    - (i) to timely record the instrument of transfer; or
    - (ii) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

OWNER'S POLICY No. :  
207-351117

FILE No. :  
95-0076

**SCHEDULE B**

**THIS POLICY DOES NOT INSURE AGAINST LOSS OR DAMAGE BY REASON OF THE FOLLOWING:**

1. GENERAL REAL ESTATE TAXES FOR THE YEAR(S) 1994 SECOND INSTALLMENT AND SUBSEQUENT YEARS. PERMANENT TAX INDEX NUMBER 10-35-134-014, VOLUME 130.

NOTE: THE FIRST INSTALLMENT OF THE 1994 TAXES ARE PAID.

NOTE: THE SECOND INSTALLMENT OF THE 1994 TAXES ARE NOT YET DUE AND PAYABLE.

NOTE: 1994 TAX BILLS MAY INCLUDE AMOUNTS FOR ADDITIONAL 1993 TAXES PURSUANT TO 35 ILLINOIS COMPILED STATUTES 200/14-40 AND ORDER ENTERED IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS IN CASE NUMBER 94 L 50748.

2. BUILDING SETBACK LINE OF 25 FEET (FROM THE NORTH LOT LINE) AS SHOWN ON THE PLAT OF SUBDIVISION.
3. TERMS, CONDITIONS AND LIMITATIONS OF THE TRUST AGREEMENT OR TRUST INSTRUMENT UNDER WHICH THE INSURED HOLDS TITLE AS TRUSTEE TO THE ESTATE OR INTEREST DESCRIBED IN SCHEDULE A.
4. EASEMENT IN FAVOR OF NORTHERN ILLINOIS GAS COMPANY OVER AND UPON THE WEST PART OF THE LAND TO INSTALL AND MAINTAIN ALL EQUIPMENT FOR THE PURPOSE OF SERVING THE LAND AND OTHER PROPERTY WITH GAS SERVICE, TOGETHER WITH RIGHT OF ACCESS TO SAID EASEMENT AS CREATED BY INSTRUMENT RECORDED JUNE 29, 1964 AS DOCUMENT 19168729. (NORTHERN ILLINOIS GAS EASEMENT)

**END OF SCHEDULE B (OWNER'S POLICY)**

Countersigned: \_\_\_\_\_

*John P. Raylita*

AUTHORIZED OFFICER OR AGENT

AMERICAN LAND TITLE ASSOCIATION  
OWNER'S POLICY  
(10-17-92)

CHICAGO TITLE INSURANCE COMPANY

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, CHICAGO TITLE INSURANCE COMPANY, a Missouri corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage; not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

*In Witness Whereof*, CHICAGO TITLE INSURANCE COMPANY has caused this policy to be signed and sealed as of Date of Policy shown in Schedule A, the policy to become valid when countersigned by an authorized signatory.

Issued by:  
CHICAGO TITLE INSURANCE COMPANY  
85 W. ALGONQUIN ROAD, SUITE 400  
ARLINGTON HEIGHTS, ILLINOIS 60005

CHICAGO TITLE INSURANCE COMPANY

By:

President



ATTEST:

Secretary

CHICAGO TITLE INSURANCE COMPANY  
OWNER'S POLICY (1992)  
SCHEDULE A

ORDER NO.: CG8345755

POLICY NO.:

DATE OF POLICY: OCTOBER 12, 2006

ISSUED BY:

*CHARLES R. GRYLL, LTD*

AMOUNT OF INSURANCE: \$392,500.00

*6703 N CICERO AVE*

*LINCOLNWOOD, ILLINOIS 60712*

1. NAME OF INSURED:

*PHONE: (847)673-8383 FAX: (847)673-5759*

LINCOLNWOOD PROPERTIES, L.P., AN ILLINOIS LIMITED PARTNERSHIP

2. THE ESTATE OR INTEREST IN THE LAND AND WHICH IS COVERED BY THIS POLICY IS A FEE SIMPLE, UNLESS OTHERWISE NOTED.

3. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

THE INSURED.

4. THE LAND HEREIN DESCRIBED IS ENCUMBERED BY THE FOLLOWING MORTGAGE OR TRUST DEED AND ASSIGNMENTS:

NONE

AND THE MORTGAGES OR TRUST DEEDS, IF ANY, SHOWN IN SCHEDULE B HEREOF.

THIS POLICY VALID ONLY IF SCHEDULE B IS ATTACHED.

CHICAGO TITLE INSURANCE COMPANY

OWNER'S POLICY (1992)  
SCHEDULE A (CONTINUED)

ORDER NO.: CG8345755

5. THE LAND REFERRED TO IN THIS POLICY IS DESCRIBED AS FOLLOWS:

THE NORTH 140 FEET (AS MEASURED PARALLEL WITH THE WEST LINE) OF THE EAST 75 FEET OF THE WEST 390 FEET (AS MEASURED AT RIGHT ANGLES TO THE WEST LINE) OF LOT 7 IN JOHN REINBERG'S MORSE AVENUE ADDITION TO LINCOLNWOOD, BEING A RESUBDIVISION OF PART OF THE SOUTH EAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 35, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

THIS POLICY VALID ONLY IF SCHEDULE B IS ATTACHED.

CHICAGO TITLE INSURANCE COMPANY

OWNER'S POLICY (1992)

SCHEDULE B

ORDER NO.: CG8345755

NOTWITHSTANDING THE PROVISIONS OF THE CONDITIONS AND STIPULATIONS OF THIS POLICY, ALL ENDORSEMENTS, IF ANY, ATTACHED HERETO ARE VALID DESPITE THE LACK OF SIGNATURE BY EITHER THE PRESIDENT, A VICE PRESIDENT, THE SECRETARY, AN ASSISTANT SECRETARY, OR VALIDATING OFFICER OR AUTHORIZED SIGNATORY OF THE COMPANY.

EXCEPTIONS FROM COVERAGE

THIS POLICY DOES NOT INSURE AGAINST LOSS OR DAMAGE SUSTAINED BY THE INSURED (AND THE COMPANY WILL NOT PAY COSTS, ATTORNEY'S FEES OR EXPENSES) BY REASON OF THE FOLLOWING EXCEPTIONS:

GENERAL EXCEPTIONS:

- (1) RIGHTS OR CLAIMS OF PARTIES IN POSSESSION NOT SHOWN BY PUBLIC RECORDS.
(2) ENCROACHMENTS, OVERLAPS, BOUNDARY LINE DISPUTES, OR OTHER MATTERS WHICH WOULD BE DISCLOSED BY AN ACCURATE SURVEY AND INSPECTION OF THE PREMISES.
(3) EASEMENTS, OR CLAIMS OF EASEMENTS, NOT SHOWN BY THE PUBLIC RECORDS.
(4) ANY LIEN, OR RIGHT TO A LIEN, FOR SERVICES, LABOR OR MATERIAL HERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW AND NOT SHOWN BY THE PUBLIC RECORDS.
(5) TAXES OR SPECIAL ASSESSMENTS WHICH ARE NOT SHOWN AS EXISTING LIENS BY THE PUBLIC RECORDS.

SPECIAL EXCEPTIONS: THE MORTGAGE, IF ANY, REFERRED TO IN ITEM 4 OF SCHEDULE A.

A 6.

1. TAXES FOR THE YEAR(S) 2005 AND 2006
2006 TAXES ARE NOT YET DUE OR PAYABLE.

1A. NOTE: 2005 FIRST INSTALLMENT WAS DUE MARCH 01, 2006
NOTE: 2005 FINAL INSTALLMENT IS DUE SEPTEMBER 01, 2006

PERM TAX# PCL YEAR 1ST INST STAT 2ND INST
STAT 10-35-134-012-0000 1 OF 1 2005 \$4,939.95 PAID \$5,280.67
PAID

\* \* \* \* \*
\* \*

D 7. BUILDING LINE PER PLAT RECORDED SEPTEMBER 2, 1960 AS DOCUMENT 17954788 OF 25 FEET ALONG THE NORTH SAID OF LAND.

E 8. EASEMENT CONTAINED IN GRANT OF EASEMENT RECORDED MARCH 21, 1977 AS DOCUMENT 23856900 MADE BY WESTERN NATIONAL BANK OF CICERO, A A NATIONAL BANKING ASSOCIATION, AS TRUSTEE UNDER TRUST AGREEMENT DATED SEPTEMBER 23, 1976 AND KNOWN AS TRUST NUMBER 2640 TO JOHN S. GATT AND ANNE R. GATT, HIS WIFE, OVER THE WEST 9.5 FEET OF THE LAND FOR INGRESS AND EGRESS.

CHICAGO TITLE INSURANCE COMPANY

OWNER'S POLICY (1992)

SCHEDULE B

ORDER NO.: CG8345755

EXCEPTIONS FROM COVERAGE  
(CONTINUED)

- 0 9. POSSIBLE EASEMENT FOR PUBLIC UTILITIES ALONG THE EAST LINE OF THE PROPERTY AS DISCLOSED BY OVERHEAD WIRES AND ELECTRIC PIPE AS DISCLOSED ON SURVEY NO. 06-72725 PREPARED BY PROFESSIONALS ASSOCIATED SURVEY DATED AUGUST 10, 2006.
- P 10. EXISTING UNRECORDED LEASES AND ALL RIGHTS THEREUNDER OF THE LESSEES AND OF ANY PERSON OR PARTY CLAIMING BY, THROUGH OR UNDER THE LESSEES.
- Q 11. VIOLATION OF THE BUILDING LINE NOTED ABOVE AT EXCEPTION REFERENCE LETTER D BY THE BUILDING OVERHANG BY APPROXIMATELY 5.00 FEET, AS SHOWN ON PLAT OF SURVEY NUMBER 06-75725 PREPARED BY PROFESSIONALS ASSOCIATED SURVEY DATED AUGUST 10, 2006.

RESTRICTIONS ENDORSEMENT APPROVED

CHICAGO TITLE INSURANCE COMPANY

POLICY SIGNATURE PAGE

ORDER NO.: CG8345755

THIS POLICY SHALL NOT BE VALID OR BINDING UNTIL SIGNED BY AN AUTHORIZED SIGNATORY.

CHICAGO TITLE INSURANCE COMPANY

BY  AUTHORIZED SIGNATORY

## ENDORSEMENT

ATTACHED TO AND FORMING A PART OF  
ORDER NUMBER: 1409 - CG8345755

ISSUED BY

CHICAGO TITLE INSURANCE COMPANY

POLICY MODIFICATION ENDORSEMENT 4

GENERAL EXCEPTION NUMBER(S) 1,2,3,4,5 OF SCHEDULE B OF THIS POLICY ARE HEREBY DELETED.

THIS ENDORSEMENT IS MADE A PART OF THE POLICY AND IS SUBJECT TO ALL OF THE TERMS AND PROVISIONS THEREOF AND OF ANY PRIOR ENDORSEMENTS THERETO. EXCEPT TO THE EXTENT EXPRESSLY STATED, IT NEITHER MODIFIES ANY OF THE TERMS AND PROVISIONS OF THE POLICY AND ANY PRIOR ENDORSEMENTS, NOR DOES IT EXTEND THE EFFECTIVE DATE OF THE POLICY AND ANY PRIOR ENDORSEMENTS, NOR DOES IT INCREASE THE FACE AMOUNT THEREOF.

PARCEL 9

3723 Morse



# Chicago Title Insurance Company

*Providing Title Related Services Since 1847*

CHICAGO TITLE INSURANCE COMPANY, a Missouri corporation, herein called the Company, for a valuable consideration, hereby commits to issue its policy/ies of title insurance, as identified in Schedule A (which policy or policies cover title risks and are subject to the Exclusions from Coverage and the Conditions and Stipulations as contained in said policy/ies) in favor of the Proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor, all subject to the provisions of Schedules A and B hereof and to the "American Land Title Association" Commitment - "1966" Conditions and Stipulations which are hereby incorporated by reference and made a part of this Commitment. A complete copy of the Commitment Conditions and Stipulations is available upon request and such include, but are not limited to, the proposed Insured's obligation to disclose, in writing, knowledge of any additional defects, liens, encumbrances, adverse claims or other matters which are not contained in the Commitment; provisions that the Company's liability shall in no event exceed the amount of the policy/ies as stated in Schedule A hereof, must be based on the terms of this Commitment, shall be only to the proposed Insured and shall be only for actual loss incurred in good faith reliance on this Commitment; and provisions relating to the General Exceptions, to which the policy/ies will be subject unless the same are disposed of to the satisfaction of the Company.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by issuance of a revised Commitment.

This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate six months after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company.

This Commitment is based upon a search and examination of Company records and/or public records by the Company. Utilization of the information contained herein by an entity other than the Company for the purpose of issuing a title commitment or policy or policies shall be considered a violation of the proprietary rights of the Company of its search and examination work product.

This commitment shall not be valid or binding until signed by an authorized signatory.

**ISSUED BY:**

LOUIS PALIVOS  
4765 NORTH LINCOLN AVENUE, SUITE# 201  
CHICAGO, IL 60625

**Refer Inquiries To:**

(773)271-5300 FAX:(773)271-4182



\_\_\_\_\_  
*Authorized Signatory*

Commitment No.:

1301 004371760 GATEL

**GATEWAY AGENT**

A Policy Issuing Agent of Chicago Title Insurance Company

**ALTA COMMITMENT - SCHEDULE A**

ORDER NUMBER:  
1301 004371760 GATEL

ISSUED BY:

LOUIS PALIVOS  
4765 NORTH LINCOLN AVENUE, SUITE# 201  
CHICAGO, IL 60625

EFFECTIVE DATE:  
June 15, 2006

Refer Inquiries To:

(773)271-5300 FAX:(773)271-4182

- 1. POLICY OR POLICIES TO BE ISSUED:  
ALTA OWNER'S POLICY (REV. 10/17/92)

PROPOSED INSURED: \$375,000.00  
 LINCOLNWOOD PROPERTIES, ~~INC~~ LP

ALTA LOAN POLICY (REV. 10/17/92)

PROPOSED LENDER: TO BE DETERMINED  
 TO COME *cash*

- 2. THE ESTATE OR INTEREST IN THE LAND DESCRIBED OR REFERRED TO IN THIS COMMITMENT AND COVERED HEREIN IS A FEE SIMPLE AND TITLE THERETO IS AT THE EFFECTIVE DATE HEREOF VESTED IN:

ANTONIO COSTANTINO AND LIDIA COSTANTINO, AS JOINT TENANTS.

- 3. THE LAND REFERRED TO IN THIS COMMITMENT IS DESCRIBED AS FOLLOWS:  
SEE EXHIBIT A

- 4. MORTGAGE OR TRUST DEED TO BE INSURED:

# GATEWAY AGENT

A Policy Issuing Agent of Chicago Title Insurance Company

## ALTA COMMITMENT - SCHEDULE A (CONT.)

**ORDER NUMBER:**

1301 004371760 GATEL

**EFFECTIVE DATE:**

June 15, 2006

### EXHIBIT "A"

PARCEL 9

PARCEL 1: THE EAST 75.0 FEET OF THE WEST 390 FEET (EXCEPT THE WEST 9.5 FEET OF THE FOLLOWING DESCRIBED PARCEL: THE NORTH 140 FEET (AS MEASURED PARALLEL WITH THE WEST LINE) OF LOT 7 IN JOHN REINBERG'S MORSE AVENUE ADDITION TO LINCOLNWOOD, BEING A RESUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2: EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS THE WEST 9.5 FEET OF THE FOLLOWING DESCRIBED PARCEL: THE NORTH 140 FEET (AS MEASURED PARALLEL WITH THE WEST LINE) OF LOT 7 IN JOHN REINBERG'S MORSE AVENUE ADDITION TO LINCOLNWOOD, BEING A RESUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 35, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS AS CREATED BY GRANT OF EASEMENT FROM WESTERN NATIONAL BANK OF CICERO TRUSTEE UNDER TRUST AGREEMENT DATED SEPTEMBER 23, 1961 AND KNOWN AS TRUST NUMBER 2640 TO JOHN S. GATT AND ANNE R. GATT, HIS WIFE DATED FEBRUARY 1, 1977 AND RECORDED MARCH 21, 1977 AS DOCUMENT 23856900.

*This commitment valid only if Schedule B is attached.*

# GATEWAY AGENT

A Policy Issuing Agent of Chicago Title Insurance Company

# ALTA COMMITMENT - SCHEDULE B

ORDER NUMBER:  
1301 004371760 GATEL

ISSUED BY:

LOUIS PALIVOS  
4765 NORTH LINCOLN AVENUE, SUITE# 201  
CHICAGO, IL 60625

EFFECTIVE DATE:  
June 15, 2006

Refer Inquiries To:

(773)271-5300 FAX:(773)271-4182

## EXCEPTIONS FROM COVERAGE

THIS COMMITMENT DOES NOT INSURE AGAINST LOSS OR DAMAGE SUSTAINED BY THE PROPOSED INSURED (AND THE COMPANY WILL NOT PAY COSTS, ATTORNEY'S FEES OR EXPENSES) BY REASON OF THE FOLLOWING EXCEPTIONS:

### GENERAL EXCEPTIONS:

- (1) RIGHTS OR CLAIMS OF PARTIES IN POSSESSION NOT SHOWN BY THE PUBLIC RECORDS.
- (2) ENCROACHMENTS, OVERLAPS, BOUNDARY LINE DISPUTES, OR OTHER MATTERS WHICH WOULD BE DISCLOSED BY AN ACCURATE SURVEY AND INSPECTION OF THE PREMISES.
- (3) EASEMENTS OR CLAIMS OF EASEMENTS NOT SHOWN BY THE PUBLIC RECORDS.
- (4) ANY LIEN, OR RIGHT TO A LIEN, FOR SERVICES, LABOR OR MATERIAL OR HERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW AND NOT SHOWN BY THE PUBLIC RECORDS.
- (5) TAXES OR SPECIAL ASSESSMENTS WHICH ARE NOT SHOWN AS EXISTING LIENS BY THE PUBLIC RECORDS.

### SPECIAL EXCEPTIONS:

- a 6. GENERAL REAL ESTATE TAXES FOR THE YEARS 2005 AND 2006  
TAX NO. 10-35-134-013-0000, VOL. 0130.

NOTE: THE AMOUNT OF THE 2004 TAXES WAS \$10,699.74.

NOTE: THE FIRST INSTALLMENT OF THE 2005 TAXES HAS BEEN PAID, \$5349.87.

NOTE: THE SECOND INSTALLMENT OF THE 2005 TAXES AND THE 2006 TAXES ARE NOT YET DUE AND PAYABLE.

MORTGAGE DATED 08/01/2000 AND RECORDED 08/07/2000 AS DOCUMENT NO. 00598702 MADE BY ANTONIO COSTANTINO AND LIDIA COSTANTINO TO JOHN S. GATT, MOLLIE J. KELLY-GATT, TO SECURE AN INDEBTEDNESS OF \$176,000.00.

c NOTE: WE WILL REQUIRE THAT THE ORIGINAL RECORDED MORTGAGE, THE NOTE SECURED THEREBY, AND THE RELEASE DEED, BE PRESENTED AT THE TIME OF THE CLOSING.

RELATIVE TO LINCOLNWOOD PROPERTIES, LLC., A LIMITED LIABILITY COMPANY, WE MUST BE FURNISHED (A) CERTIFICATION FROM THE ILLINOIS SECRETARY OF STATE THAT - L.L.C. HAS PROPERLY FILED ITS ARTICLES OF ORGANIZATION, (B) A COPY OF THE ARTICLES OF ORGANIZATION, TOGETHER WITH ANY AMENDMENTS THERETO, (C) A COPY OF THE OPERATING AGREEMENT, IF ANY, TOGETHER WITH ANY AMENDMENTS THERETO, (D) A LIST OF INCUMBENT MANAGERS OR OF INCUMBENT MEMBERS IF MANAGERS HAVE NOT BEEN APPOINTED, AND (E) CERTIFICATION THAT NO EVENT OF DISSOLUTION HAS OCCURRED.

# GATEWAY AGENT

A Policy Issuing Agent of Chicago Title Insurance Company

# ALTA COMMITMENT - SCHEDULE B (CONT.)

## ORDER NUMBER:

1301 004371760 GATEL

## EFFECTIVE DATE:

June 15, 2006

NOTE: IN THE EVENT OF A SALE OF ALL OR SUBSTANTIALLY ALL OF THE ASSETS OF THE L.L.C. OR OF A SALE OF L.L.C. ASSETS TO A MEMBER OR MANAGER, WE SHOULD BE FURNISHED A COPY OF A RESOLUTION AUTHORIZING THE TRANSACTION ADOPTED BY THE MEMBERS OF THE L.L.C.

*I* 9. EASEMENTS FOR PUBLIC UTILITIES AND DRAINAGE OVER, UPON AND UNDER THE WEST 10 FEET OF THE EAST 145 FEET 7 3/4 INCHES (AS MEASURED ALONG SOUTH LINE) AFFECTS THE EAST 5 FEET OF THE LAND AS CONTAINED IN DOCUMENT RECORDED AS NOS. 19168729 AND 19025296.

*Page 10* 10. LEASE DATED MARCH 9, 1994 BETWEEN JOHN GATT AS LESSOR AND ANTONIO COSTANTINO, LESSEE, ASSIGNED BY LESSEE TO J.A.L. COMBINED INC. AND ALL RIGHTS THEREUNDER OF THE LESSEES AND OF ANY PERSON OR PARTY CLAIMING BY, THROUGH OR UNDER THE LESSEES.

*Waive per TIM with ALTA*

*K* 11. LEASE DATED SEPTEMBER 9, 1997, BETWEEN JOHN GATT, LESSOR, AND LECTROTECH, INC. AND ALL RIGHTS THEREUNDER OF THE LESSEES AND OF ANY PERSON OR PARTY CLAIMING BY THROUGH OR UNDER THE LESSEES.

*Waive per TIM with ALTA*

*E* 12. PURSUANT TO THE TAX REFORM ACT OF 1986, TITLE 1, SUBTITLE C, SECTION 1521, AS AMENDED, REQUIRES THE SETTLEMENT AGENT TO REPORT REAL ESTATE TRANSACTIONS. RELATIVE THERETO WE NOTE THE FOLLOWING AND REQUIRE:

A. WE MUST BE FURNISHED AT CLOSING THE TAX IDENTIFICATION NUMBERS OF ALL THE NON-EXEMPT TRANSFEROR(S) OF THE SUBJECT REAL ESTATE.

B. FAILURE TO COMPLY WITH THE REGULATION WILL RESULT IN A HOLD-BACK OF THE NET PROCEEDS OR A CANCELLATION OF THE CLOSING.

*Page 11* 13. IN THE EVENT THAT ANY DOCUMENTS THAT ARE TO BE UTILIZED IN THE TRANSACTION INSURED BY THIS COMMITMENT ARE TO BE EXECUTED THROUGH A POWER OF ATTORNEY, WE RESERVE THE RIGHT TO VERIFY THE EXISTENCE OF THE PRINCIPAL AGENT RELATIONSHIP, AND THIS COMMITMENT IS SUBJECT TO ANY FURTHER EXCEPTIONS THAT MAY BE DEEMED NECESSARY.

*Page 12* 14. ANY DOCUMENTS BEING EXECUTED IN CONJUNCTION WITH THIS TRANSACTION MUST BE SIGNED IN THE PRESENCE OF AN AUTHORIZED COMPANY EMPLOYEE, AN AUTHORIZED EMPLOYEE OF AN AGENT, AN AUTHORIZED EMPLOYEE OF THE INSURED LENDER, OR UNDER THE SUPERVISION OF AN ATTORNEY LICENSED IN THE STATE IN WHICH THE DOCUMENT IS EXECUTED. IF THE ABOVE REQUIREMENTS CANNOT BE MET, PLEASE CONTACT A GREATER ILLINOIS TITLE COMPANY UNDERWRITER AT (312) 236-7300.

*Page 13* 15. NOTE FOR INFORMATION:

THE STATE OF ILLINOIS HAS CREATED THE RENTAL HOUSING SUPPORT PROGRAM ACT (30 ILCS 105/5.640 NEW) AND AMENDED THE COUNTIES CODE (55 ILCS 5/3-5018 AND 55 ILCS 5/4-2002) TO PROVIDE FOR A \$10.00 SURCHARGE TO BE ADDED TO THE COST OF RECORDING ALL REAL ESTATE RELATED DOCUMENTS IN ALL ILLINOIS COUNTIES. STATE AGENCIES, UNITS

CHICAGO TITLE INSURANCE COMPANY  
OWNER'S POLICY (1992)  
SCHEDULE A

3737 Morse  
PARCEL 10

POLICY NO.: 1401 SA8384022 F1

DATE OF POLICY: MARCH 23, 2005

AMOUNT OF INSURANCE: \$1,000,000.00

1. NAME OF INSURED:

NORTHSTAR TRUST CO. AS TRUSTEE UNDER TRUST AGREEMENT DATED MARCH 11, 2005 AND  
KNOWN AS TRUST NUMBER 05-8213

2. THE ESTATE OR INTEREST IN THE LAND AND WHICH IS COVERED BY THIS POLICY IS A  
FEE SIMPLE, UNLESS OTHERWISE NOTED.

3. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

THE INSURED.

4. THE LAND HEREIN DESCRIBED IS ENCUMBERED BY THE FOLLOWING MORTGAGE OR TRUST DEED  
AND ASSIGNMENTS:

NONE

AND THE MORTGAGES OR TRUST DEEDS, IF ANY, SHOWN IN SCHEDULE B HEREOF.

THIS POLICY VALID ONLY IF SCHEDULE B IS ATTACHED.

CHICAGO TITLE INSURANCE COMPANY  
OWNER'S POLICY (1992)  
SCHEDULE A (CONTINUED)

POLICY NO. : 1401 SA8384022 F1

5. THE LAND REFERRED TO IN THIS POLICY IS DESCRIBED AS FOLLOWS:

THE WEST <sup>315</sup>~~305~~ FEET OF LOT 7 (MEASURED AT RIGHT ANGLES TO THE WEST LINE THEREOF) IN JOHN REINBERG'S MORSE AVENUE ADDITION TO LINCOLNWOOD, BEING A SUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 35, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

THIS POLICY VALID ONLY IF SCHEDULE B IS ATTACHED.

CHICAGO TITLE INSURANCE COMPANY  
OWNER'S POLICY (1992)  
SCHEDULE B

1401 SA8384022 F1

NOTWITHSTANDING THE PROVISIONS OF THE CONDITIONS AND STIPULATIONS OF THIS POLICY, ALL ENDORSEMENTS, IF ANY, ATTACHED HERETO ARE VALID DESPITE THE LACK OF SIGNATURE BY EITHER THE PRESIDENT, A VICE PRESIDENT, THE SECRETARY, AN ASSISTANT SECRETARY, OR VALIDATING OFFICER OR AUTHORIZED SIGNATORY OF THE COMPANY.

**EXCEPTIONS FROM COVERAGE**

THIS POLICY DOES NOT INSURE AGAINST LOSS OR DAMAGE SUSTAINED BY THE INSURED (AND THE COMPANY WILL NOT PAY COSTS, ATTORNEY'S FEES OR EXPENSES) BY REASON OF THE FOLLOWING EXCEPTIONS:

**GENERAL EXCEPTIONS:**

- (1) RIGHTS OR CLAIMS OF PARTIES IN POSSESSION NOT SHOWN BY PUBLIC RECORDS.
- (2) ENCROACHMENTS, OVERLAPS, BOUNDARY LINE DISPUTES, OR OTHER MATTERS WHICH WOULD BE DISCLOSED BY AN ACCURATE SURVEY AND INSPECTION OF THE PREMISES.
- (3) EASEMENTS, OR CLAIMS OF EASEMENTS, NOT SHOWN BY THE PUBLIC RECORDS.
- (4) ANY LIEN, OR RIGHT TO A LIEN, FOR SERVICES, LABOR OR MATERIAL HERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW AND NOT SHOWN BY THE PUBLIC RECORDS.
- (5) TAXES OR SPECIAL ASSESSMENTS WHICH ARE NOT SHOWN AS EXISTING LIENS BY THE PUBLIC RECORDS.

**SPECIAL EXCEPTIONS:** THE MORTGAGE, IF ANY, REFERRED TO IN ITEM 4 OF SCHEDULE A.

A 6.

1. TAXES FOR THE YEAR(S) 2004 AND 2005  
2005 TAXES ARE NOT YET DUE OR PAYABLE.

NOTE: 2004 FIRST INSTALLMENT IS PAID.

NOTE: 2004 FINAL INSTALLMENT NOT YET DUE OR PAYABLE.

PERM TAX# 10-35-134-011-0000

- C 7. BUILDING LINE(S) AS SHOWN ON THE PLAT OF SUBDIVISION RECORDED AS DOCUMENT NO. 17954788, AFFECTING THE NORTH 25 FEET OF THE LAND.

- E 8. EASEMENTS FOR PUBLIC UTILITIES IN FAVOR OF NORTHERN ILLINOIS GAS COMPANY IN THE EAST 1/2 OF THE VACATED NORTH AND SOUTH ALLEY WEST OF ADJOINING LOT 3 OF REINBERG'S PRATT AVENUE SUBDIVISION.

(AFFECTS THE WEST 8 FEET OF THE LAND)

- G 9. EASEMENTS FOR PUBLIC UTILITIES IN FAVOR OF COMMONWEALTH EDISON COMPANY IN THE EAST 1/2 OF VACATED NORTH & SOUTH ALLEY WEST OF AND ADJOINING LOT 3 OF REINBERG'S PRATT AVENUE SUBDIVISION.

CHICAGO TITLE INSURANCE COMPANY  
OWNER'S POLICY (1992)  
SCHEDULE B

1401 SA8384022 F1

EXCEPTIONS FROM COVERAGE  
(CONTINUED)

(AFFECTS THE WEST 8 FEET OF THE LAND)

- H 10. EASEMENT FOR PUBLIC UTILITIES IN FAVOR OF ILLINOIS BELL TELEPHONE COMPANY IN THE EAST 1/2 OF THE VACATED NORTH AND SOUTH ALLEY LYING WEST OF AND ADJOINING LOT 3 OF REINBERG'S PRATT AVENUE SUBDIVISION.

(AFFECTS THE WEST 8 FEET OF THE LAND)

- I 11. GRANT FROM JOHN REINBERG TO NORTHERN ILLINOIS GAS COMPANY RECORDED JANUARY 6, 1961 AS DOCUMENT 18055699 AFFECTING THE WEST 8 FEET OF LOT 7.
- J 12. TERMS, POWERS, PROVISIONS AND LIMITATIONS OF THE TRUST UNDER WHICH TITLE TO THE LAND IS HELD.
- K 13. EXISTING UNRECORDED LEASES AND ALL RIGHTS THEREUNDER OF THE LESSEES AND OF ANY PERSON OR PARTY CLAIMING BY, THROUGH OR UNDER THE LESSEES.
- P 14. VIOLATION OF 25 FOOT BUILDING LINE SHOWN AT EXCEPTION "C" AS HIGH ONE STORY BRICK BUILDING IS LOCATED THEREON AS SHOWN ON SURVEY MADE BY ANDRZEJ MURZANSKI, DATED JANUARY 10, 2005, ORDER NO. 050111J.
- Q 15. RIGHTS OF PARTIES TO MAINTAIN UTILITY POLES AS SHOWN ON SURVEY MADE BY ANDRZEJ MURZANSKI, DATED JANUARY 10, 2005, ORDER NO. 050111J.

CHICAGO TITLE INSURANCE COMPANY  
POLICY SIGNATURE PAGE

POLICY NO. : 1401 SA8384022 F1

THIS POLICY SHALL NOT BE VALID OR BINDING UNTIL SIGNED BY AN AUTHORIZED SIGNATORY.

CHICAGO TITLE INSURANCE COMPANY

BY   
AUTHORIZED SIGNATORY

## ENDORSEMENT

ATTACHED TO AND FORMING A PART OF  
POLICY NUMBER 1401 SA8384022 F1

ISSUED BY

CHICAGO TITLE INSURANCE COMPANY

### RESTRICTIONS ENDORSEMENT 4

THE COMPANY HEREBY INSURES THE INSURED AGAINST LOSS OR DAMAGE WHICH THE INSURED SHALL SUSTAIN BY REASON OF THE ENTRY OF ANY COURT ORDER OR JUDGMENT WHICH CONSTITUTES A FINAL DETERMINATION AND DENIES THE RIGHT TO MAINTAIN THE EXISTING IMPROVEMENTS ON THE LAND BECAUSE OF THE VIOLATION OR VIOLATIONS SPECIFICALLY SET FORTH AT EXCEPTION LETTER(S) P IN SCHEDULE B OF THE COVENANTS, CONDITIONS OR RESTRICTIONS AND/OR THE PLAT BUILDING LINE.

THIS ENDORSEMENT IS MADE A PART OF THE POLICY AND IS SUBJECT TO ALL OF THE TERMS AND PROVISIONS THEREOF AND OF ANY PRIOR ENDORSEMENTS THERETO. EXCEPT TO THE EXTENT EXPRESSLY STATED, IT NEITHER MODIFIES ANY OF THE TERMS AND PROVISIONS OF THE POLICY AND ANY PRIOR ENDORSEMENTS, NOR DOES IT EXTEND THE EFFECTIVE DATE OF THE POLICY AND ANY PRIOR ENDORSEMENTS, NOR DOES IT INCREASE THE FACE AMOUNT THEREOF.

## ENDORSEMENT

ATTACHED TO AND FORMING A PART OF  
POLICY NUMBER 1401 SA8384022 F1

ISSUED BY

CHICAGO TITLE INSURANCE COMPANY

### ZONING 3.1 ENDORSEMENT (MODIFIED)

1. THE COMPANY INSURES THE INSURED AGAINST LOSS OR DAMAGE SUSTAINED IN THE EVENT THAT, AT DATE OF POLICY:

- (A) ACCORDING TO APPLICABLE ZONING ORDINANCES AND AMENDMENTS THERETO, THE LAND IS NOT CLASSIFIED ZONE M (MANUFACTURING).
- (B) THE FOLLOWING USE OR USES ARE NOT ALLOWED UNDER THAT CLASSIFICATION: COMMERCIAL, WAREHOUSING; LIGHT MANUFACTURING OF CABINETS AND LAMINATES AND OTHER USES NOT PROHIBITED IN THE ZONING ORDINANCE.

AND THERE SHALL BE NO LIABILITY UNDER THIS PARAGRAPH 1(B) IF THE USE OR USES ARE NOT ALLOWED AS A RESULT OF ANY LACK OF COMPLIANCE WITH ANY CONDITIONS, RESTRICTIONS, OR REQUIREMENTS CONTAINED IN THE ZONING ORDINANCES AND AMENDMENTS THERETO MENTIONED ABOVE, INCLUDING BUT NOT LIMITED TO THE FAILURE TO SECURE NECESSARY CONSENTS OR AUTHORIZATIONS AS A PREREQUISITE TO THE USE OR USES.

2. THE COMPANY FURTHER INSURES THE INSURED AGAINST LOSS OR DAMAGE ARISING FROM A FINAL DECREE OF A COURT OF COMPETENT JURISDICTION:

- (A) PROHIBITING THE USE OF THE LAND, WITH ANY STRUCTURE PRESENTLY LOCATED THEREON, AS INSURED IN PARAGRAPH 1(B); OR
- (B) REQUIRING THE REMOVAL OR ALTERATION OF THE STRUCTURE ON THE BASIS THAT, AT DATE OF POLICY, THE ORDINANCES AND AMENDMENTS THERETO HAVE BEEN VIOLATED WITH RESPECT TO ANY OF THE FOLLOWING MATTERS:
  - (i) AREA, WIDTH OR DEPTH OF THE LAND AS A BUILDING SITE FOR THE STRUCTURE;
  - (ii) FLOOR SPACE AREA OF THE STRUCTURE;
  - (iii) SETBACK OF THE STRUCTURE FROM THE PROPERTY LINES OF THE LAND;
  - (iv) HEIGHT OF THE STRUCTURE; OR

THERE SHALL BE NO LIABILITY UNDER THIS ENDORSEMENT BASED ON:

- (A) THE INVALIDITY OF THE ORDINANCES AND AMENDMENTS THERETO MENTIONED ABOVE UNTIL AFTER A FINAL DECREE OF A COURT OF COMPETENT JURISDICTION ADJUDICATING THE INVALIDITY, THE EFFECT OF WHICH IS TO PROHIBIT THE USE

(CONTINUED)

## ENDORSEMENT

ATTACHED TO AND FORMING A PART OF  
POLICY NUMBER 1401 SA8384022 F1

ISSUED BY

CHICAGO TITLE INSURANCE COMPANY

OR USES.

- (B) THE REFUSAL OF ANY PERSON TO PURCHASE, LEASE OR LEND MONEY ON THE ESTATE OR INTEREST COVERED BY THIS POLICY.

THIS ENDORSEMENT IS ISSUED AS PART OF THE POLICY. EXCEPT AS IT EXPRESSLY STATES, IT DOES NOT (i) MODIFY ANY OF THE TERMS AND PROVISIONS OF THE POLICY, (ii) MODIFY ANY PRIOR ENDORSEMENT, (iii) EXTEND THE DATE OF POLICY, OR (iv) INCREASE THE AMOUNT OF INSURANCE. TO THE EXTENT A PROVISION OF THE POLICY OR A PREVIOUS ENDORSEMENT IS INCONSISTENT WITH AN EXPRESS PROVISION OF THIS ENDORSEMENT, THIS ENDORSEMENT CONTROLS. OTHERWISE, THIS ENDORSEMENT IS SUBJECT TO ALL OF THE TERMS AND PROVISIONS OF THE POLICY AND OF ANY PRIOR ENDORSEMENTS.

# ENDORSEMENT

ATTACHED TO AND FORMING A PART OF  
POLICY NUMBER 1401 SA8384022 F1

ISSUED BY

CHICAGO TITLE INSURANCE COMPANY

## P.I.N. ENDORSEMENT 1

THE COMPANY HEREBY INSURES THE INSURED AGAINST LOSS OR DAMAGE WHICH THE INSURED SHALL SUSTAIN IN THE EVENT THAT, AT DATE OF POLICY:

(1) THE LAND DESCRIBED IN SCHEDULE A DOES NOT CONSTITUTE A SINGLE PARCEL FOR REAL ESTATE TAX PURPOSES SEPARATE AND APART FROM ANY OTHER LAND;

(2) THE LAND DESCRIBED IN SCHEDULE A IS NOT ASSESSED FOR REAL ESTATE TAX PURPOSES UNDER THE FOLLOWING PERMANENT INDEX NUMBER: 10-35-134-011-0000; AND

(3) SAID PERMANENT INDEX NUMBER AFFECTS OTHER LAND NOT INSURED HEREIN IN ADDITION TO THE LAND DESCRIBED IN SCHEDULE A.

THIS ENDORSEMENT IS MADE A PART OF THE POLICY AND IS SUBJECT TO ALL OF THE TERMS AND PROVISIONS THEREOF AND OF ANY PRIOR ENDORSEMENTS THERETO. EXCEPT TO THE EXTENT EXPRESSLY STATED, IT NEITHER MODIFIES ANY OF THE TERMS AND PROVISIONS OF THE POLICY AND ANY PRIOR ENDORSEMENTS, NOR DOES IT EXTEND THE EFFECTIVE DATE OF THE POLICY AND ANY PRIOR ENDORSEMENTS, NOR DOES IT INCREASE THE FACE AMOUNT THEREOF.

# KOENIG SUBDIVISION

BEING A SUBDIVISION OF THE FOLLOWING DESCRIBED PROPERTY:

PARCEL 1: LOT 9 IN JOHN REINBERG'S MORSE AVENUE ADDITION TO LINCOLNWOOD, BEING A RESUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 2, 1960 AS DOCUMENT NUMBER 17954788, AND ALSO THE VACATED ALLEY LYING EAST OF AND ADJOINING AFORESAID LOT 9, ALL IN COOK COUNTY, ILLINOIS.

PARCEL 2: LOTS 1 AND 4 IN GEORGE REINBERG'S PRATT AVENUE SUBDIVISION, IN THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT NO. 8193303, IN COOK COUNTY, ILLINOIS.

PARCEL 3: THAT PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTH LINE OF PRATT AVENUE DISTANT 50 FEET NORTHWESTERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTER LINE BETWEEN THE TWO MAIN TRACKS OF THE JUNCTION RAILWAY COMPANY (NOW THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY) AS SAID MAIN TRACK CENTERLINE, WAS ORIGINALLY LOCATED AND ESTABLISHED ACROSS SAID SECTION 35; THENCE NORTHWESTERLY PARALLEL WITH SAID ORIGINAL CENTERLINE BETWEEN MAIN TRACKS, A DISTANCE OF 280 FEET, THENCE SOUTHEASTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 20 FEET, MORE OR LESS, TO A POINT DISTANCE 22.50 FEET NORTHWESTERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTERLINE OF THE MOST NORTHWESTERLY OR WEST BOUND MAIN TRACK OF THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY, AS SAID MAIN TRACK IS NOW LOCATED; THENCE SOUTHWESTERLY PARALLEL WITH SAID LAST DESCRIBED MAIN TRACK CENTERLINE, A DISTANCE OF 217 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF SAID PRATT AVENUE; THENCE WESTERLY ALONG SAID NORTH LINE OF PRATT AVENUE, A DISTANCE OF 22 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

PARCEL 4: THAT PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH EAST CORNER OF LOT 7 IN GEORGE REINBERG'S PRATT AVENUE SUBDIVISION SAID CORNER BEING ON THE NORTH LINE OF PRATT AVENUE AND ALSO BEING DISTANT 50.00 FEET NORTHWESTERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTERLINE BETWEEN THE TWO MAIN TRACKS OF THE JUNCTION RAILWAY COMPANY (NOW THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY) AS SAID CENTERLINE WAS ORIGINALLY LOCATED AND ESTABLISHED; THENCE NORTHWESTERLY ALONG SAID NORTH LINE OF SAID LOT 7 AND PARALLEL TO SAID ORIGINAL CENTERLINE, A DISTANCE OF 180.00 FEET, THENCE SOUTHWESTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 20.00 FEET, MORE OR LESS, TO A POINT DISTANT 22.50 FEET NORTHWESTERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTERLINE OF THE MOST NORTHWESTERLY OF WEST BOUND MAIN TRACK OF THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY AS SAID TRACK WAS FORMERLY LOCATED; SAID POINT ALSO BEING 23.43 FEET NORTHWESTERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTERLINE OF THE PRESENT MAIN TRACK OF THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY; SAID POINT BEING THE POINT OF BEGINNING; THENCE SOUTHWESTERLY PARALLEL TO THE SOUTHWESTERLY LINE OF SAID LOT 7 FORMING AN ANGLE OF 90 DEGREES 00 MINUTES 00 SECONDS TO THE LEFT OF THE LAST DESCRIBED COURSE, A DISTANCE OF 271.21 FEET TO A POINT ON THE NORTH LINE OF PRATT AVENUE; THENCE EASTERLY ALONG SAID NORTH LINE OF PRATT AVENUE, A DISTANCE OF 14.81 FEET TO A LINE PARALLEL WITH AND DISTANT 10.00 FEET NORTHWESTERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTERLINE OF SAID PRESENT MAIN TRACK; THENCE NORTHWESTERLY PARALLEL TO THE SOUTHWESTERLY LINE OF SAID LOT 7 AND THE CENTERLINE OF SAID PRESENT MAIN TRACK, A DISTANCE OF 265.45 FEET TO A POINT ON A LINE DRAWN AT RIGHT ANGLES TO THE CENTERLINE OF SAID PRESENT MAIN TRACK THROUGH THE POINT OF BEGINNING; THENCE NORTHWESTERLY ALONG SAID LAST DESCRIBED RIGHT ANGLE LINE, A DISTANCE OF 13.43 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 5: THAT PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 7 IN JOHN REINBERG'S MORSE AVENUE ADDITION TO LINCOLNWOOD, BEING A RESUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 2, 1960 AS DOCUMENT NUMBER 17954788, IN COOK COUNTY, ILLINOIS; ALSO THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF WEST MORSE AVENUE AND THE NORTHWESTERLY RIGHT OF WAY LINE OF JUNCTION RAILWAY COMPANY (NOW THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY); THENCE NORTHWESTERLY ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 35.98 FEET TO POINT IN THE CENTERLINE OF WEST MORSE AVENUE; THENCE EASTERLY ALONG THE EXTENDED CENTERLINE OF WEST MORSE AVENUE, FORMING AN ANGLE OF 113 DEGREES 31 MINUTES 23 SECONDS TO THE LEFT OF THE LAST DESCRIBED COURSE, A DISTANCE OF 35.52 FEET TO A POINT; THENCE SOUTHWESTERLY FORMING AN ANGLE OF 89 DEGREES 07 MINUTES 32 SECONDS TO THE LEFT OF THE LAST DESCRIBED COURSE, A DISTANCE OF 322.61 FEET TO A POINT; THENCE NORTHWESTERLY FORMING AN ANGLE OF 89 DEGREES 07 MINUTES 32 SECONDS TO THE LEFT OF THE LAST DESCRIBED COURSE, A DISTANCE OF 33.43 FEET TO THE SOUTHWEST CORNER OF SAID LOT 7; THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF SAID LOT 7 FORMING AN ANGLE OF 90 DEGREES 00 MINUTES 00 SECONDS TO THE LEFT OF THE LAST DESCRIBED COURSE, A DISTANCE OF 282.45 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

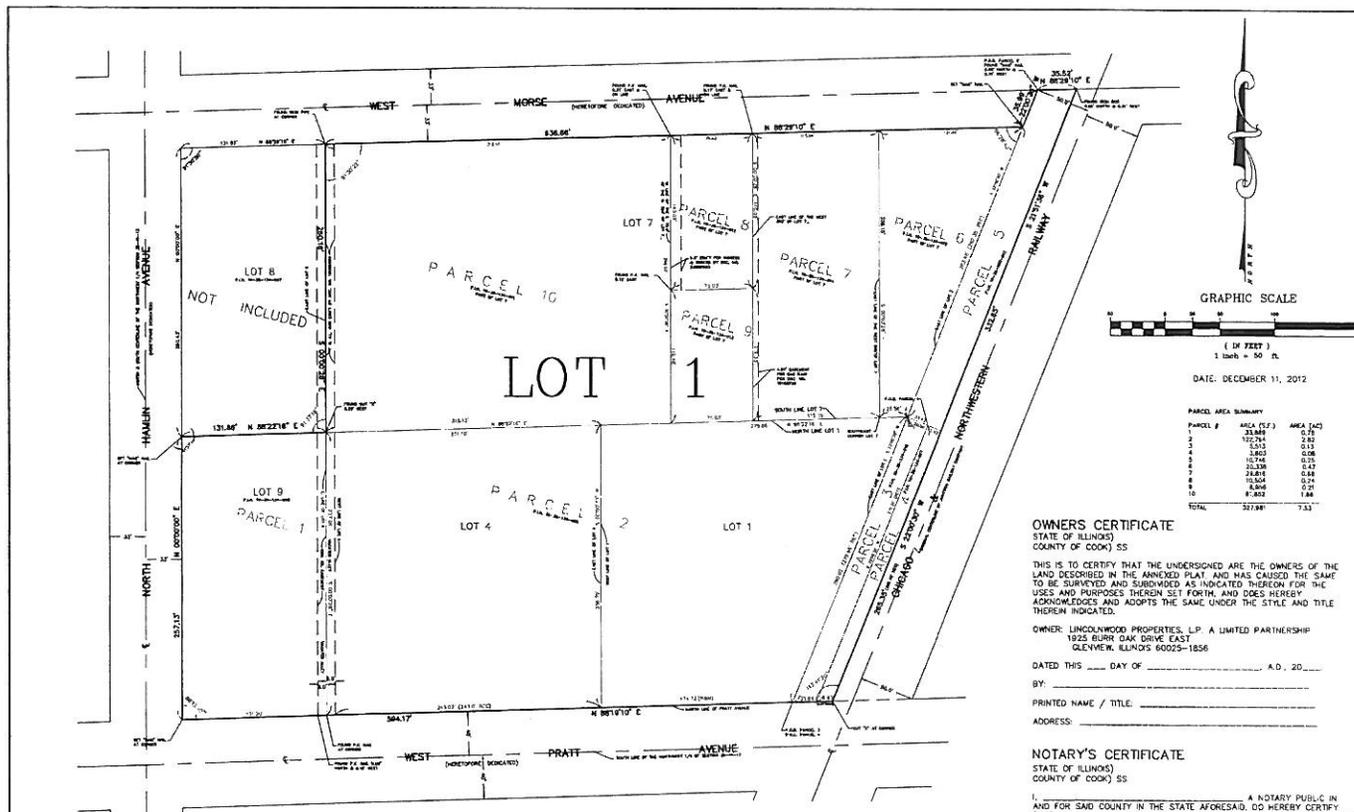
PARCEL 6: LOT 7, EXCEPT THE WEST 505.00 FEET (AS MEASURED PARALLEL WITH THE WEST LINE) IN JOHN REINBERG'S MORSE AVENUE ADDITION TO LINCOLNWOOD, BEING A RESUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 2, 1960 AS DOCUMENT NUMBER 17954788, IN COOK COUNTY, ILLINOIS.

PARCEL 7: THE EAST 115 FEET (AS MEASURED PARALLEL TO THE WEST LINE) OF THE EAST 75.0 FEET OF THE WEST 380 FEET (AS MEASURED AT RIGHT ANGLES TO THE WEST LINE) OF LOT 7 IN JOHN REINBERG'S MORSE AVENUE ADDITION TO LINCOLNWOOD, BEING A RESUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 2, 1960 AS DOCUMENT NUMBER 17954788, IN COOK COUNTY, ILLINOIS.

PARCEL 8: THE EAST 75.0 FEET OF THE WEST 380 FEET (EXCEPT THE NORTH 140 FEET) OF LOT 7 IN JOHN REINBERG'S MORSE AVENUE ADDITION TO LINCOLNWOOD, BEING A RESUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 2, 1960 AS DOCUMENT NUMBER 17954788, IN COOK COUNTY, ILLINOIS.

PARCEL 9: THE WEST 315 FEET OF LOT 7 (MEASURED AT RIGHT ANGLES TO THE WEST LINE) THEREOF IN JOHN REINBERG'S MORSE AVENUE ADDITION TO LINCOLNWOOD, BEING A RESUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 2, 1960 AS DOCUMENT NUMBER 17954788, IN COOK COUNTY, ILLINOIS.

PARCEL 10: THE WEST 315 FEET OF LOT 7 (MEASURED AT RIGHT ANGLES TO THE WEST LINE) THEREOF IN JOHN REINBERG'S MORSE AVENUE ADDITION TO LINCOLNWOOD, BEING A RESUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 2, 1960 AS DOCUMENT NUMBER 17954788, IN COOK COUNTY, ILLINOIS.



GRAPHIC SCALE  
1 inch = 30 ft.

DATE: DECEMBER 11, 2012

| PARCEL # | AREA (SQ. FT.) | AREA (AC.) |
|----------|----------------|------------|
| 1        | 38,889         | 0.89       |
| 2        | 102,241        | 2.33       |
| 3        | 1,203          | 0.03       |
| 4        | 10,748         | 0.25       |
| 5        | 10,208         | 0.23       |
| 6        | 28,618         | 0.66       |
| 7        | 10,208         | 0.23       |
| 8        | 8,800          | 0.20       |
| 9        | 8,800          | 0.20       |
| 10       | 8,800          | 0.20       |
| 11       | 8,800          | 0.20       |
| TOTAL    | 327,681        | 7.51       |

### OWNERS CERTIFICATE

STATE OF ILLINOIS  
COUNTY OF COOK) SS

THIS IS TO CERTIFY THAT THE UNDERSIGNED ARE THE OWNERS OF THE LAND DESCRIBED IN THE ANNEXED PLAT, AND HAS CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED THEREON FOR THE USES AND PURPOSES SET FORTH, AND DOES HEREBY ACKNOWLEDGE AND ADOPTS THE SAME UNDER THE STYLE AND TITLE THEREIN INDICATED.

OWNER: LINCOLNWOOD PROPERTIES, LP, A LIMITED PARTNERSHIP  
1925 BURK OAK DRIVE EAST  
GLENVIEW, ILLINOIS 60025-1856

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_

BY: \_\_\_\_\_

PRINTED NAME / TITLE \_\_\_\_\_

ADDRESS: \_\_\_\_\_

### NOTARY'S CERTIFICATE

STATE OF ILLINOIS  
COUNTY OF COOK) SS

I, \_\_\_\_\_, A NOTARY PUBLIC IN AND FOR SAID COUNTY IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT \_\_\_\_\_ DID PERSONALLY APPEAR BEFORE ME THIS DAY AND ACKNOWLEDGED THAT THEY SIGNED THE HERETOIN DRAWN PLAT AS THEIR FREE AND VOLUNTARY ACT.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_

NOTARY PUBLIC \_\_\_\_\_ MY COMMISSION EXPIRES \_\_\_\_\_

### SURVEYORS CERTIFICATE

STATE OF ILLINOIS  
COUNTY OF LAKE) SS

I, VINCENT J. MASSE, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-2854 DO HEREBY CERTIFY THAT THE PROPERTY SHOWN HEREON HAS BEEN SURVEYED AND SUBDIVIDED, AND THE PLAT HERETOIN DRAWN IS A CORRECT REPRESENTATION THEREOF. ALL DISTANCES ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

I FURTHER CERTIFY THAT THE PARCEL CONTAINS 327,981 SQUARE FEET OR 7.51 ACRES AND THAT ACCORDING TO FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 170310025L, DATED AUGUST 19, 2008, THE PROPERTY HERETOIN DESCRIBED IS SITUATED WITHIN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.1% ANNUAL CHANCE FLOODPLAIN).

I FURTHER CERTIFY THAT THIS SUBDIVISION IS WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF LINCOLNWOOD, ILLINOIS AND THAT IRON ROD MONUMENTS WILL BE SET AT LOT CORNERS AND POINTS OF CHANGE IN ALIGNMENT.

I HEREBY AUTHORIZE THE VILLAGE OF LINCOLNWOOD TO RECORD THIS PLAT OF SUBDIVISION IN MY ABSENCE.

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_

VINCENT J. MASSE, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-2854

### PLAN COMMISSION CERTIFICATE

STATE OF ILLINOIS  
COUNTY OF COOK) SS

THIS IS TO CERTIFY THAT THE MEMBERS OF THE PLAN COMMISSION OF THE VILLAGE OF LINCOLNWOOD, ILLINOIS HAVE REVIEWED AND APPROVED THIS PLAT.

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_

BY: \_\_\_\_\_ CHAIRMAN

ATTEST: \_\_\_\_\_

### VILLAGE ENGINEER CERTIFICATE

STATE OF ILLINOIS  
COUNTY OF COOK) SS

THIS IS TO CERTIFY THAT THE VILLAGE ENGINEER OF LINCOLNWOOD, ILLINOIS HAS REVIEWED AND APPROVED THIS PLAT.

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_

BY: \_\_\_\_\_ VILLAGE ENGINEER

ATTEST: \_\_\_\_\_

### BOARD OF TRUSTEES CERTIFICATE

STATE OF ILLINOIS  
COUNTY OF COOK) SS

APPROVED AND ACCEPTED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LINCOLNWOOD, COOK COUNTY, ILLINOIS AT A MEETING HELD THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_

BY: \_\_\_\_\_ PRESIDENT

ATTEST: \_\_\_\_\_

### VILLAGE TREASURER CERTIFICATE

STATE OF ILLINOIS  
COUNTY OF COOK) SS

I, \_\_\_\_\_, TREASURER FOR THE VILLAGE OF LINCOLNWOOD, COOK COUNTY, ILLINOIS HAVE REVIEWED AND APPROVED THIS PLAT.

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_

BY: \_\_\_\_\_ VILLAGE TREASURER

ATTEST: \_\_\_\_\_

### COUNTY CLERK CERTIFICATE

STATE OF ILLINOIS  
COUNTY OF COOK) SS

I, \_\_\_\_\_, COUNTY CLERK OF COOK COUNTY, ILLINOIS DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID CURRENT GENERAL TAXES, NO UNPAID FORECLOSED TAXES AND NO REDEEMABLE TAX SALES AGAINST ANY OF THE LAND INCLUDED IN THE PLAT. FURTHER CERTIFY THAT I HAVE RECEIVED ALL STATUTORY FEES IN CONNECTION WITH THE PLAT.

GIVEN UNDER MY HAND AND SEAL OF THE COUNTY CLERK AT CHICAGO, COOK COUNTY, ILLINOIS THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_

BY: \_\_\_\_\_ COUNTY CLERK

ATTEST: \_\_\_\_\_

### COUNTY RECORDER CERTIFICATE

STATE OF ILLINOIS  
COUNTY OF COOK) SS

THIS PLAT WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF COOK COUNTY, ILLINOIS THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_

BY: \_\_\_\_\_ COUNTY RECORDER

ATTEST: \_\_\_\_\_

RECEIVED  
APR - 9 2013  
LINCOLNWOOD  
COUNTY DEVELOPMENT



**CHAMBERLIN / MASSE ENGINEERING**  
LAND SURVEYORS - PLANNERS - ENGINEERS  
14044 W. PETERONELLA DRIVE, SUITE 2  
UBERTYVILLE, ILLINOIS 60048  
(847) 362-8444 FAX 362-9350

DRAWN BY: \_\_\_\_\_ JOB NO. 206145 DRAWING NO. \_\_\_\_\_  
CHECKED BY: VJM F.B. PG. 1 OF 1

**Agenda Item #5**



**Staff Report  
Plan Commission**

**July 10, 2013**

*Continued from May 1, 2013, March 6, 2013 & February 6, 2013*

**Subject Property: N/A (Text Amendment)**

**Zoning District:** Requested action is applicable to the B1, B2, B3, O-1, and M-B Districts.

**Requested Action:** Text Amendment to Various Sections of the Zoning Ordinance including but not limited to the Definitions Section, Land Use Table, Off-Street Parking Schedule, etc. relative to modifying the definition of Health Club or Private Recreation, Firearms Shooting Ranges.

**Nature of Request:** Consideration to Modify and/or add certain definitions including but not limited to Health Club or Private Recreation and Firearms Shooting Ranges; Consideration of Firearms Shooting Ranges as a Special Use in the M-B District subject to certain restrictions; and the Addition or Modification of Off-street Parking Requirements for Firearms Shooting Ranges, Commercial Recreation Facility, or Other Similar Uses

**Petitioner:** Village Board

**Summary**

*Note: Below is the summary provided at the May 1, 2013, March 6, 2013 and February 6, 2013 Plan Commission meeting. This matter was continued.*

On November 9, 2012, the Village Board adopted Resolution No R2012-1710, initiating a referral to the Plan Commission for text amendments to the Zoning Ordinance. These proposed text amendments concern Firearms Shooting Ranges and the existing definition found in the Zoning Ordinance for "Health Clubs and Private Recreation". The purpose of these text amendments is to:

1. Specifically exclude from the definition of "Health Clubs and Private Recreation", Firearms Shooting Ranges, and
2. Establish in the Zoning Ordinance, "Firearms Shooting Ranges" as a Special Use in the M-B Zoning District.

The adopted Village Board Resolution suggests, but does not identify, that other restrictions may be determined to be necessary and desirable in establishing Firearms Shooting Ranges as a Special Use in the M-B Zoning District.

## Definitions

Currently, within the Zoning Ordinance the pertinent definition reads:

### **HEALTH CLUB or PRIVATE RECREATION**

A building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities, or other customary or usual recreational activities, operated for profit or not-for-profit and which can be open only to members and guests of the organization or open to the public for a fee.

For public hearing consideration, staff suggests that this definition be broken down into three separate definitions as follows:

**Firearms Shooting Range:** A specialized indoor soundproof facility, supervised by a Range Safety Officer and designed for the safe shooting practice of firearms, such as handguns and rifles.

**Health Club:** A business establishment which promotes physical fitness and which contains equipment for body exercising or other facilities intended to improve physical fitness, diet, weight control and/or health and which is generally utilized by members who pay a periodic fee for facility access and use.

**Commercial Recreational Facility:** A privately owned for-profit commercial facility designed and equipped to provide customary leisure time or recreational activities, such as bowling, swimming, miniature golf, ice skating, tennis, racquetball and like activities.

If the Plan Commission concurs with this definitional breakdown, staff would further recommend that both “Health Club” and “Commercial Recreational Facility” be added to the Use table in the Zoning Ordinance to replace the current listing for “Health Club and Private Recreation” and that this definition be eliminated altogether from the Ordinance.

## Parking Standards

With the addition of a separate listed use in the Use Table for Firearms Shooting Ranges, staff recommends the addition of a parking standard for this use. Previously, based on research, staff recommended a parking standard for shooting ranges as follows:

2 parking spaces per shooting range station plus 3 spaces per 1,000 square feet of floor space not devoted to indoor shooting range.

Should the Plan Commission concur with the separation in the Use Table for “Health Club” and “Commercial Recreation Facility”, staff would also like to review appropriate parking standards for these uses for possible amendment. Currently, the parking standard for “Health club or recreation facility, private” is 1 space per 3 persons+ 1 space per /2 full time employees. Staff notes that currently a separate parking standard already exists for bowling alleys (5 spaces per lane).

## Firearms Shooting Range Use

The Village Board initiated text amendment proposes that Firearms Shooting Ranges be allowed in the M-B District as a Special Use. Last June, as part of the Shore

consideration, a proposed text amendment was presented for Firearms Dealers as a Special Use in the M-B District. This proposal also included:

- an 800 foot minimum distance requirement from any “P” Park zoned property or,
- any “R” Residentially zoned property

The effect of enacting a similar 800 foot minimum distance for Firearms Shooting Ranges from “P” or “R” zoned property would be a significant reduction in the area of the M-B zone in which a shooting range could be located (see attached map). Staff believes that this additional locational restriction within the M-B District has merit for Firearms Shooting Ranges and suggests its consideration as part of these text amendments.

Staff notes that this proposal for an 800 foot minimum distance from R or P zoned property is just that, a minimum distance from property which is *zoned* for Park or Residential use, rather than from how a property might be actually used. This distinction is made since previously some in the community mistook the minimum distance proposal from P zoned property as meaning a required minimum distance from any type of park or open space, such as the proposed bike trail (which is not zoned P). Staff recommends using Zoning Districts and the Village Zoning Map for determining any minimum distance, since this is very objective.

In addition to considering this minimum distance requirement, staff suggests that performance standards for Shooting Ranges be considered for this use. Surprisingly, while there is an estimated 16,000-18,000 indoor shooting ranges in operation in the United States; staff has found few local requirements for them. In reviewing the literature on shooting range uses, the following four areas appear to represent the areas of greatest concern with this use:

1. Customer/Employee Safety
2. Health concerns (lead exposure)
3. Property/Business Security Plan
4. Noise concerns

To respond to these areas of concern, staff recommends that the following Performance Standards for Firearms Shooting Ranges be considered for inclusion in the Zoning Ordinance:

1. Range design must conform to US Department of Energy’s Range Design Criteria, dated June 4, 2012 or subsequent editions.
2. Range must conform to US Department of Labor Occupational Safety and Health Administration (OSHA) requirements
3. Range must be in conformance with an established and Police Chief approved Range Safety Plan, which shall specify range safety requirements and procedures for customers and workers.
4. Range must be in compliance with a Police Chief approved Security Plan for the business and property.

5. Range must comply with any and all applicable US or Illinois Environmental Protection Agency requirements concerning lead and noise
6. Range must comply with Village noise restrictions.

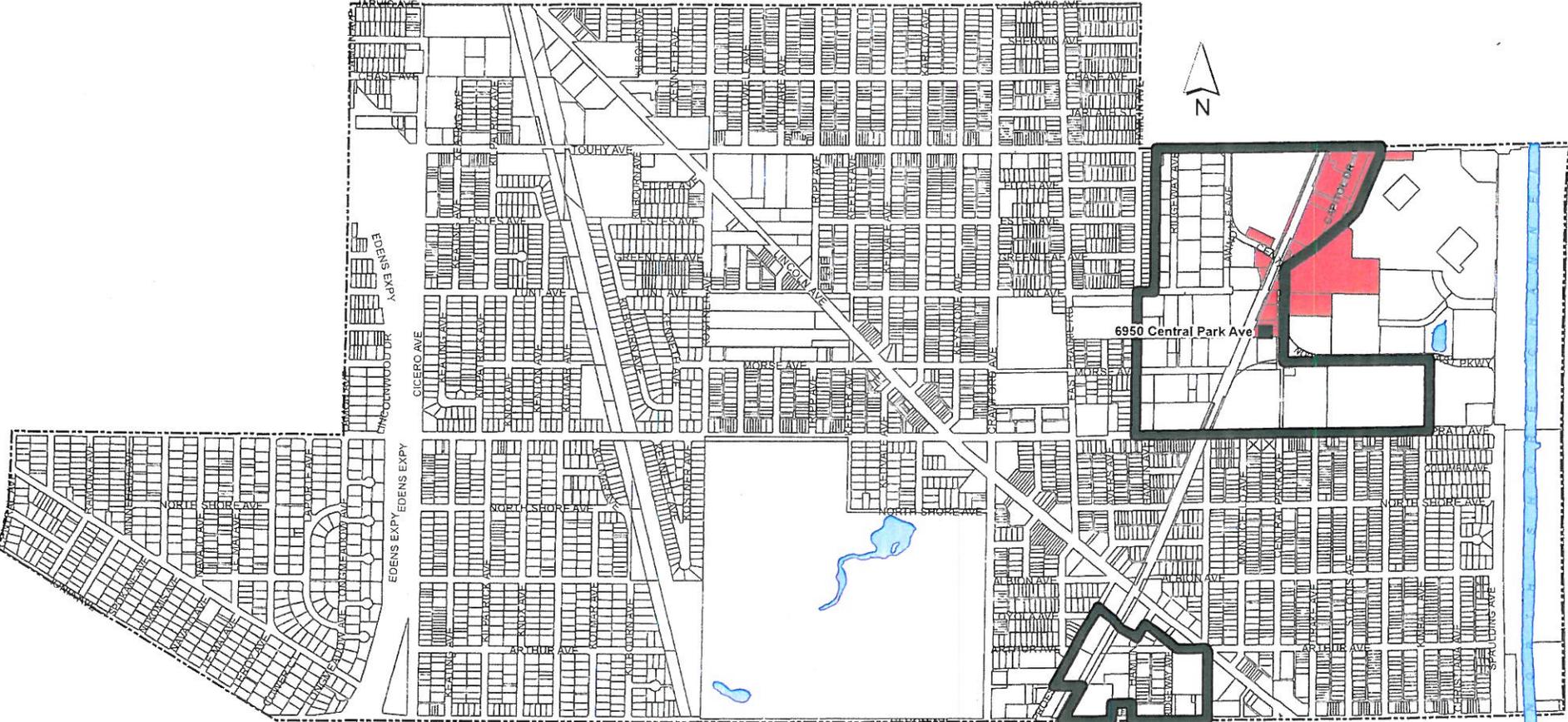
Attached is the US Department of Energy Range Design Criteria as well as a recent ordinance which regulates shooting ranges in Richland Township Pennsylvania. To provide additional background, also attached is an August 2012 memorandum prepared by the City of Urbana Illinois concerning a proposed text amendment in that city concerning firearms dealers and shooting ranges.

**Attachments**

1. Map- M-B Parcels not within 800 feet of P or R Zoned Property
2. Department of Energy Range Design Criteria
3. Richland Township Shooting Range Ordinance
4. City of Urbana August 2012 Text Amendment Memo

# Firearms Ordinance Review

Parcels Not Within 800ft of 'R' or 'P' Zoned Properties



-  MB Zoning District
-  Parcel not within 800ft of 'R' or 'P' zoned properties
-  Parcel

# RANGE DESIGN CRITERIA

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**U.S. DEPARTMENT OF ENERGY**  
**Office of Health, Safety and Security**

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AVAILABLE ONLINE AT:  
<http://www.hss.energy.gov>

INITIATED BY:  
Office of Health, Safety and Security

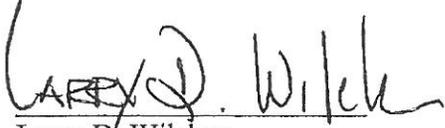
## Notices

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Local DOE management is responsible for the proper execution of firearms-related programs for DOE entities. Implementation of this document's provisions constitutes only one segment of a comprehensive firearms safety, training, and qualification program designed to ensure that armed DOE protective force personnel are able to discharge their duties safely, effectively, and professionally. Because firearms-related activities are inherently dangerous, proper use of any equipment, procedures, or techniques etc., identified herein can only reduce, not entirely eliminate, all risk. A complete safety analysis that accounts for all conditions associated with intended applications is required prior to the contents of this document being put into practice.

CERTIFICATION

This document contains the currently-approved firearms "Range Design Criteria" referred to in DOE O 473.3, *Protection Program Operations*.



Larry D. Wilcher  
Director  
Office of Security  
Office of Health, Safety and Security

6/4/2012  
Date

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## RANGE DESIGN CRITERIA

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1. PURPOSE. This document contains design criteria for U.S. Department of Energy (DOE) live-fire ranges for use in planning new facilities and major rehabilitation of existing facilities. This document will be approved and maintained by the Office of Security, Office of Health, Safety and Security (HSS) as a stand-alone document on the HSS website: <http://www.hss.doe.gov/SecPolicy/pfs.html>.
2. PLANNING FACTORS. All applicable local, State, Federal, U.S. Environmental Protection Agency, Occupational Health and Safety Administration (OSHA), and National Environmental Policy Act requirements should be addressed and be reviewed annually (at least every 12 months) by the site to incorporate any requirements and/or changes that occur.
3. PLANNING OVERVIEW.
  - a. General Considerations.
    - (1) Live-fire range design should: (a) promote safe, efficient operation; (b) include provisions for ease of maintenance; and (c) be affordable to construct and maintain.
    - (2) Live-fire ranges should be designed to prevent injury to personnel and to prevent property damage outside the range from misdirected or accidental firing and ricochets. They should also be designed to direct ricochets away from the firing line inside the range.
    - (3) An open range may be established provided that enough distance and land area available to allow for surface danger zones (SDZs) appropriate for the weapons to be used. Lack of SDZs may require baffled ranges. Extreme weather conditions may necessitate indoor ranges.
  - b. Type of Range.
    - (1) Range requirements should be considered when determining the type and size of the range and the material to be used.
    - (2) The range should be suitable for training and qualifications for all courses of fire used on the site as set forth in the HSS-approved Firearms Qualification Courses.
    - (3) The range should be designed for shooting day and reduced-lighting DOE firearms courses, moving targets, multiple targets, and advanced shooting courses/activities (e.g., shooting at steel targets) that may be required by the site.

- (4) When determining whether the facility will be an indoor, open outdoor, partially baffled, or fully baffled range, the decision-making process should include site weather conditions, available land, available funding, and environmental, safety, and health considerations. The following additional factors should be considered.
- (a) How many shooters must be accommodated?
  - (b) Will emphasis be on training or competitive activities?
  - (c) What types of firearms and range of ammunition will be used? (See Table 1.)
  - (d) Will the facility be used exclusively by DOE or will it be open to other organizations?
  - (e) What special uses will be made of the facility; e.g., advanced training, special weapons, or explosives?
  - (f) What lighting will be required, and what lighting is desired?
  - (g) What administrative space will be needed?
  - (h) What types of target mechanisms will be used?
  - (i) Will spectator safety areas be needed?
  - (j) What types of acoustics will be needed?
  - (k) How will lead contamination be controlled?
  - (l) Where will bullet traps be needed?
  - (m) Where will firearms cleaning and maintenance be performed?

c. Site Selection Preparation. The site selected should accommodate the required facility. It should meet acceptable standards for safety and have sufficient space, access, and acceptable zoning and construction costs. Land acquisition costs, future land values, and possible restrictions should also be examined. To ensure the project is feasible the following data should be considered.

- (1) Documents. Copies of specific site, environmental, and construction criteria; applicable mandated regulations from Federal, State, county, and local authorities; copies of ordinances, zoning regulations, soil conservation standards, health department requirements, and any other regulations that may pertain to the project should be obtained.

- (2) Alternate Sites. Identify alternate sites, because one or more of the potential sites may be unsuitable or construction costs may be prohibitive.
  - (3) Technical Data. Gather technical data relevant to each site including zoning maps, aerial photographs, topographic maps, and onsite ground and aerial information.
- d. Considerations. The criteria to be considered in this process are:
- (1) environmental restrictions; e.g., Endangered Species Act, Wilderness Act, and air and water pollution criteria;
  - (2) access; e.g., is it adequate or should a roadway be constructed to the site;
  - (3) construction cost; e.g., berms, baffles, barriers, earth moving;
  - (4) other restrictive Federal or State statutes and local ordinances; and
  - (5) community growth, especially in areas where urban growth is rapid. Escalating property values may make it unwise to construct in a particular area.
- e. Preliminary Design Stage.
- (1) Prepare:
    - (a) a preliminary layout sketch of each site;
    - (b) a draft document, which should include specifications for applicable zoning, building codes, environmental, safety, and health considerations, and other pertinent restrictions;
    - (c) alternative preliminary site plans showing different range layouts;
    - (d) a planning cost estimate; and
    - (e) a risk analysis report.
  - (2) Submit all environmental, zoning and building permit applications for approval. Be prepared, via the draft document, to present and, if necessary, defend the proposal at public hearings before zoning boards, health officials, and other governmental bodies involved in issuing permits.
- f. Final Design Stage.
- (1) The preliminary site plans include a layout of the proposed range with its accompanying safety fan in a cross section and top view.

- (2) The range master/manager, training manager, safety manager, industrial hygienist, appropriate operating personnel and public works engineer should review and approve the design requirements during the planning phase, before the construction drawings are started, and during the construction phase.

4. OUTDOOR RANGE DESIGN.

a. Site Selection.

- (1) Outdoor range sites should be remote from other activities but accessible by road. SDZs should not extend across traveled roads, navigable waterways, railroads, or other areas.
- (2) To protect against unauthorized access, SDZs should be controlled while firearms are being discharged. To prevent future encroachment, SDZs should be recorded on site maps.
- (3) If other methods to control access to SDZs are not effective, then the zones should be fenced in. Natural barriers around the site; e.g., rivers, hills or a large drainage channel may be used to prevent encroachment and will ensure privacy. The best site is one with a natural backstop for projectiles to reduce the cost of constructing earth impact berms and to provide natural sound abatement.
- (4) Outdoor ranges should be oriented to eliminate firing into the sun. The range should be oriented to the north or slightly to the northeast. The ideal direction is between due north and 25° northeast.

b. Range Planning.

- (1) Firing into upward sloping land and land with natural backstops of hills or mountains is recommended.
- (2) Firing platforms, access roads, and targets should be elevated above the flood level.
- (3) The line of fire in rough terrain should be perpendicular to high ground. The line of fire on flat terrain should be free of knolls, ridges, and trees that reduce visibility.
- (4) Known distance ranges should be as flat or evenly graded as possible. If the grade between the firing points and target does not exceed 2 percent, then the firing points may be below the target.
- (5) Roads used for setting and servicing targets in impact areas and for maintenance of earth berm may be graded pathways. Roads in areas not subject to disturbance; e.g., vehicle parking areas, and roadways behind

firing lines or out of range of weapons, should be designed for anticipated vehicle weight and usage.

- (6) The ground between the targets and firing line should be free of any hardened surface (smooth-surfaced walkways excepted) such as rocks or other ricochet-producing material.
  - (7) The surface may be sodded or planted with low-growing ground cover.
  - (8) The surface should be smooth, firm, and graded to drain away from the targets. A slight side-to-side grade of 1 percent to 2 percent should be provided for storm water runoff. For baffled ranges, the lateral slope should not exceed 2 percent because of the geometry of the baffle system.
  - (9) The overall size will be governed by the range distance and number of firing positions.
  - (10) Range distances from the firing line to the target are determined by the approved DOE qualification courses of fire for all weapons available for use by Protective Force (PF) personnel and by site-specific training courses of fire. The distances from the firing line to the target should be accurate to  $\pm 0.1$  percent. It is important that any inaccuracy in the firing line-to-target distance is a greater, rather than lesser, distance (e.g., 101 yards for a 100-yard range instead of 99 yards).
  - (11) Shooters should have secure footing.
- c. Surface Danger Zones. SDZs should be established to contain all projectiles and debris caused by firing ammunition and explosives (see Table 1). SDZ dimensions are dictated by the types of ammunition, types of targets, and types of firing activities allowed on the range. A basic SDZ consists of three parts: impact area, ricochet area, and secondary danger area (Figure 1). Figures 2 through 6 illustrate the application of the basic parts in the design of SDZs for various kinds of range activities.
- (1) The primary danger area established for the impact of all rounds extends  $5^\circ$  to either side of the left and right limits of fire and downrange to the maximum range of any ammunition to be used on the range.
  - (2) The ricochet area is  $5^\circ$  to either side of the impact area and extends downrange to the maximum range of any ammunition to be used on the range.
  - (3) The secondary danger area is that area paralleling, and 100 yards outside of, the outermost limits of the ricochet area and extending downrange to the maximum range of any ammunition to be used on the range.

- (4) Boundaries of SDZs must be posted with permanent signs warning persons of the danger of the live-fire range and prohibiting trespassing. The signs must be posted in a way that will ensure a person cannot enter the SDZ without seeing at least one legible sign (i.e., usually 200 yards distant or less).
  - (5) Limit of fire markers, both external and internal, must be placed to denote right and left limits of fire. Where cross firing is to be conducted, internal limit markers must be emplaced to denote internal right or left limits of fire from specific firing positions.
  - (6) Ranges may be located parallel to one another if in compliance with Figure 19 for separation.
  - (7) When there is insufficient distance to lay out a new range with the required SDZ or utilize other ammunition with a maximum range that does not exceed the SDZ, engineered or administrative controls can be used to control firing on that range. Permission to deviate from established SDZ requirements must be granted by the DOE cognizant security authority and supported by a safety risk analysis.
  - (8) Administrative controls such as use of the low-ready position or engineered controls such as muzzle traverse/elevation limiters can be used to control the firearm. Natural terrain such as a mountain or a hill provides an excellent backstop for firing. The terrain should be high enough to capture rounds fired at up to a maximum 15° muzzle elevation.
  - (9) To change the size and shape of an SDZ, baffles may be installed. Partial and full baffle systems consist of the following components: overhead baffles, a canopy shield over firing points, bullet impact berm, and side berms, sidewalls, or side baffles. A fully baffled range must be constructed so all direct fire can be contained within the range (see Figures 7 and 8).
- d. Support Facilities. Range planners should consider the site-specific need for the following range support facilities.
- (1) Targets.
  - (2) Target storage.
  - (3) Bunkers, trenches, and protective barriers for personnel protection.
  - (4) Range control towers.
  - (5) Toilets.
  - (6) Range poles, banners, markers, and signs.

- (7) Communication systems.
- (8) Access and range roads.
- (9) Parking areas.
- (10) Potable water.
- (11) Target maintenance.
- (12) Ammunition storage.
- (13) Power.
- (14) Sewer.
- (15) All other necessary utilities.

**Table 1. Maximum Range of Small Arms Ammunition**

| <b>Maximum Range of Small Arms Ammunition</b> |  |
|---|--|
| <b>Caliber</b>                                | <b>Maximum range of small arms ammunition (distance in meters/yards)</b> |
| .22 long rifle                                | 1400/1531  |
| .38 revolver                                  |  |
| Ball, M41                                     | 1600/1749  |
| Ball PGU-12/8                                 | 1900/2077  |
| .40 pistol                                    |  |
| Ball  | 1783/1950  |
| JHP   | 1908/2086  |
| Frangible                                     | 1000/1093  |
| .45 pistol                                    | 1500/1640  |
| .45 submachine gun                            | 1600/1749  |
| .357 magnum                                   | 2160/2362  |
| 9mm pistol                                    | 1740/1902  |
| 9mm submachine gun                            | 1920/2099  |
| .44 magnum                                    | 2290/2504  |
| .50 machine gun                               |  |
| Ball, M33                                     | 6500/7108  |
| AP, M26                                       | 6100/6671  |
| 12 gauge shotgun, riot 00 buckshot            | 600/656  |
| .30 rifle and machine gun                     |  |
| Ball, M23                                     | 3100/3390  |
| AP, M2  | 4400/4811  |
| .30 carbine                                   | 2300/2515  |
| 5.56mm rifle                                  |  |
| Ball, M193                                    | 3100/3390  |
| 7.62mm rifle and machine gun                  |  |
| Ball, M80                                     | 4100/4483  |
| Match, M118                                   | 4800/5249  |
| 40mm  |  |
| M79   | 400/437  |
| Mk-19 40mm                                    | 2200/2406  |

e. Design Criteria.(1) Firing Line Items. Provide the following components:

- (a) Floor Surface. The surface should be smooth, firm, and graded to drain away from the targets. A slight side-to-side grade of 1 percent to 2 percent should be provided for storm water runoff. Transverse firing line grading should match target line transverse grading. The distance between the firing line(s) must be sufficient to support the type of training conducted. Firing lanes must be clearly marked on the surface to match the targets. Depending on the number of personnel to be supported and the funds available, the following surfaces should be considered:

- 1 ground firmly compacted with mown grass;
- 2 sand or fine gravel;
- 3 wood decking of sufficient thickness and support to prevent movement; and
- 4 concrete topped with appropriate cushioning material.

- (b) Overhead Containment. On partially and fully baffled ranges, a ballistic canopy (see Figure 9) should be provided over all locations where a weapon may be expected to be discharged (firing line, by definition). Figure 9 represents one construction approach, but the canopy must contain the direct fire effects of the most energetic round fired on the range. This canopy should begin at least 3 feet behind the firing line. General structural requirements may dictate more distance. The canopy should extend forward a minimum distance of 13 feet minimum, which will work geometrically with the first overhead baffle to prevent a weapon from firing directly out of the range (see Figures 16 and 17). The canopy should be constructed of ballistic material with sacrificial cladding as described below. Sound reduction ceiling waffles should be considered. Weather roofing is required above the ballistic material and it must slope sufficiently to drain.

(2) Firing Point. The depth of the firing point is determined by the shooting activity; e.g., rifle firing requires more depth than pistol firing.

- (a) The minimum depth of the firing point is the area required for the shooter, shooter's equipment, scorers, and range officers. For example, a pistol range might have a firing line approximately 6 to 10 feet deep, while a rifle range would have a firing line up to 20 feet deep. This variation is based on available space, type of

shooting, size of target frames and carriers, and the spacing of target frames or carriers.

- (b) For rifle ranges, each firing point should be 9 feet wide (see Figure 10). Firing lanes for pistols and shotguns should be 5 feet center to center (see Figure 11).
- (3) Ballistic Material. The purpose of this material is to absorb, deflect, or fragment projectiles. Material for baffles on partially and fully baffled ranges is shown in Figures 12 and 18. Wood that is used should be of middle grade exterior timber or plywood. Timber in contact with the ground must be pressure-treated for this purpose. Avoid exposed connectors if possible. Refer to Table 2, Thickness of Material for Positive Protection Against the Caliber of Ammunition Listed, for the thickness of various materials.
- (4) Sacrificial Cladding. Provide ¾-inch thick plywood with a ¼-inch air gap on any surfaces (baffles, wing walls, metal connectors, etc.) that are within 11 yards of the firing line to prevent back splatter.
- (5) Firing Line Cover Material. The firing line should be covered to protect the shooter and allow activities to be held regardless of the weather. On ranges with several firing lines, the cover is generally installed at the longest firing distance. The firing line covers described below are for shelter only and should not be confused with the ballistic firing line canopies required on baffled ranges. Material that can be used for firing line covers includes wood, concrete, steel, and plastic. Most covers are constructed from wood products and are a shed or gable roof design. In some cases, corrugated metal or fiberglass roofing material can actually increase sound levels at the firing line and in areas around the range. Therefore, to reduce noise, corrugated metal or fiberglass roofing material should not be used unless it is acoustically treated. The structure should be designed to include the following:
  - (a) The shed roof should have a 6-inch cavity filled with fiberglass insulation (or equivalent) and be enclosed on the bottom with ¾-inch plywood or insulation board. Although this will not provide a completely effective sound barrier, sound waves will strike and penetrate the inside layer of plywood, and the sound will be reduced;
  - (b) A plywood shed roof should have a 6-inch hollow core enclosed with a small grid mesh screen and a six-mil polymer barrier to retain the insulation. The intervening space should be filled with blown-in insulation to trap sound waves and reduce the drum effect of an open roof; and

- (c) A gable roof has a large hollow area above the joists; however, additional sound damping materials should be installed to reduce the drum effect and the sound pressure level as they are reflected onto the firing line area. The underside of the roof surface will require a minimum of 4 inches of insulation to fill in between the rafters and a minimum of 3 inches of insulation above the ceiling and between the joists. This will reduce the drum effect caused when sound waves strike surface material (e.g., corrugated metal) and will absorb a portion of the reflected sound waves.
- (6) Surface Material. Positions should be hard-surfaced (e.g., concrete, gravel, wood, asphalt, or sod).
  - (a) For ranges where prone shooting is conducted, gravel or similar materials may cause difficulty for the shooter. When the surface material is concrete or asphalt, shooting mats or padding will be required when the kneeling or prone positions are used.
  - (b) For ranges with multiple firing lines, hard-surfaced firing lines located downrange of another firing line should be recessed or shielded from bullet impact to avoid ricochets off exposed edges.
- (7) Landscaping. The site should be landscaped to provide for erosion control, noise abatement, maintenance, appearance, fire protection, and safety.

NOTE: Any landscaping will complicate the removal of lead in the berms, especially on impact surfaces, and will create higher maintenance costs.

- (a) Berms should be planted with grass to prevent erosion. Ground cover is acceptable on existing berms that have been maintained and where erosion is not a problem.
- (b) When grass is selected as a ground cover, it should be appropriate for the geographic area and should readily grow and provide good coverage. The degree of shading caused by overhead baffles will determine the type of grass for the range floor. Use grasses and cover for earth berms that will not be accessed by moving equipment so that natural growth heights will be acceptable. In areas where the soil is poor or extremely sandy, plants such as Bermuda grass, ice plant, or vine root can be used to control soil erosion.
- (c) Heavy landscaping may be used to cut down on noise transmission. Plants and trees may be planted behind the firing position shelters to alleviate noise transmission problems.

Soundproofing the firing line structures should be considered in problem areas. Trees should be kept away from firing lines to allow range control officers to see all shooters.

- (d) For windbreaks, trees may be planted along the length of the range with partial side berms or wing walls where strong prevailing crosswinds are problems to shooting accuracy.
  - (e) Densely planted rows of fast-growing, compact, and thorny shrubs may be planted below the trees at ranges with partial berms or wing walls to abate noise, prevent encroachment, and alleviate crosswind problems.
- (8) Target Line and Mechanisms. Components must be as follows:
- (a) The target line should be a minimum of 30 feet from the toe of the impact berm. The distance between targets must be the same as the distance between firing positions.
  - (b) Target line bases must match grading with the firing line. Mechanical target support bases must be protected from the direct line of fire. They may be buried flush with the ground or placed behind a protective wall. Note that a small raised earth berm at this location generates significant ricochet. The complexity of the mechanism will dictate the protection requirement. See Figure 13 for wall or trench protection of high cost target line mechanisms.
  - (c) Target supports can be made of steel angles and channels, PVC pipe or wood. Do not use metal parts within 33 feet of the firing line where direct fire strikes are anticipated. Discharging weapons close to metal surfaces is extremely dangerous. Present the smallest surface area that is structurally sound to the line of fire to minimize ricochet. Design the target holders for easy and inexpensive replacement. Portable, self-supporting 2- by 4-inch wood frames or 2-inch by 2-inch wood plank placed into buried PVC pipe work well on simple ranges. The full face of the target must be visible to the shooter.
  - (d) Turning targets and the display time are at the discretion of the user. Commercially available, electrically motorized target carrier and electronic scoring systems should be considered where economically feasible.
  - (e) On open ranges, a single target line with multiple firing lines is preferred. On partially or fully baffled ranges, in most instances, a single firing line with multiple target lines will produce the most cost-effective range because of the firing line canopy. An

extremely advanced target mechanism may be significantly more expensive than multiple canopies.

- (9) Impact Structures. The structure varies depending on the type of range. Natural terrain such as a mountain, cliff, or steep hill may be incorporated into impact structures provided the completed structure complies with the minimum design requirements. Acceptable structures by range type are listed below.
- (a) For open ranges, the top elevation of the earth impact berm should be 26 feet above the range surface for ranges 100 yards long or longer and 16 feet above the range surface for ranges 50 yards long or less. The impact berm should extend 50 yards beyond where the target line ends for 100-yard-long ranges or until joining with the side containment, if provided for ranges 50 yards long or less.
  - (b) The suggested elevation may be met by designing a combination of earth berm and vertical baffle (see Figure 14). The earth berm portion should have a top elevation of 16 feet above the surface of the range. The vertical baffle should be constructed of ballistic material and designed to withstand local seismic and wind loads. This combination arrangement would reduce the footprint and the amount of material in the earth berm.
  - (c) The preferred slope of the impact berm face is 1 to 1 or steeper. The steeper the slope, the more likely the berm is to absorb projectiles. The top should be 10 feet wide. The impact slope should be constructed with a 3-foot layer of easily filtered soil (to reclaim the lead projectiles) free of boulders, trees, rocks, stones, or other material that will cause ricochet. The rear slope should be appropriate to the native soil and maintenance requirements.
  - (d) For partially and fully baffled ranges, the top elevation of the impact structure will vary depending on the overhead baffle and impact structure arrangement. The impact structure for a partially baffled range can be: standard impact berm, bullet trap, or hybrid. For fully baffled ranges, the impact structure must be a bullet trap. In all instances, the impact structure must connect to the side containment. The top of the berm should be at an elevation 5 feet above the point where the highest line of direct fire can strike the berm.
  - (e) Outdoor baffled bullet stops can be constructed by placing the last vertical overhead baffle over the last target line and placing a sloped baffle to connect from the top of the earth berm to the back of the last vertical baffle. The bottom of this lower-sloped overhead baffle should be 2 feet above the highest point on the

berm where direct fire might strike. See Figure 15 for material and construction details. Rainfall runoff from the sloped baffle onto the berm must be considered. (See "Use of Bullet Traps and Steel Targets" for Shoot House bullet trap information.)

- (10) Side Containment. For partially and fully baffled ranges (Figures 7 and 8), the top elevation of the side containment must geometrically mate with the overhead baffles to be high enough to prevent any direct fire from exiting the range. Full-side height containment should extend 3 feet to the rear of the firing line. Locate the side containment at least 10 feet outside of the centerline of the outermost firing lane. Construction may be in the following forms.
- (a) Earth Berm. Construct earth berms to an inside slope of 1 to 1.5. If native soil characteristics will not produce a stable slope at this angle, provide geotechnical fabric reinforcement in the fill. The top width of the berm should be at least 10 feet. No rocks are permitted in the top 3 feet of the inside surface. Generally, earth berms cannot be used on partially or fully baffled ranges; however, earth berms are permissible if the firing range is small and the overhead baffle and berm geometry intercept ricochets.
  - (b) Continuous Walls. Construct continuous walls of ballistic material to withstand local wind and seismic loads. Provide sacrificial cladding to 13 feet forward of the firing line and 3 feet behind the firing line. Continuous walls are preferred for fully baffled ranges.

**Table 2. Thickness of Material for Positive Protection Against the Caliber of Ammunition Listed**

| Cover material                        | Caliber and thickness required to stop penetration |                     |            |
|---------------------------------------|--|---------------------|------------|
|                                       | 5.56 mm  | 7.62 mm and Cal. 30 | Cal. 50    |
| Concrete (5,000 lbf/in <sup>2</sup> ) | 5 inches   | 7 inches            | 12 inches  |
| Gravel-filled concrete masonry units  | 8 inches   | 12 inches           | 24 inches  |
| Broken stone                          | 14 inches  | 20 inches           | 30 inches  |
| Dry sand                              | 16 inches  | 24 inches           | 32 inches  |
| Wet sand                              | 25 inches  | 36 inches           | 48 inches  |
| Oak logs (wired)                      | 28 inches  | 40 inches           | 56 inches  |
| Earth                                 |  |                     |            |
| Packed or tamped                      | 32 inches  | 48 inches           | 60 inches  |
| Undisturbed compact                   | 35 inches  | 52 inches           | 66 inches  |
| Freshly turned                        | 38 inches  | 56 inches           | 72 inches  |
| Plastic clay                          | 44 inches  | 65 inches           | 100 inches |

NOTE: Figures are based on new material. Degradation may occur over time.

- (c) Wing Walls. Wing walls (side baffles) are discontinuous side protection set at 45° to the line of fire. Locate the wing walls so that they are overlapped by 6 inches based on any line of fire that may strike them. Construct the wing walls of ballistic material to

withstand wind and seismic loads. Additionally, provide sacrificial cladding on wing walls closer than 30 feet to the firing line.

- (d) End Walls. End walls may be constructed at the firing lane edge on the firing line in lieu of extending side containment 3 feet behind the firing line. Walls should be long enough to close off any line of sight between the end of the side containment and the rear 3 feet mark. The end walls should be constructed of ballistic material with sacrificial cladding extending from the canopy to the firing line surface.
- (11) Overhead Baffles. Overhead baffles must be located so that no direct fire can exit the range from any firing position. The first overhead baffle must be geometrically coordinated with the firing line ballistic canopy (see Figure 9). The elevation of the top of each succeeding baffle should be 6 inches higher than a line of fire that just clears beneath each preceding baffle (see Figure 16). Overhead baffles should be the same height and spaced apart down range to achieve the required geometry (see Figure 17). The last baffle should be placed so the line of fire will strike the impact structure no higher than 5 feet below the top elevation of the structure. On a fully baffled range, the last overhead baffle must be over the last target line.
- (a) On partially baffled ranges, overhead baffles must extend laterally to within 1 foot of the side containment. On fully baffled ranges, the overhead baffle must tie into the side containment.
  - (b) The vertical dimension of an overhead baffle when it is vertical varies with the number and spacing of the baffles. Normally, the height is between 5 and 8 feet when considering structural support size and costs.
  - (c) The baffles must be constructed of ballistic material. Baffles within 11 yards of the firing line should be covered with sacrificial cladding. See Figures 12 and 18 for possible configurations.
  - (d) Space the structural columns as far apart laterally as possible to open firing lanes. If possible, do not construct columns within the range. Design columns or beams to withstand local wind and seismic loads, and provide protective steel plate on the faces of the columns exposed to the firing line in accordance with Figures 12 and 18. Provide sacrificial cladding if the column is within 10 yards of the firing line. Overhead baffles may be placed on a flatter slope and overlapped to function as firing line canopies if multiple firing lines are to be used (see Figure 17). This arrangement is cost-effective for baffled combat lanes.

5. INDOOR RANGE DESIGN.

a. Use of Indoor Ranges.

- (1) Indoor ranges must be designed so projectiles cannot penetrate the walls, floor or ceiling, and ricochets or back splatter cannot harm range users. Considerations should be made for cleaning of all surfaces and handling of hazardous wastes.
- (2) Lead exposure requirements must be reviewed for applicability.

b. Site Selection.

- (1) Walls and Partitions. Indoor ranges must incorporate walls and partitions capable of stopping all projectiles fired on the range by containing or redirecting bullets to the backstop.
- (2) Existing Buildings. If there are existing drawings of the facility, copies should be obtained from the original owner, architect, engineer, builder, or building permit. If original drawings of the building are not available, a sketch can be made of each floor of the building with a special emphasis on the load-bearing walls. The following considerations should be used when making the initial evaluation of an existing building.
  - (a) General Construction. Buildings constructed of wood products should be avoided. Modifications to reinforce the structure to support metal backstops or to reduce fire hazards may not be cost-effective.
  - (b) Exterior Walls. The type of exterior wall construction (e.g., masonry, wood, concrete, metal, combination, other) should be identified. Masonry buildings should be given primary consideration, especially those constructed on concrete slabs.
  - (c) Floors, Walls, and Ceilings. Floors, walls, and ceilings must be able to contain the sound in addition to the bullet fired.
    - 1 The ideal wall is made of poured concrete a minimum of 6 inches thick.
    - 2 To aid in range cleaning, concrete floors should be finished so they have a nonporous surface.
    - 3 Ceilings should be 8 feet high and enclosed to reduce air turbulence created by ventilation systems.
    - 4 Evaluate the structural support designs of older buildings for their ability to withstand new loading. Original design

considerations usually do not allow for installing heavy backstops and other range equipment.

- 5 To decide if modifications are necessary, slab buildings must be analyzed carefully to determine the capacity for floor loading. If there are no floor drains and it is economically feasible, modifications should also include adding one or more floor drains.
  - 6 Ceiling joists may require strengthening to support baffles and shielding material.
- (d) Electrical. Electrical needs may require the installation of heavy-duty wiring both internally and externally to accommodate the added power needs of range ventilation, heating, lighting, and target-carrier mechanisms.
  - (e) Plumbing. Plumbing does not usually require major modifications; however, heavy metals may be prohibited from area wastewater treatment collection systems. Therefore, an approved filtration system may be necessary for disposal of hazardous waste material; e.g., lead.
- (3) Precast Buildings.
- (a) Precast concrete companies can provide complete precast buildings (job site-delivered) if engineering specifications for steel placement are provided on a set of plans (drawings) for the proposed building.
  - (b) Precast assembly allows for installation of a roof design more suitable for an indoor range. Gabled or hip roof designs should not be used.
  - (c) Hollow, precast concrete panels provide an option to bar joists, eliminating bullet ricochet or splatter. A flat bar joist design is the recommended alternative to hollow, precast concrete panels.
  - (d) The flat roof design also provides support for heating, ventilating, and air conditioning (HVAC) equipment outside of the range, which saves space and reduces cost.
- (4) New Construction. New indoor construction projects require the same guidelines as existing buildings; however, they offer the advantage of building a structure specifically for use as an indoor shooting range.

- c. Range Planning. Design work for ventilation, wall structures, floors, ceiling, acoustics, backstops, and lighting will depend on how the range will be used.
- (1) A determination for the type of building required includes the following considerations.
    - (a) Can the range be built in an existing building or is a new one required?
    - (b) How large should it be?
    - (c) How many shooters will it be expected to serve?
    - (d) Will it be used for competition?
    - (e) Should space be allowed for classrooms?
    - (f) How much will the facility cost?
  - (2) The planning process should include:
    - (a) obtaining ordinances, zoning regulations, building codes, soil conservation regulations and other information pertaining to legal requirements;
    - (b) for evaluation, identifying a site for a new building or several existing buildings that may have the suitable design characteristics; and
    - (c) gathering other technical information relevant to the project. This information includes zoning requirements, onsite information, and range design criteria. Local zoning codes or health department regulations normally will provide answers or solutions on how the project is to be handled.
- d. Design Criteria. Based on the site selected, type of shooting, number of users, and site layout, the next step is to design the facility by preparing detailed drawings showing specifications and necessary dimensions. The four main considerations for indoor ranges are shooter needs, type of shooting activity, number of firing points, and number of users. Special consideration should be given to ventilation, lighting, safety baffles, and backstop design. The following standard and optional features for indoor ranges should be considered.
- (1) Backstops and Outdoor Baffled Bullet Stops. See "Use of Bullet Traps and Steel Targets" for Shoot House bullet trap information.

- (a) The design of a backstop or baffled bullet stop is a contributing factor to the service life of the unit. Steel should be installed according to the type of ammunition to be used and to proven angle configurations.
- (b) The design criteria should be based on the planned use of the facility. Metal plates selected for use in a backstop or baffled bullet stops must resist repeated stress according to the degree of stress applied. Necessary characteristics are resistance to abrasion, resistance to penetration, surface hardness, thickness, and alloyed strength to resist metal fatigue.
- (c) The main backstop is generally a fabricated steel plate or series of plates used to stop bullets fired on a range. Backstop configurations and plate thickness will change according to type of shooting activity.
- (d) Steel backstops with sand or water pits are common; however, a few indoor ranges use earthen or sand backstops.

CAUTION: Earthen or sand-filled backstops are not recommended because they can create health hazards for maintenance workers from silica and lead dust. They also cause excessive wear on ventilation fans.

- (e) Backstops must extend from side to side and from ceiling to floor to protect the end of the range completely from penetration by direct bullet strike and prevent ricochets, back splatter, and splatter erosion of side walls.
- (f) Four basic backstop designs are used for indoor ranges: Venetian blind, escalator, Lead-a-lator<sup>®</sup>, and the angled backstop (45°) back plate. Other backstop designs exist and should be researched for applicable use.

1 Venetian Blind Backstop. Requires less space, but without proper installation and regular maintenance it can cause back splatter problems from exposed edges of each main segment of the backstop. Keeping the exposed edges ground to original specifications is time-consuming, difficult, and requires skilled personnel.

- a To control back splatter, a curtain should be hung in front of the backstop. Tests have been conducted on materials including canvas, burlap, cardboard, insulation board, and synthetic rubber. Properly installed, these materials effectively stop back

splatter. Walls using insulation board or a synthetic rubber curtain are best.

- b The main advantage of the venetian blind backstop is minimal space requirements. While an angled plate or an escalator will use 14 feet of space, the venetian blind uses only 5 feet.

2 Escalator Backstop. Sets up with flat steel plates laid out on a framework sloping away from the shooter. Between each series of plates, an offset allows a bullet sliding down the facing surface to drop into a hidden tray for easy cleanup. At the top or back of the backstop, a swirl chamber is provided to trap the bullets or bullet fragments as they exit the backstop surface. Once the bullet's flight ends in a spin-out chamber, the bullet or pieces fall into a cleanup tray.

3 Lead-a-lator<sup>®</sup>. A variation of the escalator-type backstop that uses a curved instead of flat piece of steel. The surface is concave and operates so that a bullet will follow the contour of the surface into a dry lead spinout chamber where it is trapped.

4 Angled Backstop (or 45° Inclined Plates). Uses a sand or water trap and has been the traditional alternative for indoor ranges.

- a The angle of the plate should never exceed 45° from the ground. The 45° plate and pit backstop is relatively inexpensive, but there are several disadvantages. Sand traps require frequent cleaning to remove bullet fragments. Cleaning operations require workers to wear high-efficiency particulate air (HEPA) filter masks if material is removed dry. It is best to dampen the sand trap material before and during cleaning operations to eliminate dust. To maintain a healthier internal environment, frequent removal, disposal, and replacement of lead-laden sand is required. The surface should be continually raked to keep the sand level and to guard against splatter as lead buildup occurs.
- b The cleaning operations are easier when a water trap is used. However, a water trap requires chlorine and other chemicals to retard algae growth and antifreeze in colder months to prevent freezing.

Installing a water pit requires a different approach to foundations and footings, especially in areas affected by earthquakes or freezing.

- (2) General Range Cleaning. Both dry and wet methods can be used to clean the range. The method selected depends on the frequency of use. The wet method is preferred when floor drains are available, and keeping materials wet during cleaning operations reduces or eliminates release of microscopic dust particles. When dry methods must be used, workers must use the appropriate personal protective equipment (PPE) that has been established by local industrial hygiene personnel. After cleaning operations are complete, workers must shower and have work clothing laundered.
- (3) Backstop Steel Plate Specifications.
  - (a) Steel plates supported by concrete or masonry should be anchored by expansion bolts or toggle bolts, as suitable for construction, with flush countersunk heads not more than 12 inches on center of all edges of each plate. Joints and edge lines should be backed with continuous ½-inch thick plate no less than 4 inches wide. Bolts should pierce both the facing and back plates. Expansion bolts should penetrate concrete not less than 2 inches. Steel plates must have milled edges at all joints.
  - (b) Joints must be butted flush and smooth. After the plates are erected, they must not have any buckles or waves. Exposed edges must be beveled at 42° to a fillet approximately ½-inch thick. There must be no horizontal joints in any steel plate work.
  - (c) Welding must meet the American Welding Society code for welding in building construction. Steel plates joined at, and supported on, structural steel supports must be spot-welded to steel supports not more than 6 inches on center.
- (4) Baffles, Deflectors, and Shields. Baffles on indoor ranges protect lighting fixtures, HVAC ducts, ceilings, and target carrier apparatus. Baffles are designed to protect against the occasional errant bullet but not for repeated bullet strikes.
  - (a) To cover or protect vulnerable ceiling areas or range fixtures, baffles must extend the entire width of the range and downward. Spacing of baffles on a 50 to 75 feet range depends on the ceiling design. Range distance (firing line to target line) and height are factors. Ceilings must be impenetrable.

- (b) Baffles or deflector plates must be used when modifying an existing building, especially in a building constructed of wood. This will prevent bullets from escaping or penetrating. Baffles should be a minimum of 10-gauge steel covered with a minimum of 1 inch of soft wood to prevent back splatter. The wood traps the projectile, whereas bare steel redirects it downward into the range area. A wood surface must be applied to overhead baffles, because ranges with untreated baffles usually show significant damage to concrete floors and often complete penetration through wood floors.
- (c) Baffles should be installed at a 25° angle as measured from the horizontal plane of the ceiling. The baffle size and placement depends on what surface areas require protection. For example, ceiling baffles are wider than side baffles.
- (d) Unlike baffles, deflectors are installed vertically and horizontally to redirect wide-angle shots into the backstop area. Deflector shields protect pilasters, leading edges of sand traps, bottom edges of backstops, doorways, windows, ventilation registers along the wall, etc. Deflectors are not covered with wood generally, but may be. These devices are also installed at a 25° angle either to the wall surface or floor.
- (e) To protect ceiling areas, special impenetrable shields are installed above the firing line, especially in wood frame buildings.
  - 1 Shields should extend the entire width of the range and 12 feet forward of the firing line. Floor shields may be required on wood floors.
  - 2 Shields must be constructed from metal sheets according to planned use. For example, 10-gauge steel covered with a minimum of 1 inch of soft wood is effective in stopping most pistol calibers.
- (5) Floors, Walls, and Ceilings. Indoor range facility floors, walls, and ceilings must be impenetrable; therefore, an existing building must have a structural analysis to determine loading factors that may exceed original design specifications. Wooden buildings may require modifications to support the increased weight. Specifications for new construction call for either poured-in-place concrete, pre-cast concrete, or dense masonry block. Solid cinder block should be used in place of hollow-core block. Specifications for modifying existing buildings call for adding additional materials to prevent bullet escape, which can be done with wood and steel laminated shields. Laminated shields can be constructed onsite by placing sheet-steel or steel plates between two sheets of ¾-inch plywood. While

this method is more expensive than the extended booth design, it allows for an open firing line and better visibility for the range officer. Walls should be treated beginning 3 feet to the rear of, and extending forward of, the firing line until all vulnerable surfaces are protected. Acoustical material should be applied to the surfaces to aid in sound control.

- (a) Floors. The range floor should be constructed by using a single pour and a fine, uniform-aggregate mix of concrete. Reinforcement should be No. 4 steel rods placed 12 inches on center along with 6- by 6-inch 8/8-gauge welded wire fabric. This may vary according to soil conditions. Very large floor areas may require two or more pours with expansion joints between each slab.
- 1 The floor should be designed to slope down toward the target line, beginning at the firing line, ¼-inch per foot.
  - 2 The floor should be no less than 4 inches thick.
  - 3 Floor size is governed by design. Larger size will result in higher costs for ventilation, lighting, heating, and overall building design. The decisions should be based on expected number of users versus overall cost.
- (b) Floor Guards. Floor guards are provided to protect leading edges or protrusions; e.g., drains, traps or other protrusions from the floor area. Floor guards are designed to redirect errant bullets into the backstop area, which minimizes range damage.
- 1 Floor guards are constructed from 10-gauge steel and may be covered with wood.
  - 2 Floor guards are installed horizontally along the floor surface parallel to the firing line.
  - 3 Floor guards typically slope away from the firing line at a 25° angle to the horizontal.
  - 4 Floor guards should extend only as high as necessary to protect exposed surfaces.
- (c) Floor Drains. Floor drains should be constructed of cast iron soil pipe. The drain pipe should be attached to a lateral drain located 1 foot forward of the backstop floor guard. The drain pipe must lead to a filtration system approved by the cognizant environmental, safety, and health organization on the site.

- (d) Walls. Poured concrete or masonry is preferred for wall construction, but wood may be used. Wall thickness must conform to acceptable engineering standards and comply with Federal, State, county and local zoning codes. Usually, no less than 3-inch thick, reinforced walls should be constructed to prevent the exit of any projectiles.

NOTE: This specification usually requires the use of steel or similar material where wooden walls are used. The size depends on building design, geological conditions, and climate. Size includes the height, thickness, and length of the running wall.

- (e) Ceiling. Ceiling material should reduce sound, protect lighting devices, reflect light and be impenetrable. Typically, ceilings include 10-gauge steel baffles, 2- by 4-foot white acoustic panels, and clear-light panels.

1 The ceiling should be a minimum of 8 feet above the floor level and have an acoustically treated, smooth surface to allow for positive air movement downrange.

2 Baffles to protect adjoining areas should be above a false ceiling or designed into the roof/ceiling structure.

- (6) Shooting Booths. Commercial or locally built shooting booths may be desirable on pistol ranges; however, they are not recommended for rifle ranges. Shooting booth panels can provide an impenetrable barrier between shooters, reduce sound levels, restrict the travel of brass, and act as a spray shield when revolvers are used.

- (a) Shooting booths should be omitted for ranges that use only rifles.
- (b) A shooting booth should never extend more than 18 inches behind the firing line because greater extension may obstruct the range control officer's visibility.
- (c) Bullets fired from any firearm used on the range must not be able to penetrate booth panels. The booth panel must be able to withstand the impact of a bullet fired at any angle to the surface and at point-blank range.
- (d) Design criteria for the construction of booth panels are as follows:
- 1 Cover the 10-gauge steel plate with a nominal 2 inches of soft wood. In a series of tests using 10-gauge steel plate, firing all lead bullets at right angles, the plate covered with a nominal 2 inches of soft wood withstood direct hits from

all standard pistol calibers up to, and including, .44 caliber magnum;

- 2 Use special acoustical materials to ensure that panels reduce muzzle blast effects on all shooters and range personnel;
  - 3 Ensure that panels do not restrict airflow;
  - 4 Ensure that panels do not restrict the range officer's visibility of the firing line; and
  - 5 Construct panels so they extend from the floor to a minimum height of 6 feet. Panels should be ceiling height.
- (7) Target Carriers and Turning Mechanisms. An indoor range can be operated more efficiently and safely by installing a target transport system. This system may be a simple, hand-made device or a completely automatic, electrically powered system. Either one will enhance safety by eliminating the need to walk downrange to replace targets. Target carrier systems speed up range operations. A turning target mechanism is available that faces the target parallel to the line of sight and then turns the target 90° to the line of sight to begin the stated time period. The target carriers should position the targets in the approximate center of the backstop.
- (8) Control Booth. Range control booths must allow for maximum visibility and provide for easy access into and out of the range and ready area. The control booth should provide seclusion from and immediate access to the range environment. This design protects the range officer from frequent exposure to high sound levels and lead emissions.
- (9) Communications. A communications system capable of relaying range commands distinct and separate from the sounds generated by shooting activities is required. Communications systems must account for shooters who wear two pairs of hearing protectors and persons who have substantial hearing loss.
- (10) Ventilation and Filtering Systems. This section deals with the design or redesign of ventilation systems for indoor firing ranges. Administrative or engineering controls must be instituted to prevent shooters from being exposed to airborne lead levels exceeding acceptable limits. Administrative controls are used either when engineering controls fail to reduce exposure or when range use exceeds HVAC system specifications. Administrative controls are especially applicable to reducing risks on existing ranges.

- (a) Administrative controls used to reduce exposure levels on an indoor range must be rigidly followed and enforced, and compliance must be recorded in a log book for purposes of analysis and reference.
  - (b) The following administrative controls are provided and must be used where individuals are frequently exposed to airborne lead.
    - 1 Provide range maintenance personnel with appropriate PPE; e.g., safety glasses and respirators.
    - 2 Provide proper HEPA filter cleaning equipment. The equipment must be able to remove accumulated lead dust from floors, walls, and ledges and must include attachments capable of removing lead-laden sand from the backstop area.
  - (c) A ventilation system must be installed that will provide clean air in the user's breathing zone to reduce exposure to potentially dangerous materials to safe levels.
  - (d) Adopt administrative controls that monitor and control exposure time for a given user and/or assigned range personnel.
- (11) Lighting.
- (a) A visually safe facility should be free of excessive glare and major differences in light levels. Therefore, floors and ceilings should be designed to provide light reflection. In the event of a power outage, battery-powered emergency lighting must be provided for emergency exits.
  - (b) Rheostat-controlled lighting fixtures, which can reproduce near-daylight and low-light conditions, are best suited for indoor ranges. Range lighting involves three systems: general lighting, local lighting, and semi-direct lighting.
    - 1 General lighting provides uniform light levels over the entire range area and adjoining areas and is usually installed in a symmetrical arrangement to blend with the architecture.
    - 2 Local lighting supplements general lighting along the firing line to provide better visibility for those tasks associated with the loading and firing of firearms.
    - 3 Semi-direct lighting distribution directs 60 to 90 percent of the lighting on the target with a small upward component to

reflect from the ceiling and walls to soften shadows and generally improve range brightness. When ceilings are white, lighting fixtures mounted too close together create excessive glare.

- (c) Lamp specifications for general lighting must be adjustable to provide 0.2 to 50 foot-candles of luminance measured at a point 7 yards from the target line. Local lighting should produce 0.2 to 60 foot-candles of luminance on the firing line. Semi-direct lighting on the targets should achieve 0.2 to 100 foot-candles of luminance. Glare should be reduced or eliminated by incorporating pastel colors in the interior design.
  - (d) Lighting designs should also seek to balance the color of light emissions. For example, most fluorescent fixtures produce high levels of blue, which alone are not suitable for indoor ranges. If fluorescent fixtures are used, green tubes or other light sources should be installed to balance the colors.
- (12) Plumbing. Plumbing requirements specify that there must be a fresh water supply for personal hygiene and for range cleaning chores. There also must be a waste removal system for normal waste material and material removed from the range. An approved filtration system must be provided for range cleaning waste. Floor drains should be connected to this alternate waste system. Restrooms, showers, and sinks should be connected to a regular sewer system.
- (13) Sound Control. Sound control on indoor ranges includes two distinct components: airborne and structure-borne sound. For airborne sound, all leaks into outer areas should be sealed, which includes airtight insulation around doors, windows, HVAC ducts, walls, and ceilings. Structure-borne sound reduction is necessary to protect adjoining, occupied rooms. Acoustical material should be applied to walls, HVAC ducts, floor, and ceiling areas.
- (14) Range Control. Range control provides rules and supervision that encourage safe and proper use of a range. Safety devices control the physical use of an indoor range and may include warning lights, alarm bells, switch locations, etc. For example, an indoor range with a door in the downrange area should be equipped with an alarm. The door could also be secured by a mortise lock or barred from within but must remain a fire exit. Fire codes generally prohibit bars on doors that would delay escape from a building. Emergency personnel must be able to access the doors. Any door that can be accessed from the outside must be marked with warning devices to indicate when the range is in use. When installing doors on indoor ranges, refer to Life Safety Code National Fire Protection Association (NFPA) 101.

- (15) Target Carriers. Target carriers are used for the convenience of shooters to allow them to continue shooting without delay when target changes are necessary. For health considerations, target carriers keep shooters out of the high lead concentration areas and safely behind the firing line.
- (16) Heaters. Protected heating units should be installed behind and above the firing position to provide a comfort zone for shooters.
- (17) Gun Racks. Gun racks should be mounted behind the firing positions as an additional safety feature to reduce gun handling and to keep the range areas orderly. Appropriate material should be used to construct the gun racks, and the design must correspond to the weapons being used.

6. LIVE FIRE SHOOT HOUSE.

a. Introduction.

- (1) A live fire shoot house (LFSH) is intended for use in advanced tactical training for Security Police Officers. Use of this facility includes individual tactics or Special Response Team force option training. All LFSHs must have an elevated observation control platform (EOCP). The following sections illustrate recognized construction methods for LFSHs. However, they do not eliminate the requirement for sound professional engineering design and validation.
- (2) Administrative controls not directly related to design and construction must be in place during facility use. The administrative controls and engineering design allow for a reduction in physical barriers that prevent rounds from escaping the facility. Designed barriers must prevent a round fired with a vertical upward error of 15° from escaping the facility.

b. Site Selection.

- (1) Site selection for an LFSH is similar to that for any range facility. Terrain features, noise, and availability of utilities and access roads must be considered, as already discussed in previous sections for indoor and outdoor ranges. The LFSH should be placed adjacent to other range facilities whenever possible so that it may utilize the same support facilities, access roads, etc.
- (2) Facility design, target and shooter placement, and other administrative controls minimize the possibility of rounds being fired over the top of the walls and leaving the structure and mitigate the need for an SDZ outside the confines of the LFSH proper.

c. Design and Layout.

- (1) The interior layout of the facility is based on the mission and training requirements of the site. Facility design should incorporate a wide variety of room configurations. Some of the room configurations that should be considered are: multiple floors, an L-shaped room, stairwells, rooms within a room, hallways, and closets.
- (2) The floor plan design should accommodate the movement of target systems, bullet traps, and other equipment into and out of the LFSH.
- (3) Exposure to airborne contaminants for a fully enclosed LFSH must be controlled by adequate ventilation. The lighting requirements are similar to those for indoor ranges.

d. Wall Construction.

- (1) Wall Height. Exterior walls of the LFSH must be designed to absorb the most energetic projectile identified for use within the facility. Wall height must be a minimum of 8 feet. The wall height should allow a maximum error angle of 15° from horizontal standing shooting distance from the target and still enable a projectile to be contained by the wall, which can be described by the following equation: Wall Height is equal to the muzzle height plus 0.27 (tangent 15°) times the target distance. The following table assumes a muzzle height of 5 feet.

| <u>Distance from Muzzle<br/>to Ballistic Wall (Feet)</u> | <u>Wall Height (Feet)</u> |
|--|---------------------------|
| 11' 1"   | 8' 0"                     |
| 13' 3"   | 8' 6"                     |
| 14' 10"  | 9' 0"                     |
| 17' 0"   | 9' 6"                     |
| 18' 6"   | 10' 0"                    |
| 20' 9"   | 10' 6"                    |
| 22' 2"   | 11' 0"                    |
| 24' 5"   | 11' 6"                    |
| 25' 11"  | 12' 0"                    |

If the distance from muzzle to ballistic wall exceeds the required wall height, other administrative, engineering or natural ballistic wall controls must be administered or considered such as shooter-to-instructor ratio, canopies, baffles, natural terrain, existing SDZ, standard operating procedures, and training.

- (2) Ballistic Walls. Ballistic interior walls are the preferred method of construction. Where non-ballistic interior walls are used, additional administrative controls must be applied to target placement and team

choreography. Ballistic walls are required in all cases where containment of the round and protection of personnel is paramount.

- (a) Footings. Footings must be designed using the engineering criteria that best ensures structural integrity and stability of wall construction.
- (b) Composite Walls.
  - 1 A combination of ¾-inch exterior grade plywood and steel is effective. Minimum thickness will be ¼-inch mild steel with an exterior-grade plywood separated by a minimum of ¾ inch with a maximum of 1½ inches from the steel surface.
  - 2 Other combinations are possible. The main criterion is that the wall must stop any round fired and contain bullet fragments.
- (3) Non-Ballistic Walls. These walls are constructed of materials that offer no protection to personnel or equipment in adjoining rooms. Material used for these walls must not contribute to or enhance ricochet or splatter. Additional administrative controls must be applied such as target placement and team choreography.
- e. Doors. All doors must be constructed of wood with no glass. Additionally, at least a portion of the rooms must have working doors, some opening inward, some opening outward, and doors opening left and right.

NOTE: All devices in the LFSH, such as brackets and hangers, used to secure walls to floors or secure doors must be covered or protected to mitigate any tripping or ricochet hazards.
- f. Ceiling or Roofs. Ceilings or roofs can be of value when the shoot house is required for year-round use in areas with severe weather conditions. Exposure to airborne contaminants must be controlled by adequate ventilation. The lighting requirements for fully enclosed shoot houses are similar to those for indoor ranges. When training exercises require target placement above the wall design, the ceiling or roof must be protected unless firing into an approved SDZ.
- g. Floors.
  - (1) Floor construction must be selected for its ability to absorb direct fire, minimize ricochets, and provide a walking surface free of slipping/tripping hazards. Floors should provide the same ricochet protection as walls. Options include:

- (a) exterior-grade plywood floor constructed in accordance with American Plywood Association guidelines over smooth finished concrete;
    - (b) concrete with brushed surface that minimizes slip and tripping hazards;
    - (c) asphalt;
    - (d) exterior-grade plywood;
    - (e) shredded bias-ply tires; and
    - (f) earth, free of rocks and debris that could cause ricochet.
  - (2) Construction joints between walls and floors must be designed to contain projectiles within the LFSH.
- h. Bullet Traps.
  - (1) General Information.
    - (a) Targets used in LFSHs must be placed so that fire is directed into a bullet trap designed to capture the rounds.
    - (b) Bullet traps must be constructed to contain the most energetic projectile to be fired into them without dimpling/pitting the steel and contain splatter and fragments in all directions. The size and shape of a bullet trap may be altered, but materials may not be substituted.
  - (2) Specifications for construction. See "Use of Bullet Traps and Steel Targets" for Shoot House bullet trap information.
- i. Elevated Observation Control Platform (EOCP).
  - (1) EOCPs enhance the ability to observe and control LFSH operations. Administrative controls must be considered when constructing the EOCP. Platform construction and location is based on the training to be conducted. EOCPs must be constructed in accordance with all applicable regulations for elevated work platforms.
  - (2) EOCPs must be constructed to:
    - (a) maximize instructors' observation and control of the entry team fire and movement;

- (b) facilitate communication between instructors on the EOCP and the floor;
- (c) position the lowest point of the horizontal walking surface higher than the 15° vertical error for any target engaged;
- (d) provide ready access;
- (e) integrate instructors' movement with team flow;
- (f) maximize instructors' ability to see shooters clearly at all times;  
and
- (g) have supporting structures placed so that they pose no additional hazards such as tripping, ricochet, splatter, etc.



### ATTACHMENT 1 -- RANGE DESIGN FIGURES

- Figure 1. Surface Danger Zone for Small Arms Firing at Fixed Ground Targets
- Figure 2. SDZ for Small Arms Weapons Firing at Moving Ground Targets
- Figure 3. SDZ for Small Arms Firing at Fixed Ground Targets with Rocky Soil or Targets Causing Ricochet
- Figure 4. SDZ for Firing M79, M203, and M19 40mm Grenade Launchers
- Figure 5. SDZ with Impact Berm for Small Arms Firing at Fixed Ground Targets
- Figure 6. Open Range with Impact Berm and Side Protection SDZ for Small Arms Firing at Fixed Ground Targets
- Figure 7. SDZ for Partially Baffled Range (Small Arms Firing at Fixed Ground Targets)
- Figure 8. SDZ for Fully Baffled Range (Small Arms Firing at Fixed Ground Targets)
- Figure 9. Ballistic Overhead Canopy
- Figure 10. Outdoor Rifle Range Layout
- Figure 11. Pistol Range Layout
- Figure 12. Ballistic Material
- Figure 13. Ballistic Protection of Target Mechanism
- Figure 14. Impact Berm for Open and Partially Baffled Ranges
- Figure 15. Outdoor Baffled Bullet Stop
- Figure 16. Baffled Range Profile
- Figure 17. Baffled System Geometry
- Figure 18. Overhead Baffle Ballistic Designs
- Figure 19. Parallel Ranges

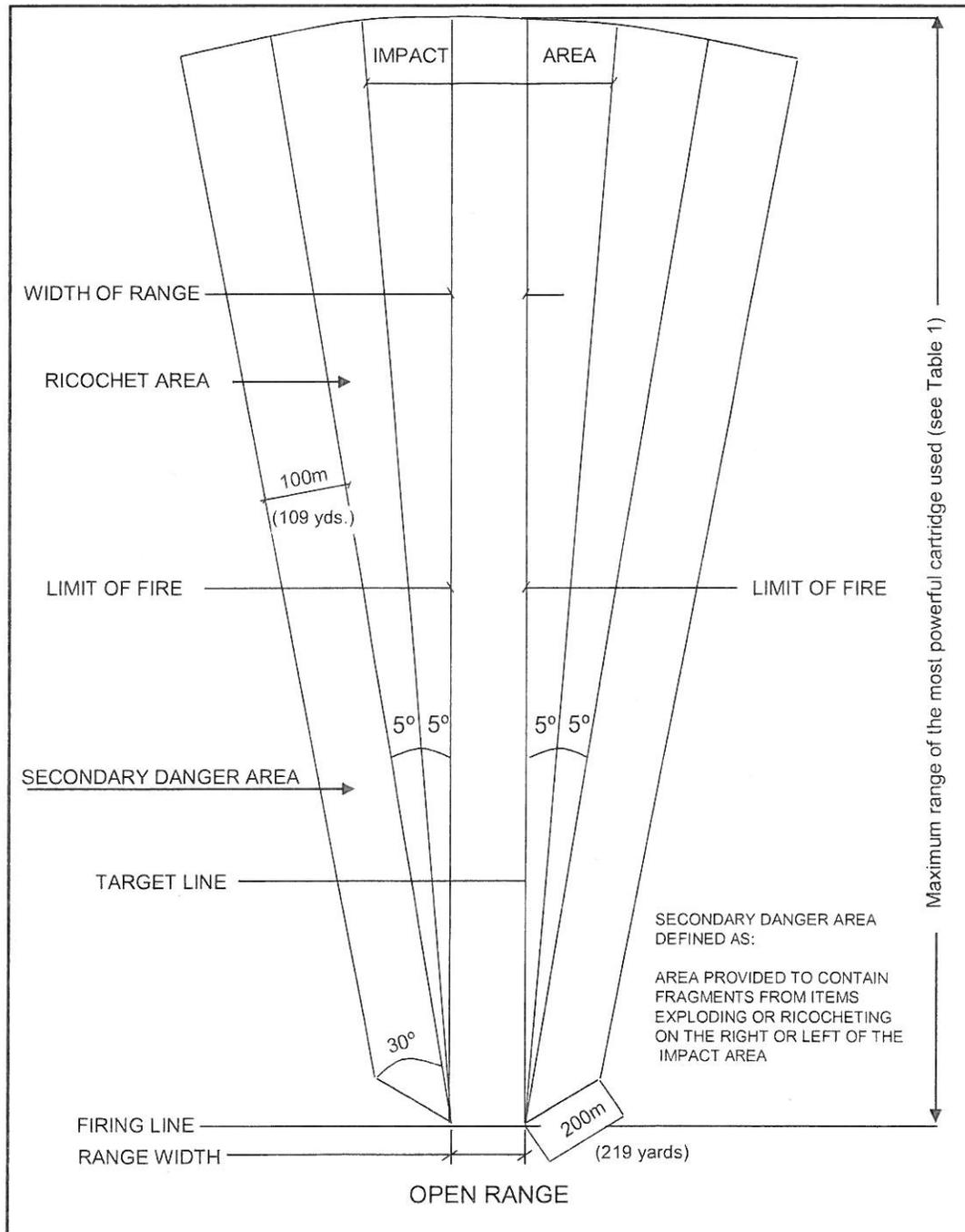


Figure 1  
Surface Danger Zone for Small Arms  
Firing at Fixed Ground Targets

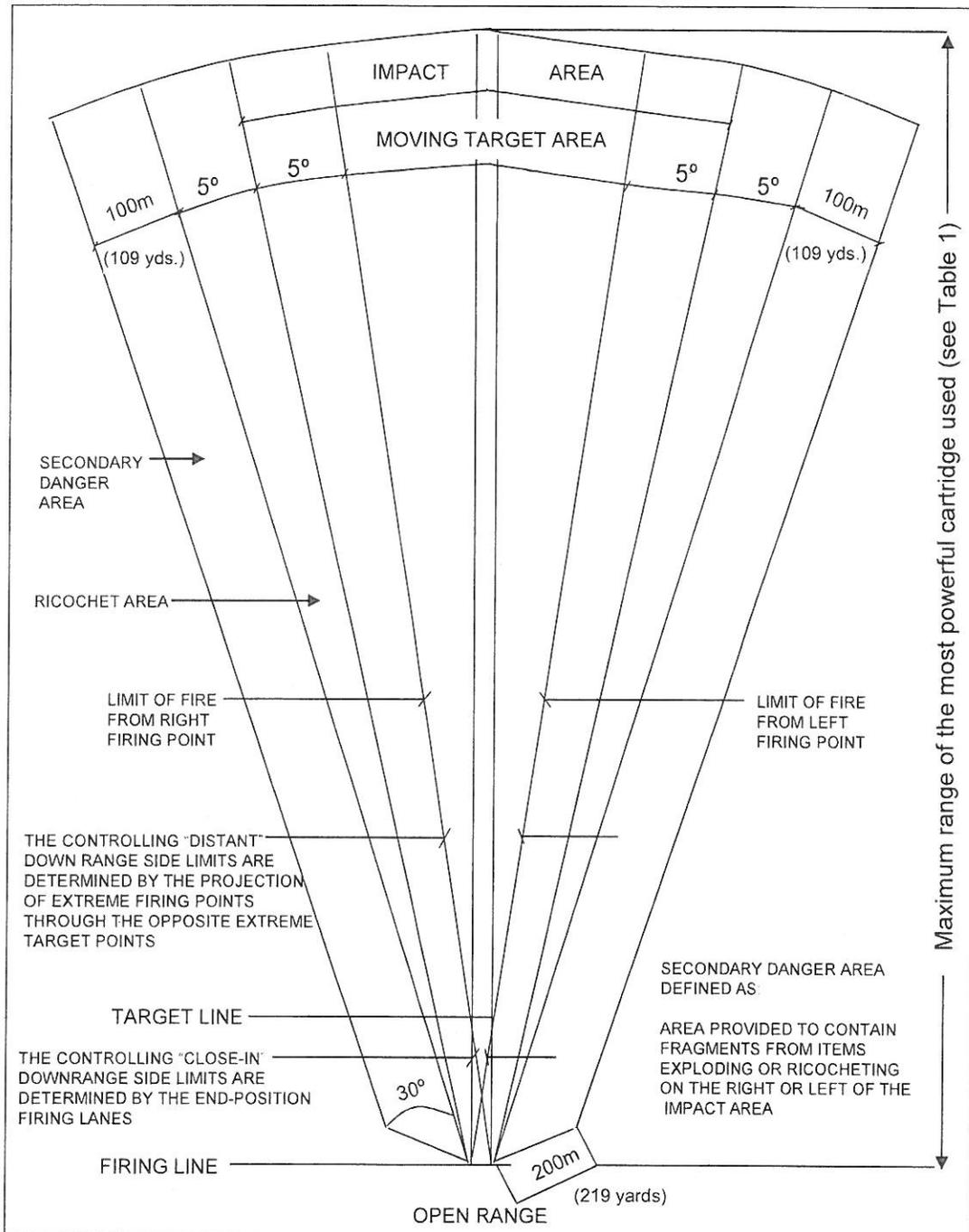


Figure 2  
Surface Danger Zone for Small Arms Weapons  
Firing at Moving Ground Targets

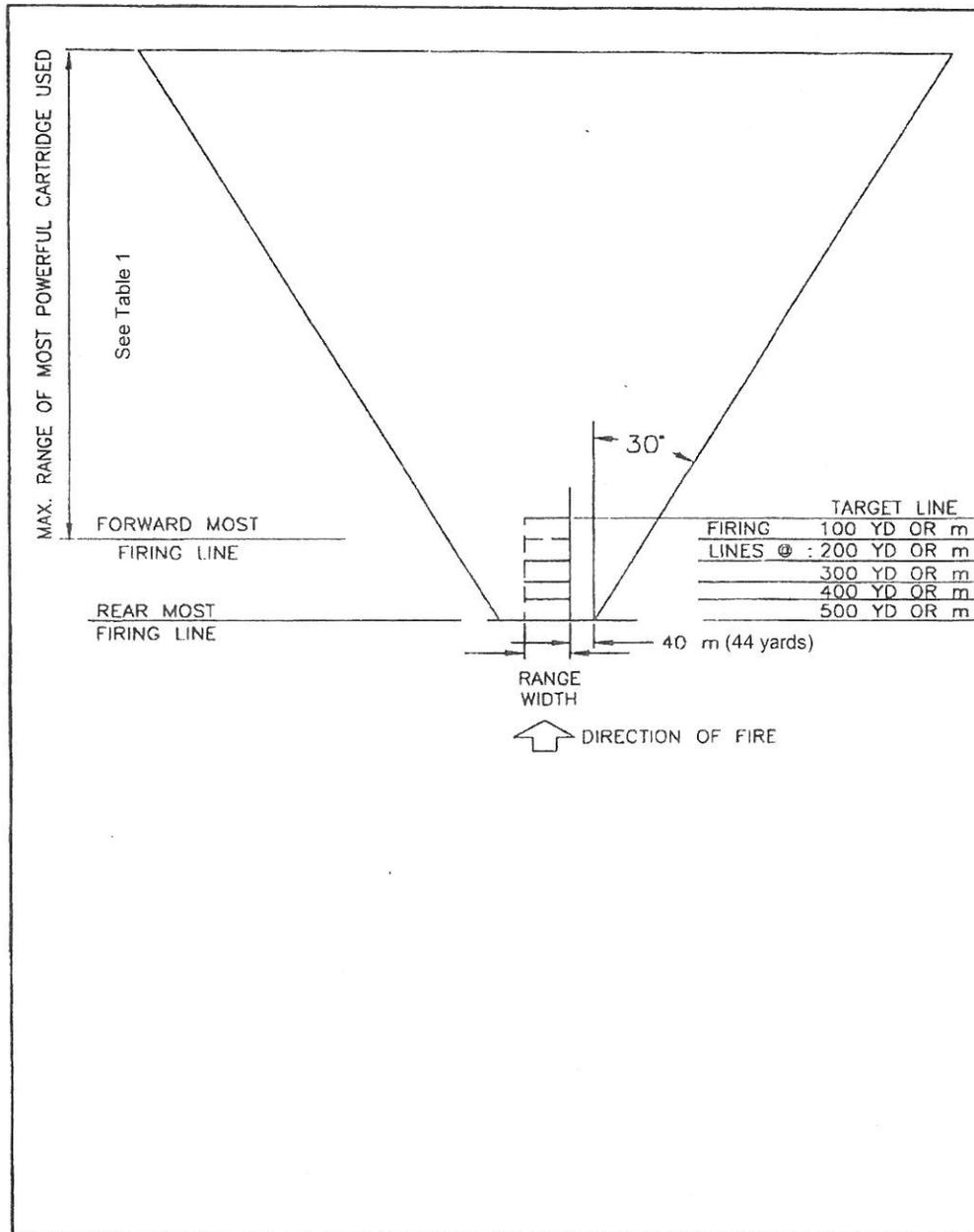


Figure 3  
Surface Danger Zone for Small Arms Firing  
At Fixed Ground Targets with Rocky Soil  
Or Targets Causing Ricochet

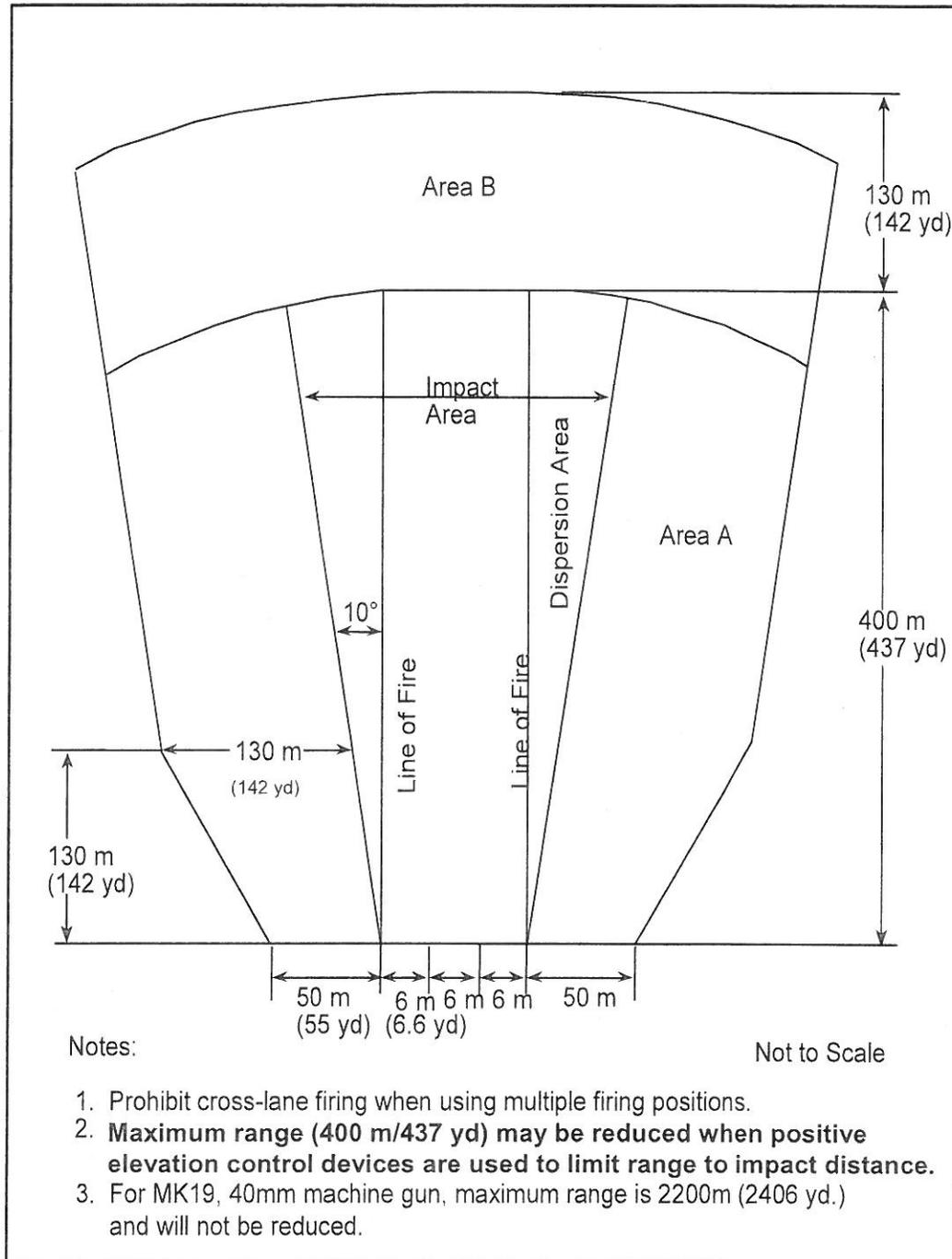


Figure 4  
Surface Danger Zone for Firing  
M79, M203, and M19 40mm Grenade Launchers

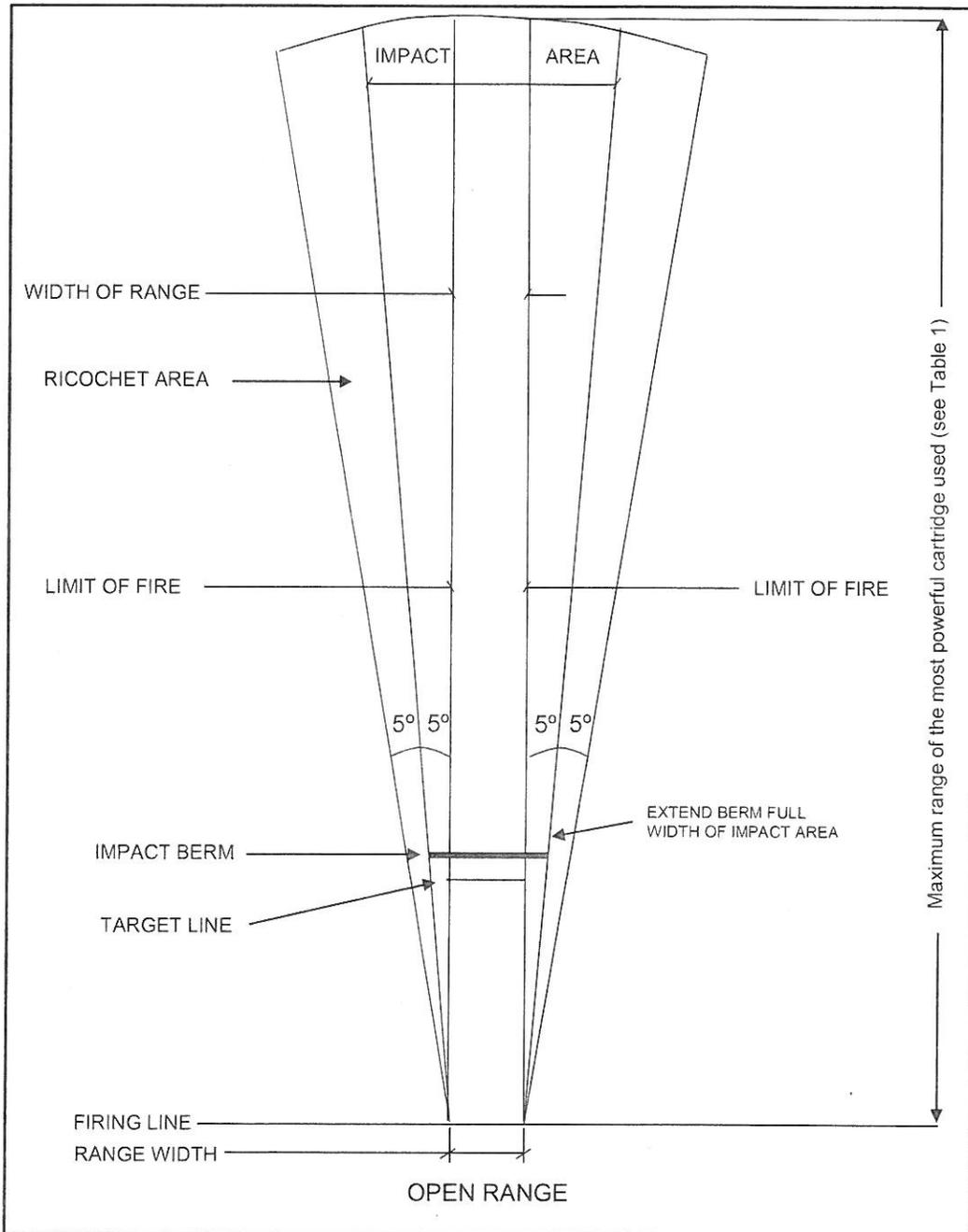


Figure 5  
Surface Danger Zone with Impact Berm  
for Small Arms Firing at Fixed Ground Targets

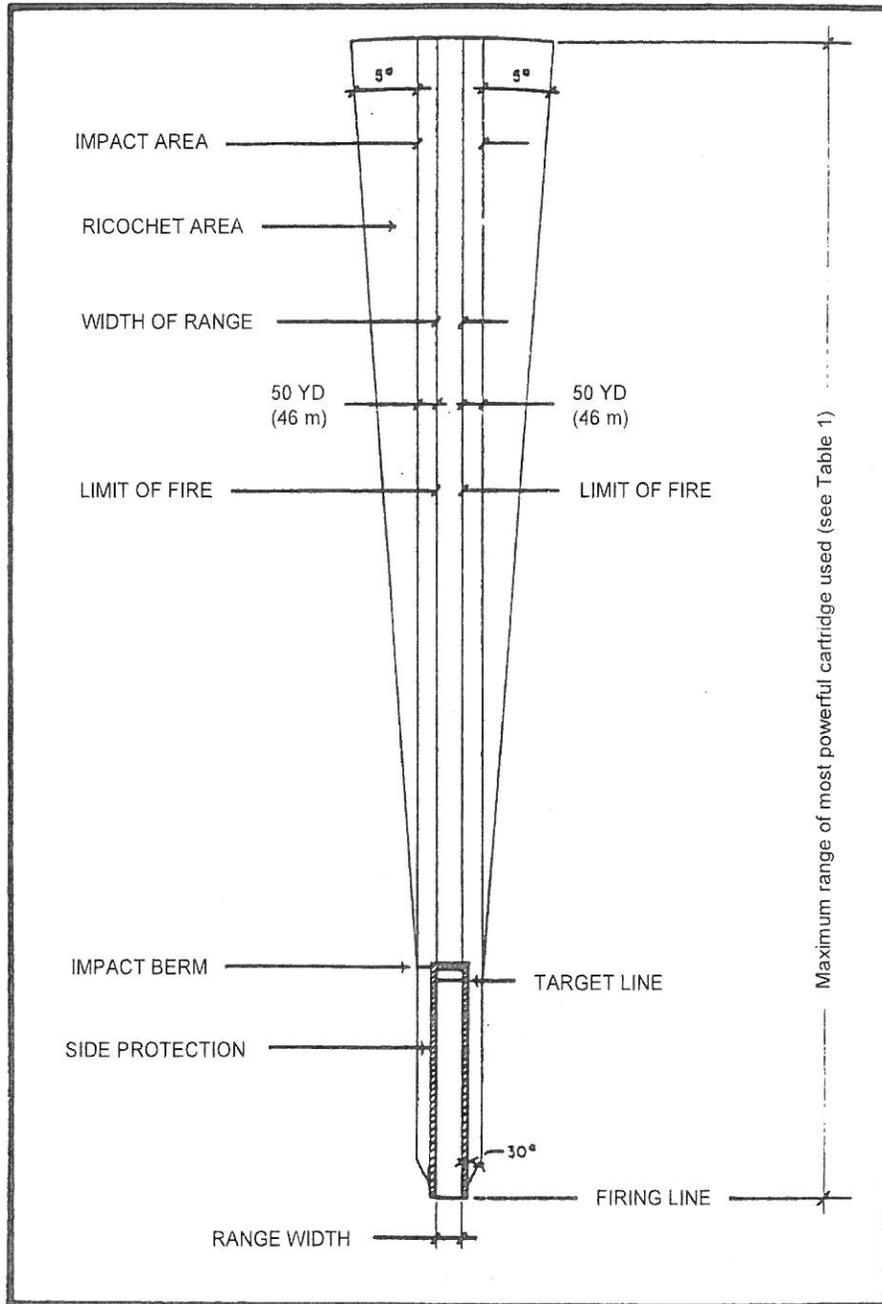


Figure 6

Open Range with Impact Berm and Side Protection Surface Danger Zone for Small Arms Firing at Fixed Ground Targets

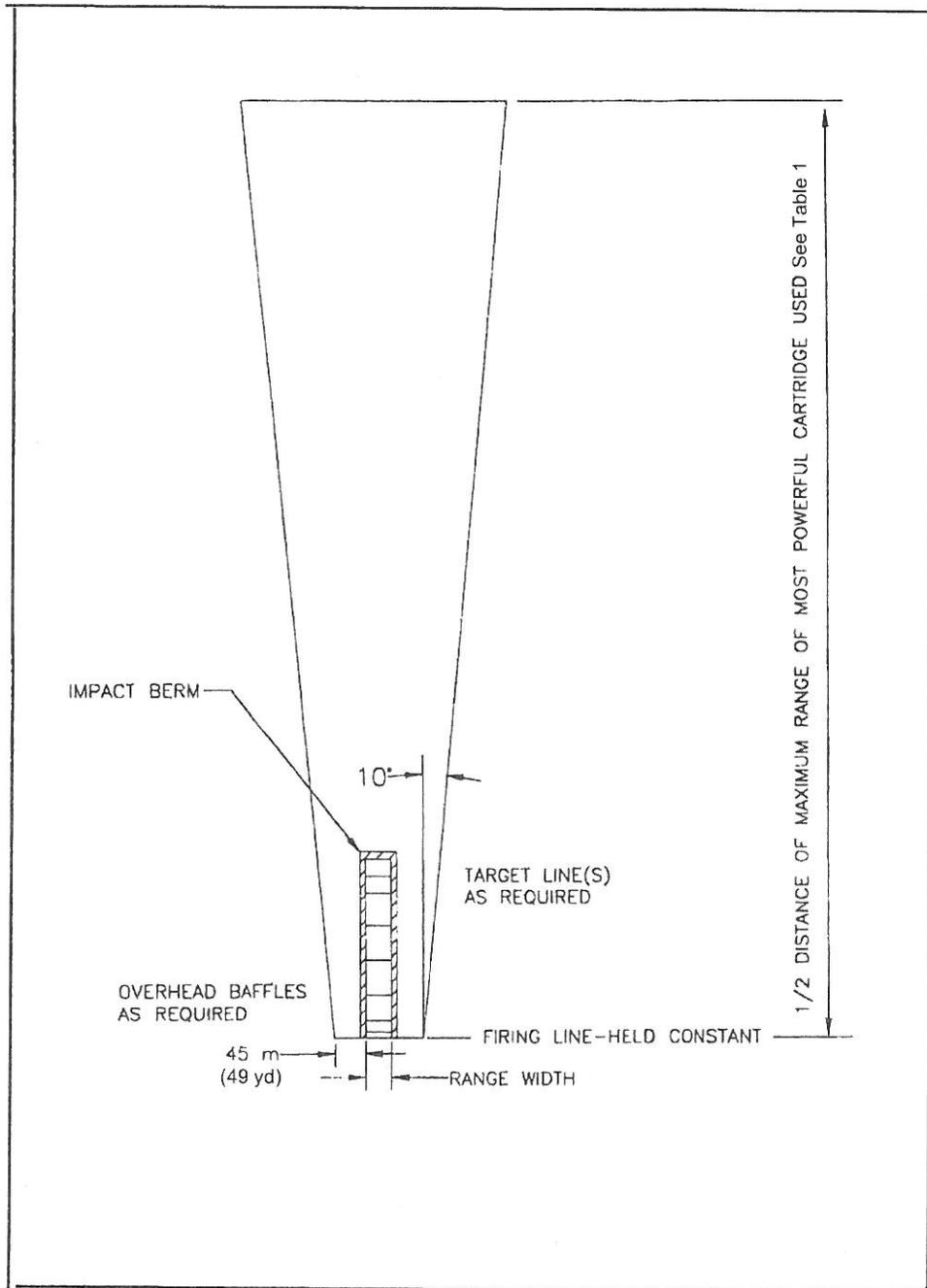


Figure 7  
Surface Danger Zone for Partially Baffled Range  
(Small Arms Firing at Fixed Ground Targets)

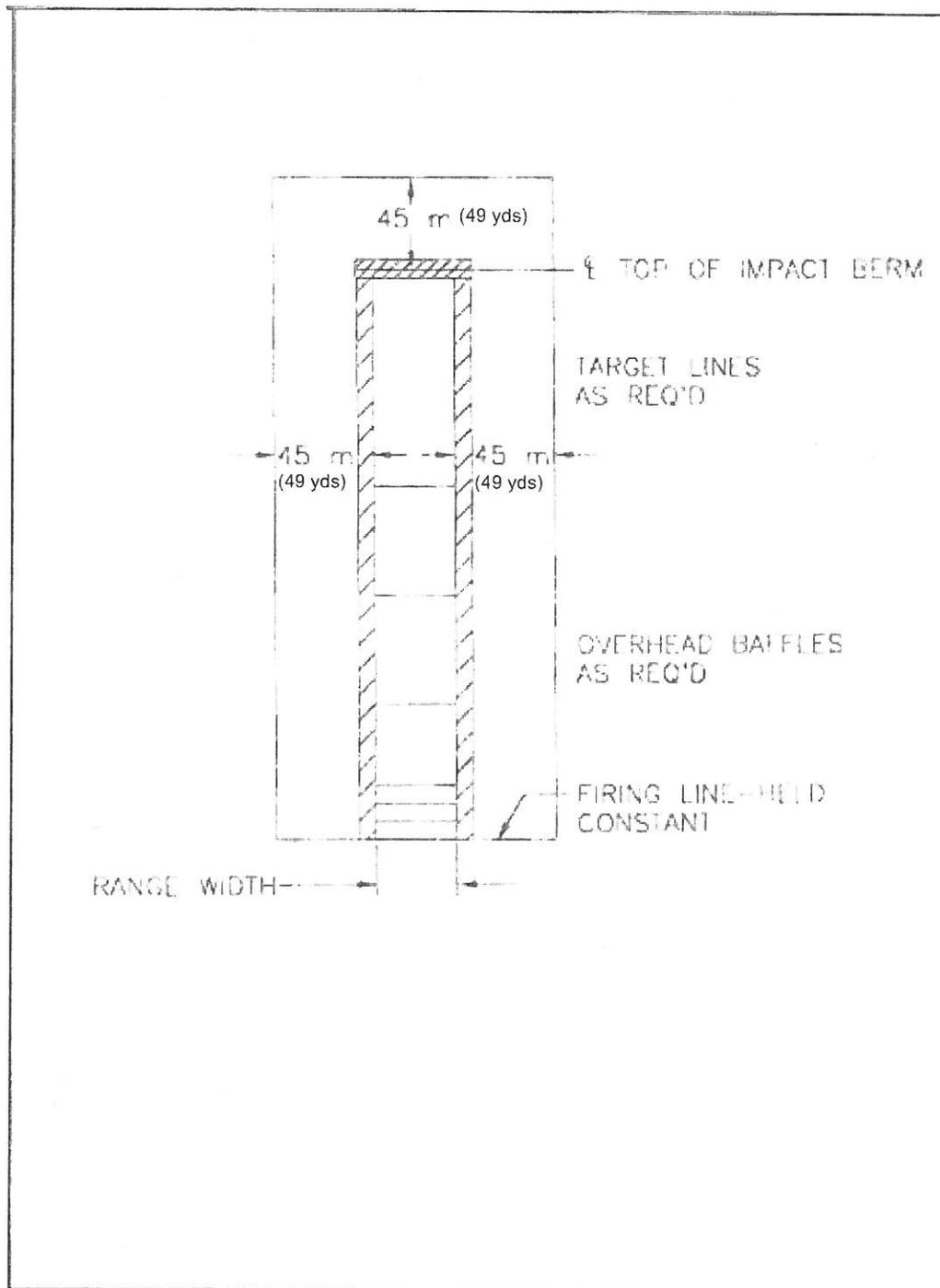


Figure 8  
Surface Danger Zone for Fully Baffled Range  
(Small Arms Firing at Fixed Ground Targets)

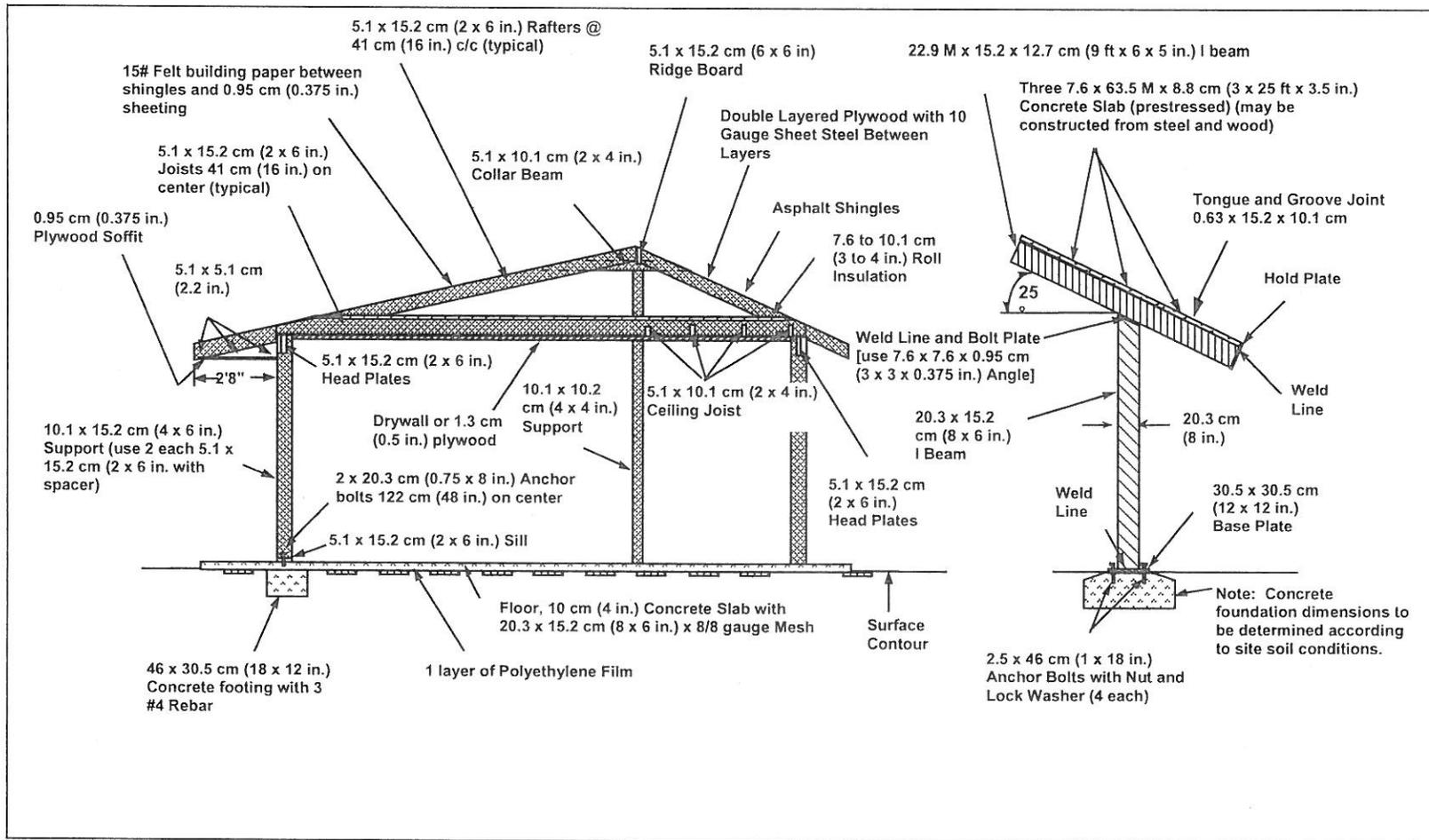


Figure 9  
Ballistic Overhead Canopy

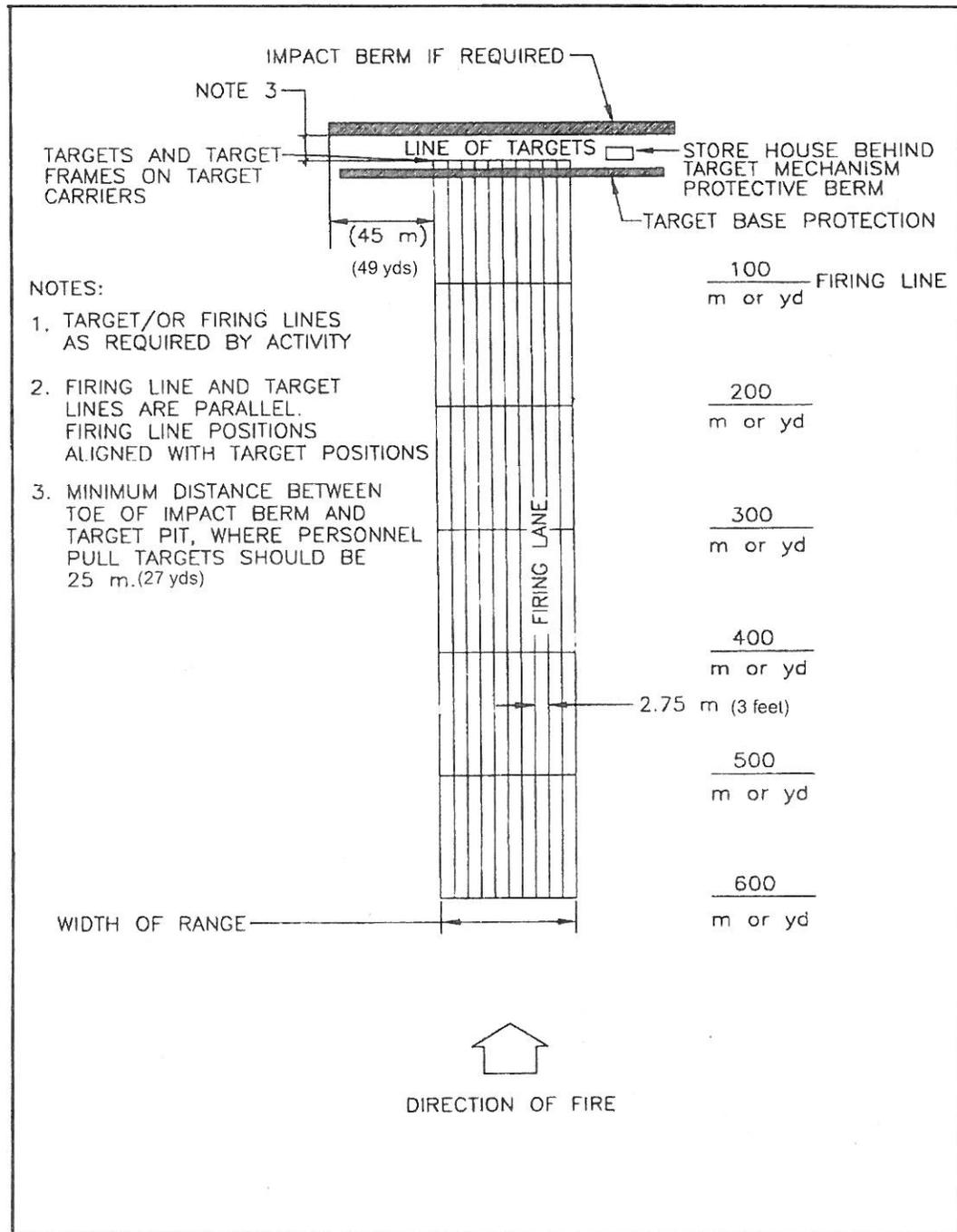


Figure 10  
Outdoor Rifle Range Layout

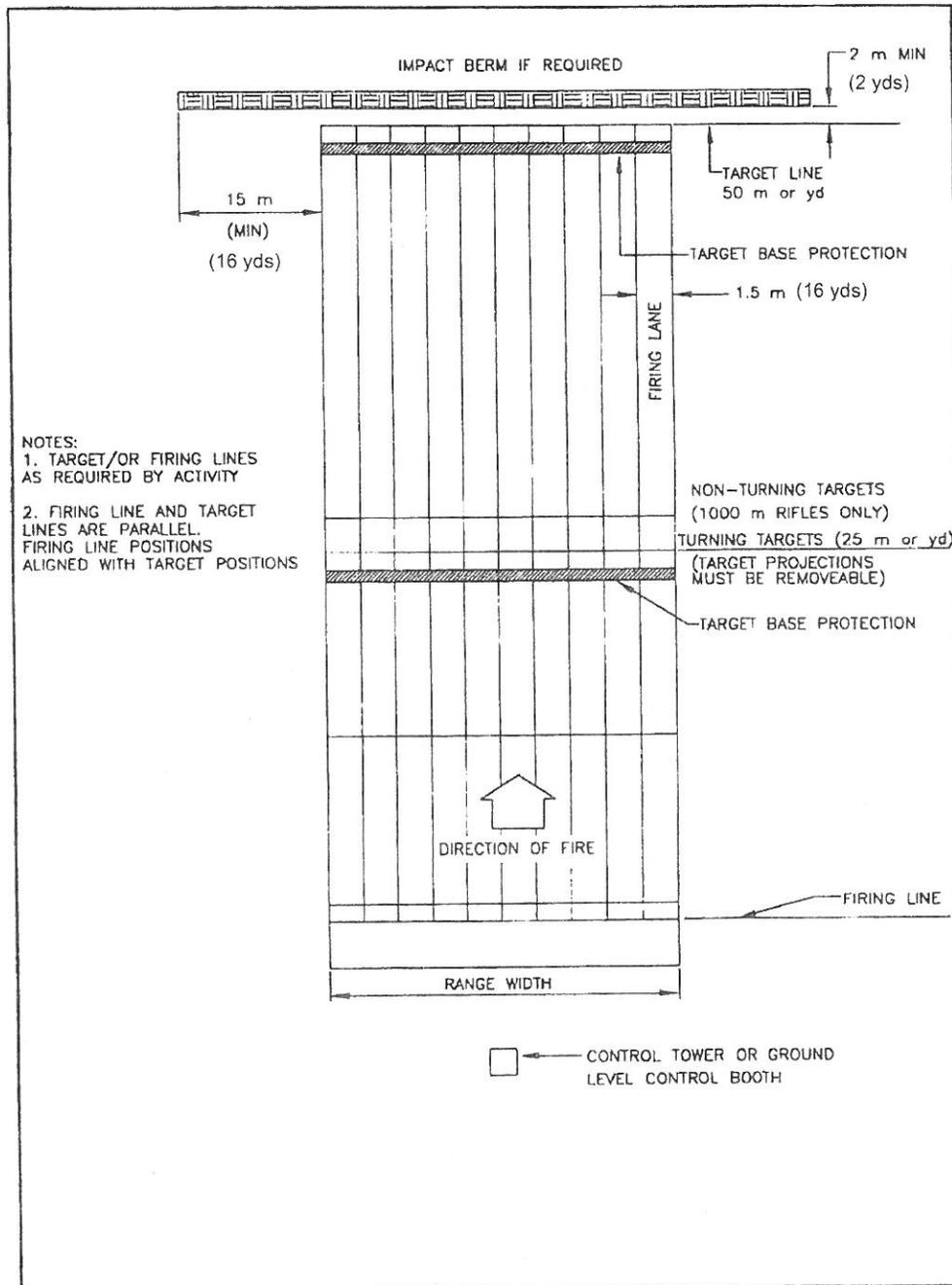


Figure 11  
Pistol Range Layout

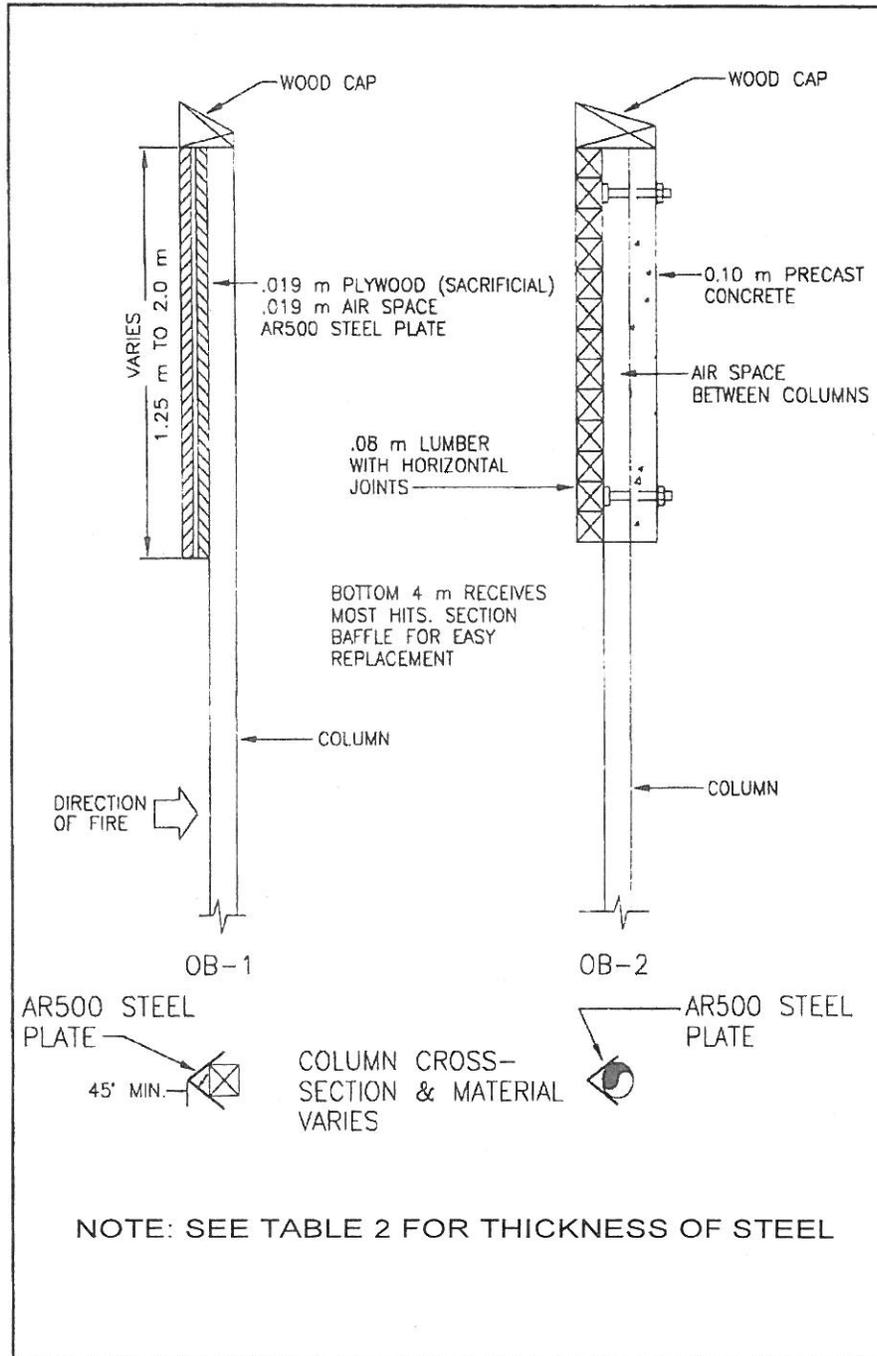


Figure 12  
Ballistic Material

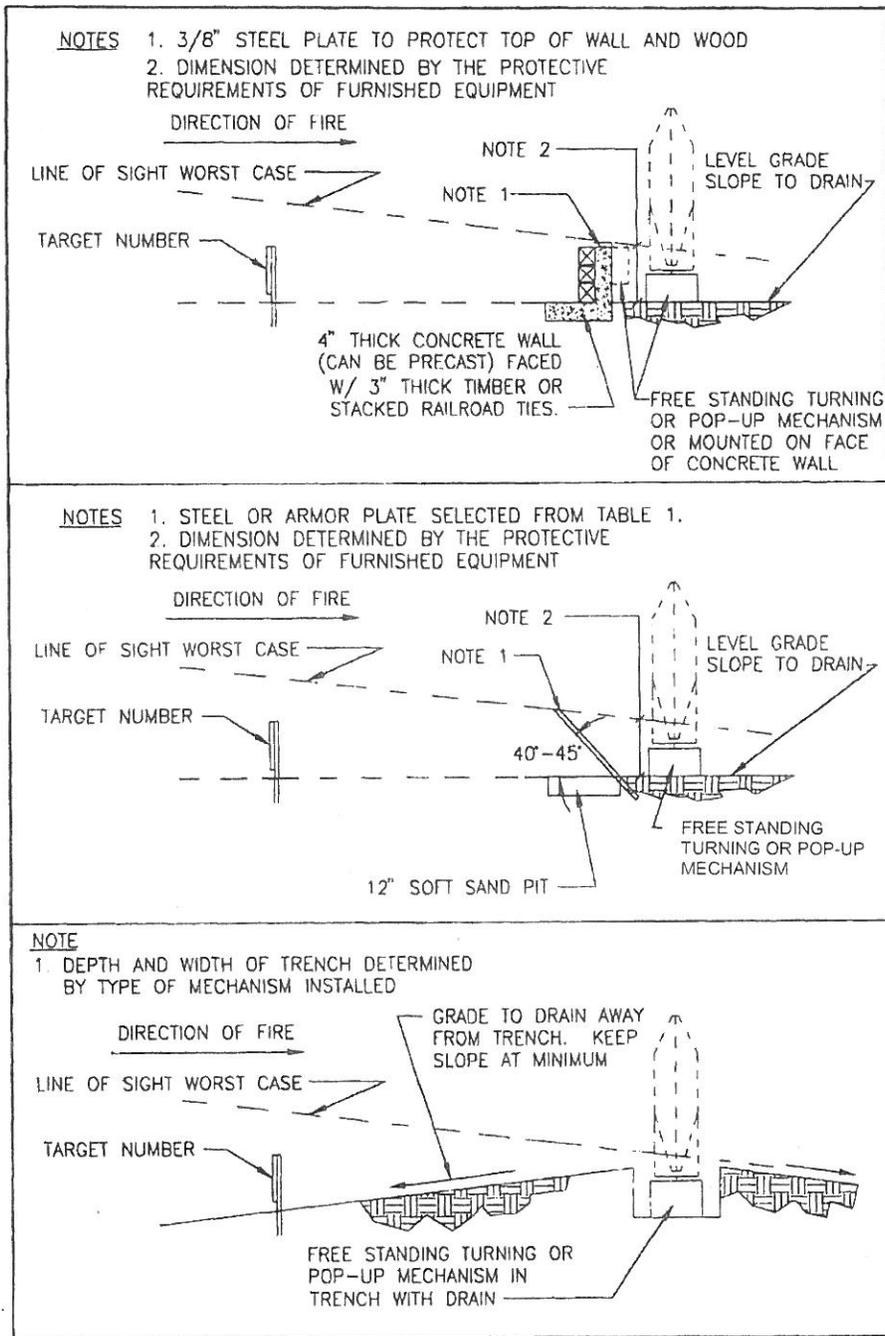


Figure 13  
Ballistic Protection of Target Mechanism

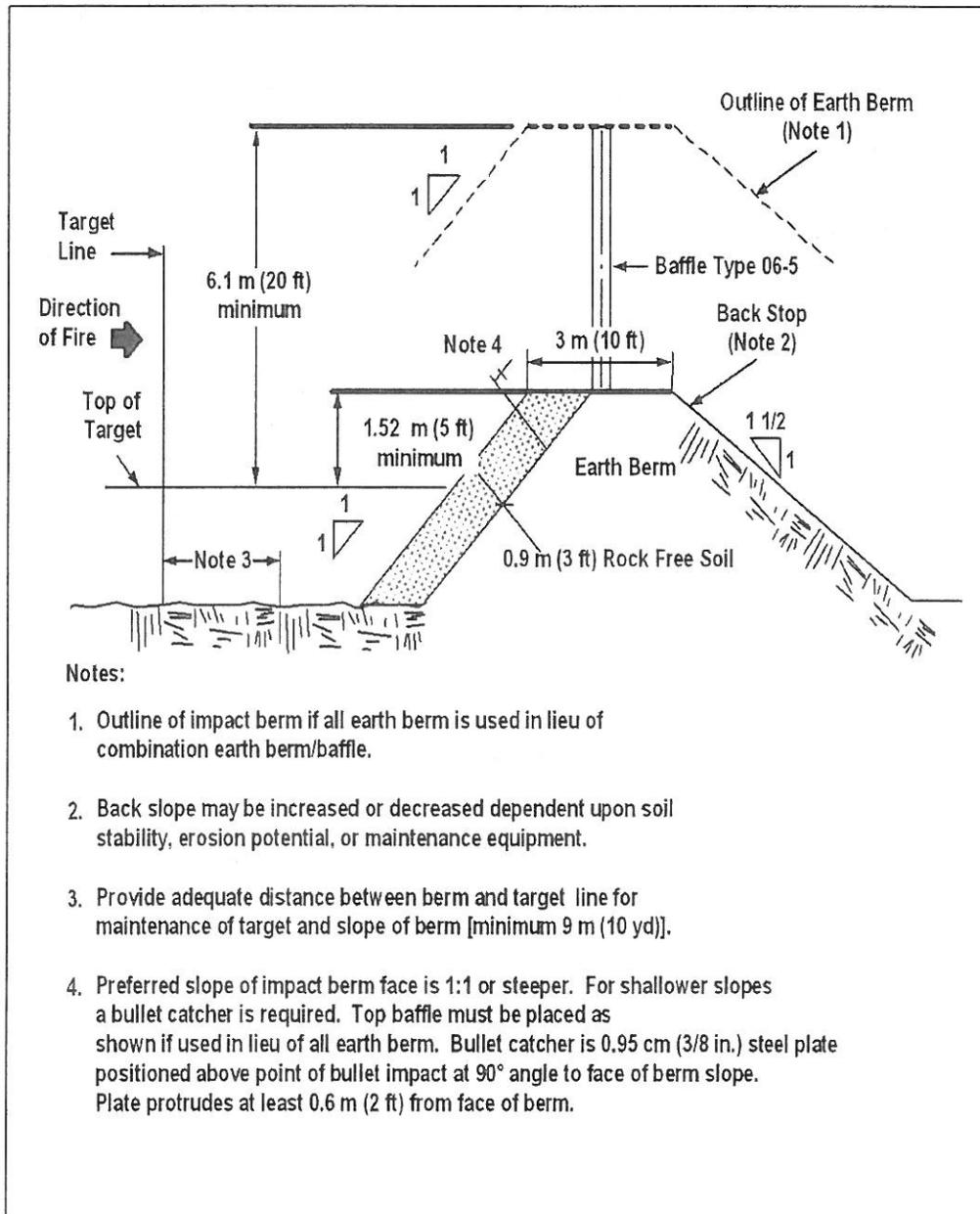
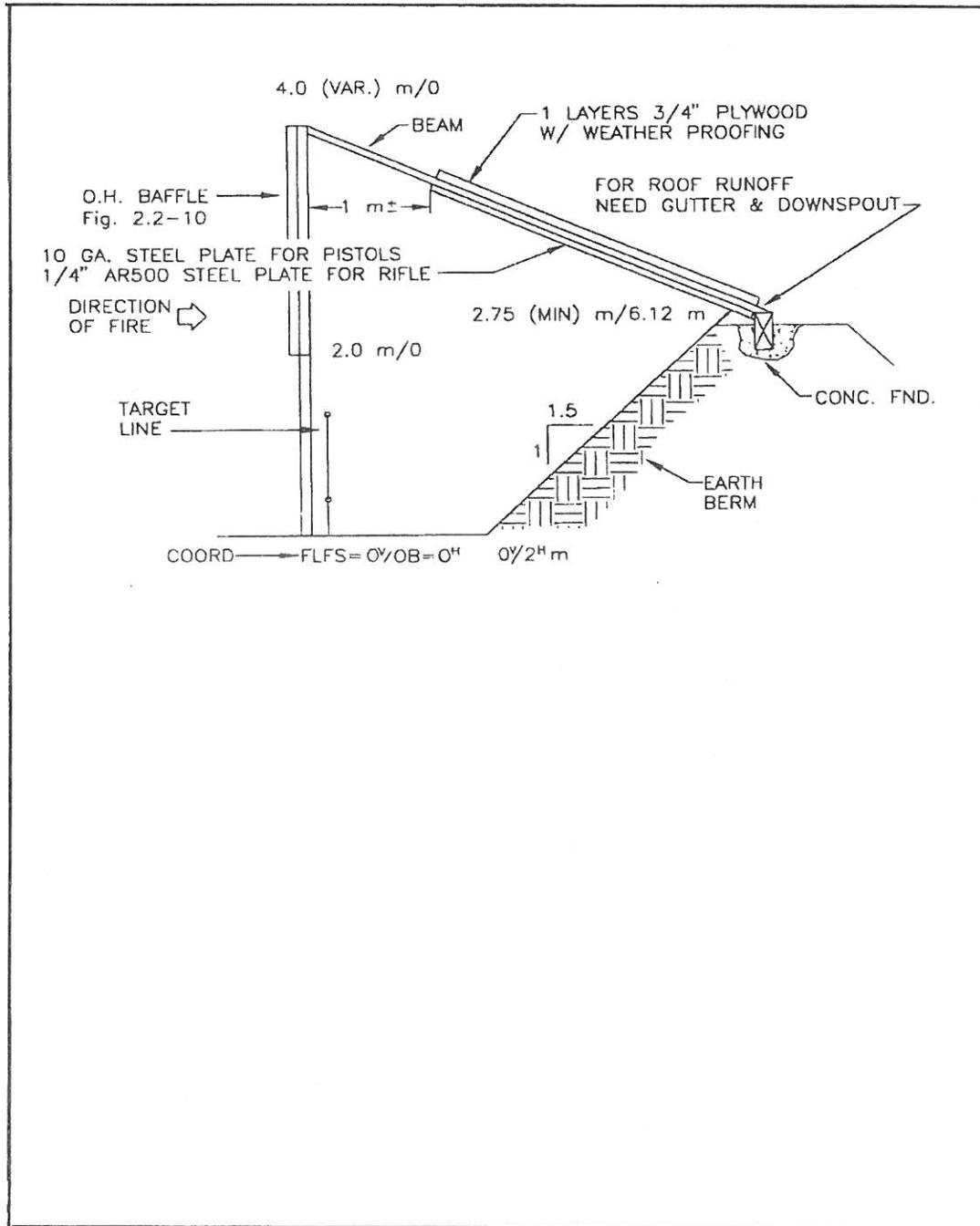


Figure 14  
Impact Berm for Open and  
Partially Baffled Ranges



**Figure 15**  
**Outdoor Baffled Bullet Stop**

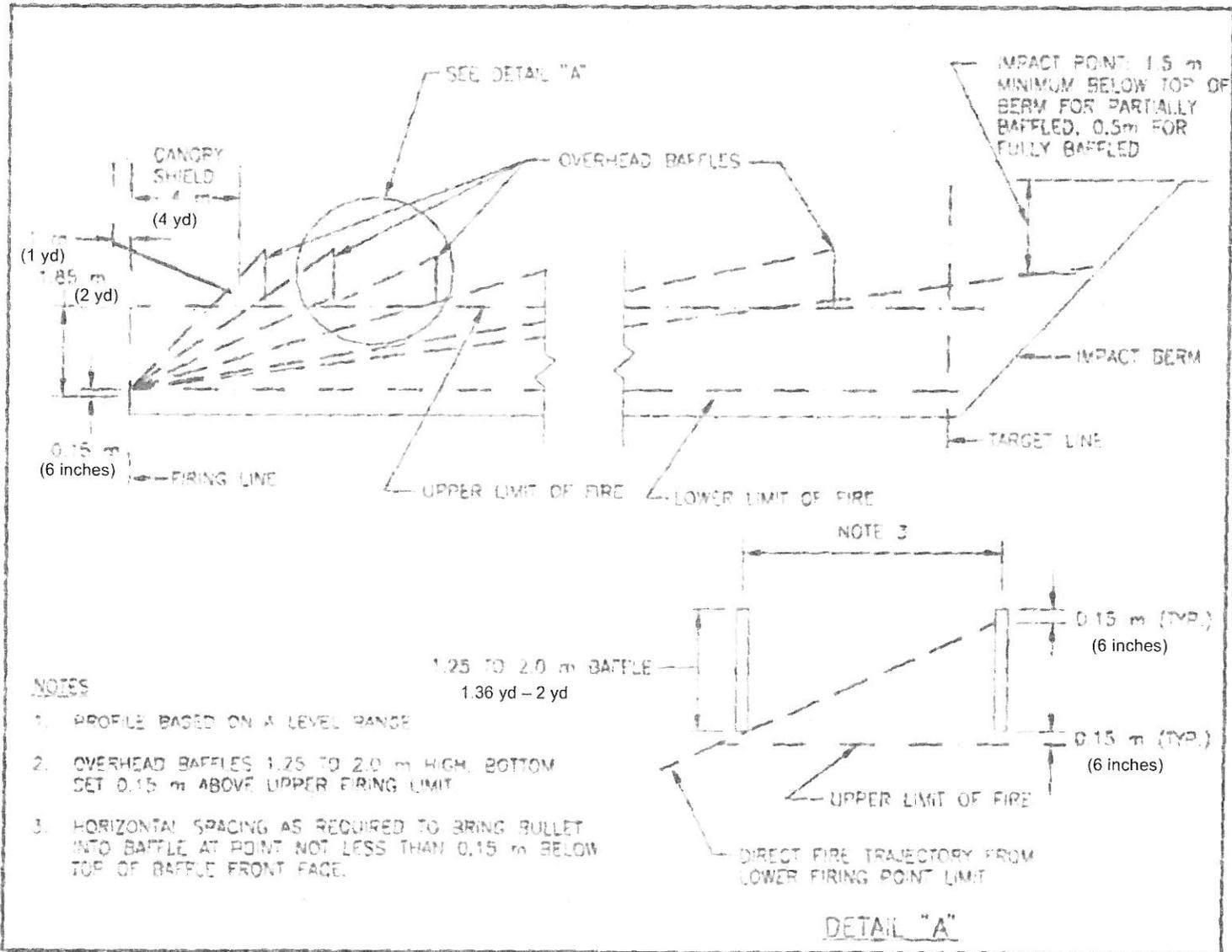


Figure 16  
Baffled Range Profile

**NOTES**

1. PROFILE BASED ON A LEVEL RANGE
2. OVERHEAD BAFFLES 1.25 TO 2.0 m HIGH. BOTTOM SET 0.15 m ABOVE UPPER FIRING LIMIT.
3. HORIZONTAL SPACING AS REQUIRED TO BRING BULLET INTO BAFFLE AT POINT NOT LESS THAN 0.15 m BELOW TOP OF BAFFLE FRONT FACE.

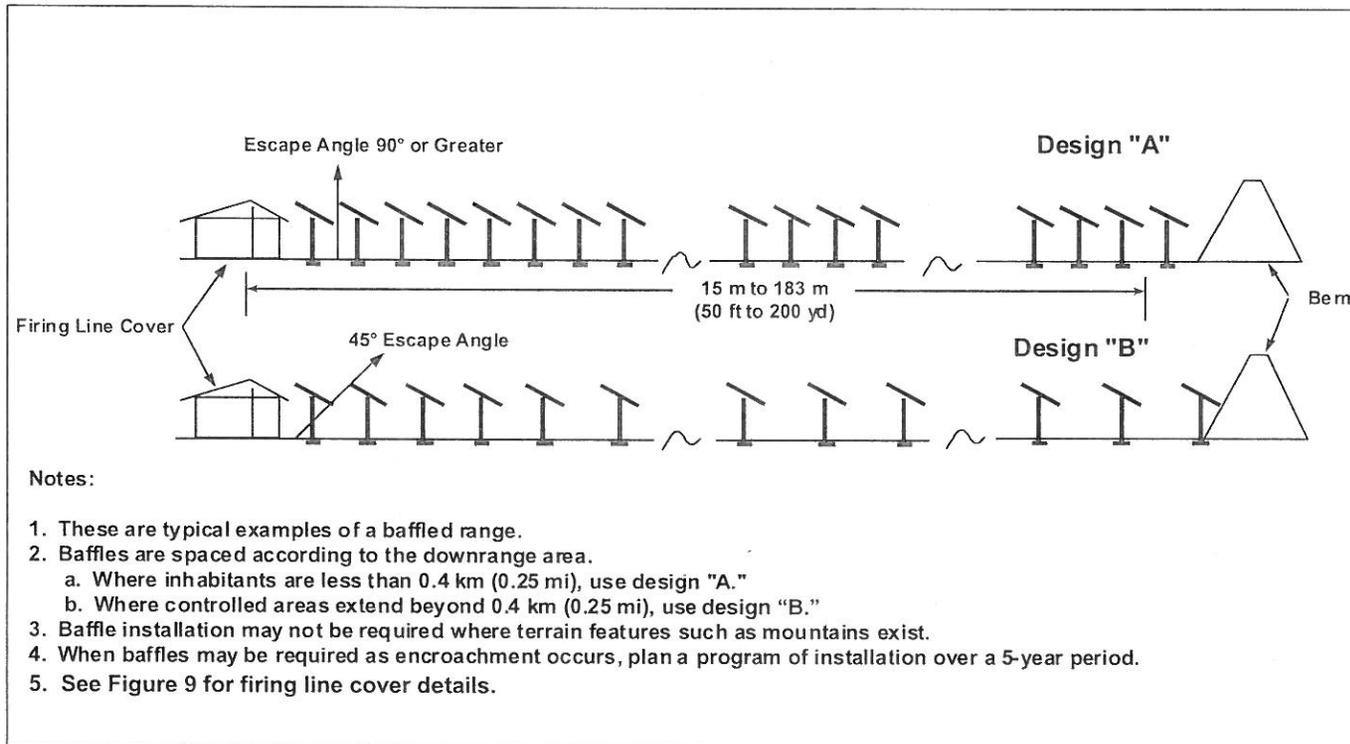


Figure 17  
Baffle System Geometry

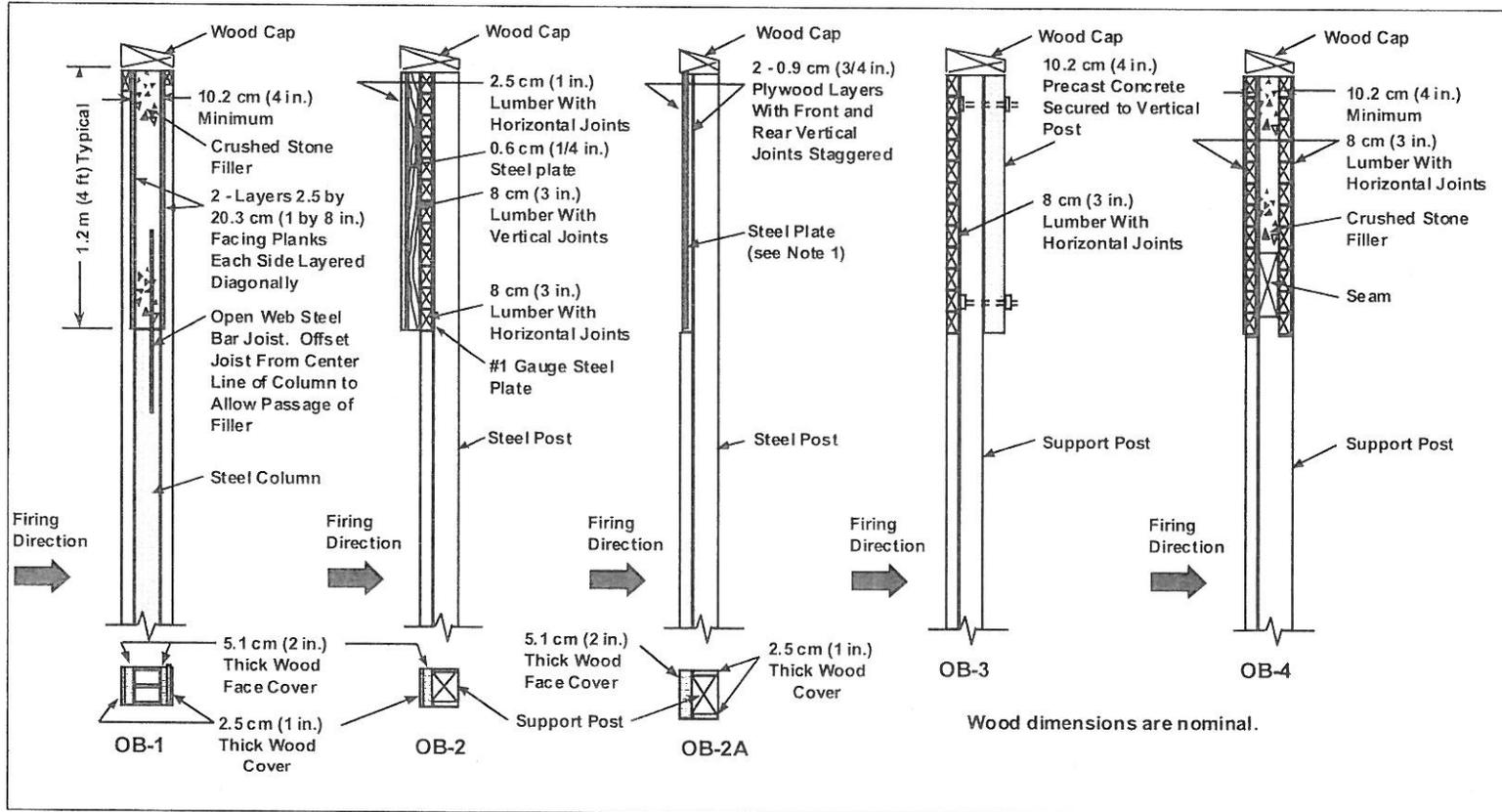


Figure 18  
Overhead Baffle Ballistic Designs

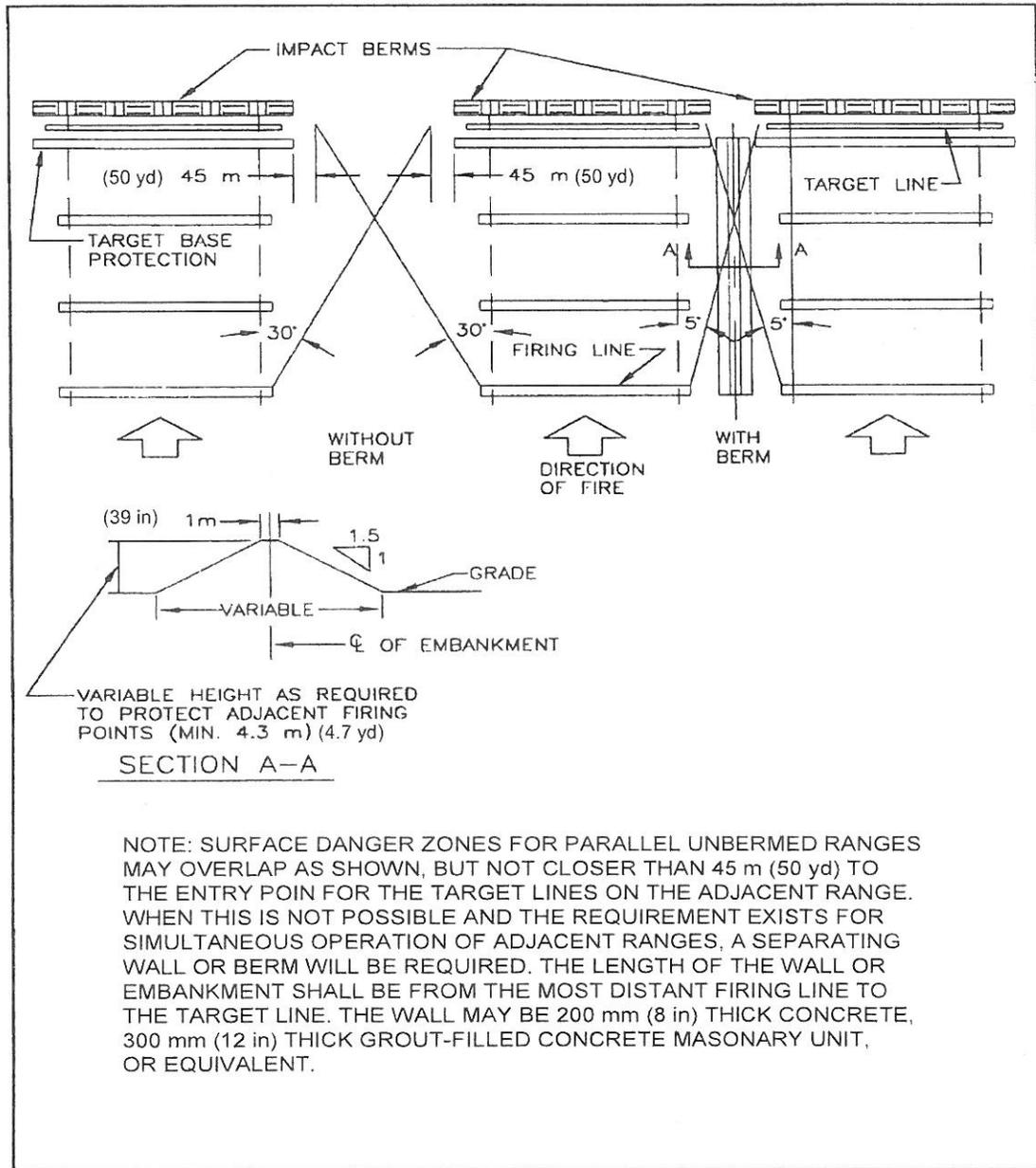


Figure 19  
Parallel Ranges

**TOWNSHIP OF RICHLAND**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE TOWNSHIP OF RICHLAND AMENDING THE TOWNSHIP ZONING ORDINANCE, CHAPTER 27, SECTIONS 303, 506 and 788 OF THE CODE OF THE TOWNSHIP OF RICHLAND, TO REVISE AND ESTABLISH REGULATIONS PERTAINING TO SHOOTING RANGE USES BY SPECIAL EXCEPTION AND, IN THE RR DISTRICT ONLY, AS AN ACCESSORY USE

I. Legislative Findings.

- A. The Board finds that certain amendments are needed to clarify the Township's zoning regulations with respect to shooting ranges.
- B. The Board has, pursuant to Section 609.2 of the Pennsylvania Municipalities Planning Code declared its ordinance provisions relating to shooting ranges to be substantively invalid and resolved to prepare a curative amendment to cure the invalidity;
- C. The Board of Supervisors has given due public notice, held the requisite hearing and duly notified the Allegheny County Department of Economic Development as pertains to the proposed rezoning and the Planning Commission has made a recommendation.

II. Amendments. The Board of Supervisors of Richland Township ordains that the Zoning Ordinance of the Township of Richland, Chapter 27 of the Code of the Township of Richland, is hereby amended, as follows:

- A. Section 27-303, Definitions, is revised to amend the definition of the term "Shooting Range, Indoor" to read, in its entirety, as follows:

"Shooting Range, Indoor", a totally enclosed building that is equipped for the practice of shooting, including archery, where no activity associated with shooting is conducted outside the building."

- B. Section 506.A, Permitted Accessory Uses & Structure in any Residential and Mixed Use Districts, is amended by adding thereto a new Section 27-506.A(11) to read:

- (11) A Shooting Range, Indoor Use, shall be available as an accessory use to a single family dwelling in the RR District only, provided that all of the following criteria are met:

- (a) The shooting range shall be located on a lot of at least 5 acres in size;
- (b) The shooting range shall be available only for the private, recreational use of the owner or occupant of the lot and their guests;
- (c) The applicant shall demonstrate that the use will be compatible with the adjacent residential neighborhood and will not adversely affect the residential use and enjoyment of adjoining lots.
- (d) If located in a building separate from the principal building, the shooting range building shall be located at least 60 feet from any adjacent residentially zoned or used property and shall not be located closer to the front lot line than the principal buildings on the lot.
- (e) The applicant shall also comply with the criteria at § 27-788 A, B, C, D and J.

C. Section 27-788, Shooting Range, Indoor, is amended to read, in its entirety, as follows:

- A. The building and method of operation shall conform to any applicable Commonwealth of Pennsylvania, Environmental Protection Agency, and OSHA standards for indoor ventilation, emission into the atmosphere, and lead management.
- B. The design and construction of the shooting range shall completely confine all ammunition rounds within the building and in a controlled manner.
- C. The design and construction of the shooting range shall be certified by a registered architect or engineer in the State of Pennsylvania.
  - (1) The certified plans shall include the specifications and construction of the bullet trap(s), ceilings, exterior and interior walls and floors.
  - (2) The certified plans shall state what type and caliber of ammunition the shooting range is designed to totally confine.
  - (3) A security plan for the building shall be submitted which secures the shooting range against unauthorized entrants.

- D. No ammunition shall be used in the shooting range that exceeds the certified design and construction specifications of the shooting range.
  - E. For shooting ranges that are other than used for private recreational purpose, firearms shall not be stored on the premises when the shooting range is closed for business, unless they are stored in an acceptable gun safe or other secure locking device.
  - F. On-site supervision shall be supplied at all times by an adult who is an experienced shooting range operator. The shooting range operator shall be responsible for the conduct of their place of business and the conditions of safety and order in the place of business and on the premises.
  - G. Each shooting range shall have a clear and concise safety plan. The plan must be reviewed annually and distributed to all shooting range users to study and use.
  - H. Minors shall not be allowed in the shooting range unless accompanied by an adult at all times. This provision shall not be interpreted to prohibit minors from participating in a firearm safety class which is supervised by an adult instructor.
  - I. In multi-tenant buildings, the shooting range shall be soundproofed to prevent the sound from being heard by persons in adjoining units.
  - J. The applicant shall have the burden to demonstrate that the shooting range is designed to promote the safety of all persons on the premises or on abutting property when the shooting range is being used. The applicant may meet its burden by showing compliance with applicable National Rifle Association or other generally recognized guidelines for shooting range design and safety, or by submitting evidence from persons with experience and expertise in shooting range design and safety.
- III. Severability. The provisions of this Ordinance are severable. If any provision or part thereof is held to be illegal or invalid, the remaining provisions shall remain in full force and effect.
- IV. Repeal. Any ordinance or part of any ordinance conflicting with this Ordinance is repealed to the extent of such conflict.
- V. Effective Date. This Ordinance shall be effective immediately upon adoption.

ORDAINED AND ENACTED INTO LAW by the Board of Supervisors at a public meeting this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

ATTEST:

TOWNSHIP OF RICHLAND

\_\_\_\_\_  
Secretary

By: \_\_\_\_\_  
Chair, Board of Supervisors

This Ordinance recorded in the Township Ordinance book on \_\_\_\_\_, 2012, by the undersigned.

\_\_\_\_\_  
Township Secretary



**DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES**

*Planning Division*

**m e m o r a n d u m**

**TO:** Laurel Lunt Prussing, Mayor

**FROM:** Elizabeth H. Tyler, PhD, FAICP, Community Development Director

**DATE:** August 16, 2012

**SUBJECT:** An amendment to Table V-1, Article II, Article V, and Article VII of the Urbana Zoning Ordinance to establish standards for "Firearm Store" and "Private Indoor Firing Range" (Plan Case 2181-T-12)

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**Introduction**

The Zoning Administrator is requesting that the Zoning Ordinance be amended to add use categories and restrictions for firearm stores and firing ranges. The proposed ordinance amendment would add definitions to Article II, add these uses to Table V-1 (Table of Uses), and add standard Special Use Permit conditions to Article VII of the Urbana Zoning Ordinance. Additionally, a restriction would be added under Article V for home occupations involving firearm sales.

The purpose of the proposed amendment is to address a deficiency in the Zoning Ordinance regarding two firearms-related uses. Recently, a business owner approached the City to determine where a principal use gun shop could be operated under Urbana zoning. The business, D & R Firearms, is looking to locate on one of two properties off of South Poplar or Glover Streets, north of Washington Street. Because the Zoning Ordinance's Table of Uses does not specify firearm stores or indoor firing ranges whatsoever, City staff has not been able to guide this potential new business in terms of procedures and standards.

For uses not listed in the Table of Uses, Section V-1.B of the Zoning Ordinance provides that "such use shall be subject to the regulations of the use (whether permitted by right, a conditional use, or special use) to which it is most related or similar, as determined by the Zoning Administrator." For firearm sales there are compatibility and security considerations that must be taken into account that do not apply to any other use listed in the Zoning Ordinance, and therefore there are no other uses that closely match the proposed use. Similarly, indoor firing ranges are not listed in the Table of Uses. In order for the City to preserve options in reviewing such proposed uses, it is necessary to first establish specific regulations by amending the Zoning

Ordinance. The draft ordinance under consideration would establish firearm stores and indoor firing ranges as Special Uses, limited to two zoning districts, and to be reviewed by the Plan Commission and City Council on a case-by-case basis.

It is important to note that this Zoning Ordinance amendment is intended to address the process and standards for potential firearm stores and indoor firing ranges. The amendment is not intended to address firearm ownership; nor is it intended to address firearm sales generally as an activity. Based on legal research, it would be in the best interest of the City to adopt procedures and standards for potential firearm stores and indoor firing ranges, consistent with the City's comprehensive planning policies and land use restrictions.

The Urbana Plan Commission held a public hearing on this case at their July 19, 2012 and August 9, 2012 meetings. Approximately 28 members of the public attended the July 19 meeting, and three members of the public attended the August 9 meeting. Representatives of D&R Firearms attended both public hearings and answered questions from the Plan Commission about Federal and State regulations, procedures, and the local market for such uses. Following the public hearing on August 9, the Plan Commission, by a vote of 6-ayes and 1-nayes, recommended approval with five specific amendments. The attached draft ordinance incorporates these recommended amendments.

## **Background**

### **Federal Regulatory Context**

Firearm sales are licensed and regulated by the Federal Bureau of Alcohol, Tobacco, and Firearms (ATF). There are several federal laws that apply to firearm sales, including the Gun Control Act (18 U.S.C. Chapter 44), the National Firearms Act (26 U.S.C. Chapter 53), and the National Instant Criminal Background Check System (24 CFR Part 25). These laws require that anyone selling firearms obtain a license from ATF and meet their requirements for record-keeping, storage, background checks, and limiting sales to adults. A comprehensive list of federal laws regarding firearms is available at <http://www.atf.gov/publications/firearms/>.

### **State Regulatory Context**

Additionally, the State of Illinois has its own laws regarding firearms. Those wishing to purchase or sell firearms must qualify for and obtain a state-issued Firearm Owner's Identification card (FOID). For FOID card holders, state law imposes a 72-hour waiting period to purchase handguns and a 24-hour waiting period to purchase long guns. Gun dealers must comply with strict record-keeping and must have the State Police approve each firearm transaction in advance. Illinois also bans sales of firearms at schools and establishments that sell liquor. A complete compilation of State of Illinois laws and statutes regarding firearms can be found at: <http://www.atf.gov/publications/download/p/atf-p-5300-5-2011/atf-p-5300-5-illinois-2011.pdf>. This document also abstracts municipal firearm regulations reported to the ATF.

### **Illinois Municipal Context**

Generally, the Illinois Legislature provides municipalities broad authority to regulate firearms and ammunition. Illinois' Firearms Owners Identification Card Act provides that "[t]he provisions of any ordinance enacted by any municipality which requires registration or imposes greater restrictions or limitations on the acquisition, possession and transfer of firearms than are imposed by this Act, are not invalidated or affected by this Act." The attached *Zoning News Bulletin* (Exhibit A) outlines a range of issues and solutions municipalities typically have for firearm-related uses. Research of municipal ordinances regarding firearm sales shows that many communities do not regulate firearm sales but instead rely solely upon state and Federal statutes. For example, the City of Champaign classifies firearm sales as a retail use allowed anywhere retail sales are permitted. It should be noted that the City of Champaign does restrict firearms sold at pawn shops through their city code, including prohibiting window display and requiring a burglar alarm.

Zoning. For cities regulating firearm sales, a standard approach is through zoning standards. Nationally, such regulations often include minimum distances from schools, parks, places of worship, and other firearm stores. In Illinois, some municipalities, principally in Cook County, have imposed minimum distance requirements for firearm stores and indoor firing ranges from other such uses, and from schools, parks, and places of worship.

Courts have upheld municipal restrictions on the location of gun sales within a specified distance of schools, playgrounds, parks, and places of worship. And because firing ranges may create excessive noise and pollution, courts have also prohibited ranges from operating in locations that are too close to residences. But the restrictions must be reasonable. In *Illinois Sporting Goods Association v. County of Cook* (1994), the U.S. District Court for the Northern District of Illinois found that a half-mile distance requirement for firearm stores from schools and parks was a valid exercise of the County's police power because it was rationally related to the governmental interest in reducing firearm violence among youth. However, the Court issued a preliminary injunction against the County because the regulations imposed this distance requirement only to sporting goods shops and gun stores and not to other businesses selling firearms, such as "big box" retailers. Some suburban Chicago municipalities have until recently continued to require a half mile separation for gun stores. The Village of Lincolnwood is currently considering reduction reducing their minimum distance requirement from half a mile to 800 feet.

More recently in Illinois, court decisions have led two Cook County municipalities to either drop or reduce minimum distance requirements. Following a landmark U.S. Supreme Court decision in 2010 -- *McDonald et al v City of Chicago et al* -- the Village of Oak Park's Public Health Board, following an extensive review of evidence over a series of public meetings, recommended against imposing rules such as minimum distance requirements. And similarly, after the 7<sup>th</sup> Circuit Court of Appeals (*Ezell v City of Chicago*) overturned a City of Chicago ban on indoor firing ranges in July 2010, the City of Chicago first allowed indoor firing ranges no closer than 1,000 feet to any home, school, place of worship, park, retail sales of liquor, library, museum, hospital, or place of children activities. After these restrictions were challenged in court as being too harsh, the City of Chicago in 2011 reduced the distance to 500 feet. In short, municipal minimum distance requirements for businesses

involving firearms must be reasonably constructed and applied, and rationally related to serving an important public purpose.

Zoning standards for firing ranges are less common than those for firearm sales. Cities regulating firing ranges typically concentrate on outdoor ranges, requiring location on larger parcels with ample setbacks from neighboring properties. Such requirements generally keep outdoor firing ranges to the mostly rural or fringe areas around cities, reducing the chance that they will negatively impact urban neighborhoods. Where permitted, indoor firing ranges generally have fewer use restrictions. Design standards published by the federal government may be adopted to ensure safety and low noise impacts on adjacent properties.

The National Shooting Sports Foundation lists some 225 sporting ranges in Illinois, including indoor and outdoor firing ranges, skeet clubs, and archery ranges, meaning that many Illinois communities have been able to accommodate such uses.

Licensing. Nationally, some communities provide standards through licensing rather than zoning. They require city-licensing of firearm dealers in addition to Federal licensing. Licensing programs have been used by municipalities to require more detailed record-keeping or daily reporting, fingerprinting of gun purchasers, annual inspections, and collection of fees. The Village of Northbrook, Illinois, has used its licensing program to restrict sale of handguns. Some cities also limit the number of firearm dealer licenses, much like they do for liquor or taxi licenses. This approach may work well for larger cities that have a high concentration of gun shops.

### **City of Urbana Zoning**

The City of Urbana currently has no zoning standards for principal use firearm sales (gun shops) or firing ranges. Table V-1 of the Zoning Ordinance does not list firearm sales or gun shop as a principal use. According to Section V-1.B of the Zoning Ordinance, when a principal use is proposed to be established that is not listed in Table V-1, the Zoning Administrator shall determine what is the most related or similar use. The proposed use would then be allowed under the same regulations as the most similar use. In the case of firearm sales, there is no similar use provided in the Table of Uses, due to the special considerations unique to this use.

“Sporting goods store” is a related use, but it is not generally similar. A sporting goods store sells a variety of merchandise, including clothing, fitness equipment, and sport-specific equipment. Sporting goods stores sometimes sell firearms for hunting or target shooting, but is only a component of a larger retail business. Similarly, a general merchandise store such as Walmart may sell firearms in their sports or outdoor department. Firearm sales would generally be allowed as an accessory use for these stores if it is a small part of their business. These businesses must have a federal license to sell firearms. Staff is not aware of any sporting goods stores or general merchandise stores that sell firearms within the City of Urbana. Pawn shops are locations in the City where firearms are known to be sold. As with sporting goods and general merchandise stores, firearm sales are a small part of the business and considered an accessory to the principal use.

## Site Security Plan

To better understand the aspects of site security planning for home-based firearms dealers, City staff on August 3, 2012 met on site with the owners of D&R Firearms which operates under a City home occupation permit. Site security features of note include secure storage of firearms in construction-type storage boxes bolted to concrete floors; window bars; alarm activated by motion sensors, contacts, and push button; barred windows; barred and reinforced exterior doors; security signs; and preset procedures in case of emergency. Urbana Police and Fire and METCAD all have a copy of the security plan so that they can respond accordingly in case of emergency.

## Discussion

Firearm sales are proposed to be added to the Table of Uses as Special Use Permit, along with standard conditions designed to promote the safety and general welfare of the public. Firearm sales would only be allowed in Urbana's IN-1 (Light Industrial/Office) and B-3 (General Business) zoning districts and only as Special Uses. The B-3 district is intended for general commercial activity for uses that are more intense than those allowed in neighborhood business districts. While a gun shop is not a high-impact use in terms of generating vehicle trips, excessive noise, or other potential nuisances, it may not be compatible with residential and institutional uses. The IN-1 district is designed to provide for limited retail commercial uses, in addition to office and light industry. Properties zoned IN-1 are generally located in areas that are not next to residences.

Requiring a Special Use Permit will give Plan Commission and City Council a chance to review each proposed gun shop application. Per Section VII-V of the Zoning Ordinance, Special Use Permits are evaluated on the following factors:

- Is the proposed use conducive to the public convenience at the proposed location?
- Is the proposed use designed, located, operated so that it will not be unreasonably injurious or detrimental to the district it is in or to the public welfare?
- Does the proposed use conform to the applicable regulations and standards of, and does it preserve the essential character of the district?

City Council may require additional conditions for individual Special Use Permits as deemed necessary for the public health, safety, and welfare. In addition to these criteria, City staff and the Plan Commission are recommending standard conditions that all principal use firearm sales businesses meet. Rather than minimum distance requirements, the Plan Commission is recommending an increased public notice requirement to notify property owners within 500 feet rather than the normal 250 feet from the proposed Special Use. Additionally, conditions would include limited hours of operation, prohibition of unaccompanied minors in gun stores, prohibition of display of guns and ammunition in windows, and a security plan approved by the Chief of Police.

The Urbana Plan Commission discussed whether to impose standard minimum distance requirements for firearm stores and firing ranges from potentially sensitive land uses nearby. The Urbana Zoning Ordinance now has minimum distance requirements for other uses, including: Outdoor Commercial Recreational Enterprises, Riding Stables, Kennels, Veterinary Hospitals, Truck Terminals, Billboards, Adult Entertainment Uses, Telecommunication Towers, and Wind Turbines.

Additionally the State of Illinois requires a minimum 100 feet between any retail sales of liquor and any “church, school other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children or any military or naval station, provided that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where sale of alcoholic liquors is not the principal business carried on . . .” Urbana City Codes generally require public hearings for issuance of new liquor licenses.

Given the intent of this amendment to address firearm stores and indoor firing ranges and not firearm sales generally, and in light of recent court decisions, the Plan Commission is not recommending distance restrictions. Rather, the Plan Commission recommends that public hearing noticing for these uses be expanded, and that potentially sensitive adjacent land uses be handled on a case-by-case basis through the public hearing process.

Two related text amendments have been included with this plan case: requiring an approved security for home occupations involving firearms, and permitting private firing ranges as a special use in certain districts. Currently the Zoning Ordinance does not address home occupations that deal with firearms. The home occupation ordinance does not distinguish different types of businesses; instead it regulates businesses based on how they impact their surrounding neighborhood. Home offices and mail-order/internet businesses are generally approved, but retail uses that depend on walk-in customers are not allowed.

For firearm sales as a home business, one major concern is securing weapons kept in the home. All businesses must advertise in some fashion to potential clients, but advertising that one’s home contains a number of firearms poses a security risk, even if those weapons are secured in a gun safe. For home businesses involving firearms, allowing limited clientele through special orders would require very limited stock. This combined with a required site security plan will address many concerns.

Firing ranges are another use involving firearms that is not addressed in the Zoning Ordinance. Staff has received inquiries about potential firing range businesses in the past. These uses are generally recreational, but could have impacts on surrounding properties if not properly designed and constructed. Primary concerns include safety for users of the range and adjacent properties, and noise for surrounding properties. These concerns are addressed in federal guidelines for Range Design Criteria ([www.hss.doe.gov/SecPolicy/pfs/Range\\_Design\\_Criteria.pdf](http://www.hss.doe.gov/SecPolicy/pfs/Range_Design_Criteria.pdf)). Staff is

proposing to define an indoor firing range as a use that meets the federal range design criteria. The criteria include specifications for baffles, backstops, HVAC systems, sound-proofing, and other requirements to ensure that ricochets do not escape the building or harm users, and that sound from discharging weapons will not affect neighbors. Any potential indoor firing range would also have to ensure noise levels do not exceed the City's noise standards. Outdoor firing ranges are not being addressed as part of this Zoning Ordinance amendment as more study is needed to draft proper standards.

## Comprehensive Plan

The following goals and objectives of the 2005 Urbana Comprehensive Plan relate to this case:

### Goal 17.0 Minimize incompatible land uses.

#### *Objectives*

- 17.1 Establish logical locations for land use types and mixes, minimizing potentially incompatible interfaces, such as industrial uses near residential areas.
- 17.2 Where land use incompatibilities exist, promote development and design controls to minimize concerns.

The proposed text amendment would accomplish these goals by establishing logical locations for potentially incompatible firearm-related uses, separate from residential and institutional uses. It would also add design controls to minimize incompatibilities between uses.

## Proposed Text Amendment

Based on the comments provide at the public hearing held by the Urbana Plan Commission on July 19 and August 9, 2012, as well as specific amendments recommended by the Plan Commission, the following revised Zoning Ordinance text amendment is proposed. Underlined words indicate proposed text to be added to the Zoning Ordinance.

### Section II-3. Definitions

Section II-3, Definitions, of the Urbana Zoning Ordinance, would be amended by adding the following new definitions.

*Firearm:* Any device from which a projectile is discharged by gunpowder through a barrel.

*Firearm Store:* A retail store that derives its principal income from buying and selling firearms, with or without sale of ammunition and/or firearms accessories.

*Firing Range, Private Indoor:* A building inside of which club members, or the public at large, discharge firearms for target practice.

**Section V-13, Regulation of Home Occupations**

Section V-13, Regulation of Home Occupations, of the Urbana Zoning Ordinance would be amended by adding the following condition for administrative approval of any home occupation permit involving sale of firearms.

H: The sale of firearms as a home occupation shall require approval of a site security plan by the Urbana Police Chief, or designee, with renewal every three years.

**Table V-1. Table of Uses**

Table V-1, Table of Uses, of the Urbana Zoning Ordinance would be amended by adding the following new principal uses and footnotes.

| Principal Uses                | R-1 | R-2 | R-3 | R-4 | R-5 | R-6 | R-6B | R-7 | AG | B-1 | B-2 | B-3 | B-3U | B-4 | B-4E | CCD | CRE | MOR | IN-1 | IN-2 |
|-------------------------------|-----|-----|-----|-----|-----|-----|------|-----|----|-----|-----|-----|------|-----|------|-----|-----|-----|------|------|
| Firearm Store†                |     |     |     |     |     |     |      |     |    |     |     | SI  |      |     |      |     |     |     | SI   |      |
| Private Indoor Firing Range†† |     |     |     |     |     |     |      |     | SI |     |     |     |      |     |      |     | SI  |     | SI   |      |

† See Section VII-5.D for Standards for Firearm Stores

†† See Section VII-5.E Standards for Private Indoor Firing Ranges

**Section VII-5. Special Use Terms and Conditions**

The following standard conditions would be required of any firearm store or private indoor firing range issued a Special Use Permit as authorized by the Urbana City Council.

D. The following conditions shall apply to any Firearm Store:

1. Public hearing notification requirements of Section XI-10.B of the Urbana Zoning Ordinance shall be increased from 250 feet to 500 feet.
2. Approval of a site security plan by the Urbana Chief of Police, or designee, shall be a condition for approval of a Special Use Permit. Updated site security plans shall be submitted to the Police Chief at least every three years.
3. Firearms and ammunition shall not be displayed in windows.
4. Hours of operation shall be limited to 9:00 a.m. to 9:00 p.m.
5. No individual under the minimum age to purchase a firearm in the State of Illinois shall be allowed on the premises unless accompanied by a parent or legal guardian.

E. The following conditions shall apply to any Indoor Firing Range:

1. Public hearing notification requirements of Section XI-10.B of the Urbana Zoning Ordinance shall be increased from 250 feet to 500 feet.

2. Private Indoor Firing Ranges shall conform to U.S. Department of Energy's Range Design Criteria or subsequent criteria.
3. No individual under the minimum age to purchase a firearm in the State of Illinois shall be allowed on the premises unless accompanied by a parent or legal guardian.
4. Hours of operation shall be limited to 9:00 a.m. to 9:00 p.m.

## Summary of Findings

1. The Zoning Administrator is proposing to amend the Urbana Zoning Ordinance in order to establish regulations for firearms-related uses, which are currently not addressed in the Table of Uses.
2. Firearms sales are regulated by federal and state laws, and are licensed through the Bureau of Alcohol, Tobacco, and Firearms.
3. The proposed amendment will modify Articles II, V, and VII of the Urbana Zoning Ordinance to allow firearm stores and indoor firing ranges in limited districts under specific conditions.
4. The proposed amendment would require a security plan; limit hours of operation; and bar entry of Firearm Stores by unaccompanied minors.
5. The proposed amendment will require firearm stores and indoor firing ranges to be approved by City Council as a Special Use and with expanded notification requirements.
6. The proposed amendment will provide standards to ensure firearm sales and firing ranges do not have a negative impact on surrounding properties.
7. The proposed amendment is consistent with the goals and objectives of the 2005 Urbana Comprehensive Plan to minimize potentially incompatible land uses and to promote design controls to minimize concerns.
8. The proposed amendment conforms to notification and other requirements for the Zoning Ordinances as required by the State Zoning Act (65 ILCS 5/11-13-14).

## Options

The Urbana City Council has the following options regarding Plan Case 2181-T-12:

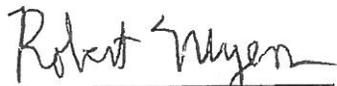
- a. Approve the proposed Zoning Ordinance amendment;
- b. Approve the proposed Zoning Ordinance amendment with specific suggested changes; or
- c. Deny the proposed Zoning Ordinance amendment.

## Recommendation

The Urbana Plan Commission on August 9, 2012, by a vote of 6-ayes and 1-nay, recommended **APPROVAL** of proposed Zoning Ordinance amendment as attached. City staff likewise recommends approval.

Under Illinois State law, the City of Urbana would need to report any municipal regulations of firearms to the State Police within 30 days of passage.

Prepared by:



Robert Myers, AICP  
Planning Manager

### Attachments:

Draft ordinance  
Plan Commission minutes, July 19, 2012; August 9, 2012  
Exhibit A: "On the Firing Line", *Zoning News Bulletin*, February 2000

cc: Patrick Connolly, Urbana Police Chief  
Curt Borman, City Attorney  
Dean Hazen  
Roger Tillman  
Marcus Harris

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS  
(Revising Table V-1, Article II, Article V, and Article VII to establish  
standards for "Firearm Store" and "Private Indoor Firing Range" - Plan Case  
No. 2181-T-12)

WHEREAS, the City Council of the City of Urbana, Illinois adopted Ordinance #9293-124 on June 21, 1993 which adopted the 1993 Comprehensive Amendment to replace the 1979 Comprehensive Amendment to the 1950 Zoning Ordinance of the City of Urbana which is also known as the Urbana Zoning Ordinance; and,

WHEREAS, the Zoning Administrator is proposing to amend the Urbana Zoning Ordinance in order to establish procedures and standards for firearm stores, firing ranges, and home occupations involving firearm sales; and

WHEREAS, the proposed amendment will require firearm stores and indoor firing ranges to be reviewed by the Urbana Plan Commission and City Council on a case-by-case basis as part of the Special Use Permit process; and

WHEREAS, said text amendment is consistent with the goals and objectives of the Urbana Comprehensive Plan; and

WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 24, Section 11-13-14 of the Illinois Revised Statutes, the Urbana Plan Commission held a public hearing on this application at their July 19, 2012 and August 9, 2012 meetings; and

WHEREAS, the Urbana Plan Commission on August 9, 2012 voted 6 ayes to 1 nay to recommend approval with specific changes based on public comments;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, that the Urbana Zoning Ordinance shall be amended as follows:

Section 1. That Section II-3, Definitions, of Urbana Zoning Ordinance is hereby amended to add the following new definitions:

*Firearm:* Any device from which a projectile is discharged by gunpowder through a barrel.

*Firearm Store:* A retail store that derives its principal income from buying and selling firearms, with or without sale of ammunition and/or firearms accessories.

*Firing Range, Private Indoor:* A building inside of which club members, or the public at large, discharge firearms for target practice.

Section 2. That Section V-13, Regulation of Home Occupations, of the Urbana Zoning Ordinance is hereby amended to add the following new requirement:

H: The sale of firearms as a home occupation shall require approval of a site security plan by the Urbana Police Chief, or designee, with renewal every three years.

Section 3. That Table V-1, Table of Uses, of Urbana Zoning Ordinance is hereby amended by adding the following new uses and footnotes:

**Table V-1. Table of Uses**

| Principal Uses                | R-1 | R-2 | R-3 | R-4 | R-5 | R-6 | R-6B | R-7 | AG | B-1 | B-2 | B-3 | B-3U | B-4 | B-4E | CCD | CRE | MOR | IN-1 | IN-2 |
|-------------------------------|-----|-----|-----|-----|-----|-----|------|-----|----|-----|-----|-----|------|-----|------|-----|-----|-----|------|------|
| Firearm Store†                |     |     |     |     |     |     |      |     |    |     |     | S   |      |     |      |     |     |     | S    |      |
| Private Indoor Firing Range†† |     |     |     |     |     |     |      |     | S  |     |     |     |      |     |      |     | S   |     | S    |      |

† See Section VII-5.D for Standards for Firearm Stores

†† See Section VII-5.E Standards for Private Indoor Firing Ranges

Section 4. That Section VII-5, Special Use Terms and Conditions, of the Urbana Zoning Ordinance is hereby amended by adding the following new conditions:

D. The following conditions shall apply to any Firearm Store:

1. Public hearing notification requirements of Section XI-10.B of the Urbana Zoning Ordinance shall be increased from 250 feet to 500 feet.

2. Approval of a site security plan by the Urbana Chief of Police, or designee, shall be a condition for approval of a Special Use Permit. Updated site security plans shall be submitted to the Police Chief at least every three years.
3. Firearms and ammunition shall not be displayed in windows.
4. Hours of service shall be limited to 9:00 a.m. to 9:00 p.m.
5. No individual under the minimum age to purchase a firearm in the State of Illinois shall be allowed on the premises unless accompanied by a parent or legal guardian.

E. The following conditions shall apply to any Indoor Firing Range:

1. Public hearing notification requirements of Section XI-10.B of the Urbana Zoning Ordinance shall be increased from 250 feet to 500 feet.
2. Private Indoor Firing Ranges shall conform to U.S. Department of Energy's Range Design Criteria or subsequent federal criteria.
3. No individual under the minimum age to purchase a firearm in the State of Illinois shall be allowed on the premises unless accompanied by a parent or legal guardian.
4. Hours of operation shall be limited to 9:00 a.m. to 9:00 p.m.

Section 5. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

Section 6. The City Clerk is directed, within 30 days passage of this ordinance, to submit a copy to the Illinois Department of State Police, in conformance with Section 65/13.3 of the Firearm Owners Identification Card Act (430 ILCS 65).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

AYES:

NAYS:

ABSTAINED:

\_\_\_\_\_  
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Laurel Lunt Prussing, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the \_\_\_\_ day of \_\_\_\_\_, 2012, the corporate authorities of the City of Urbana passed and approved Ordinance No. \_\_\_\_\_, entitled "AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS (Revising Table V-1, Article II, Article V, and Article VII to establish standards for "Firearm Store" and "Private Indoor Firing Range" - Plan Case No. 2181-T-12)" which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. \_\_\_\_\_, including all of its attachments, was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the \_\_\_\_ day of \_\_\_\_\_, 2012, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this \_\_\_\_ day of \_\_\_\_\_, 2012.



## On the Firing Line: Zoning for Gun-Related Uses

By Michael Davidson

Few issues have received more attention in recent decades than the implications of firearms. Gang-related warfare, school rampages, and post office shootings spurred a passionate debate between those defending the right to bear arms and those concerned about the violence in society. *Zoning News* will not delve into moral issues or the state of American culture. Rather, this issue will address the land-use requirements of gun-related enterprises, including firearms dealers and shooting ranges.

### Is Nothing Untouched by Sprawl?

Outdoor shooting ranges have fallen victim to incompatible zoning. As the countryside succumbs to urbanization and farms are sold to developers, range operators find themselves uncomfortably close to the residents of new subdivisions. Annoyed and concerned homeowners, neighborhood associations, and town zoning boards complain about noise and related nuisances coming from the nearby shooting range.

Most outdoor shooting ranges are classified as agricultural, industrial, or recreational uses, and therefore are zoned appropriately where few residential uses are present. Even then, a jurisdiction may take extra measures to minimize the impact of the land use. For example, Durham, North Carolina, gives outdoor shooting ranges a "buffer intensity" classification in the city's rural zoning district.

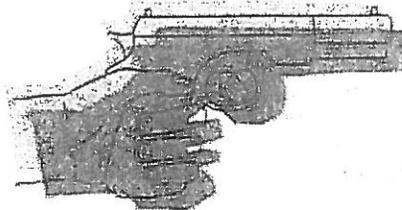
Ohio enacted legislation in 1998 to protect owners, operators, and users of existing shooting ranges from the ramifications of sprawl. Ranges that were established in isolated areas years ago came under fire when encroaching residential development led to legal action over noise. Supporters of the legislation argued for protection similar to that given farmers under Ohio's Right-to-Farm Law. The law provides limited immunity from civil and criminal liability to persons who own, operate, and use shooting ranges that are in "substantial compliance" with standards established by the Division of Wildlife in Ohio's Department of Natural Resources. The law prohibits courts from issuing injunctions against shooting ranges for nuisances if they find that a range is in substantial compliance with state standards. The law also affects the manner in which local governments can regulate ranges with measures such as zoning.

The law's greatest effect is on the "reconstruction, enlargement, remodeling, or repair" of structures or facilities that are part of an existing shooting range. However, it offers minimal protection from local regulations addressing the establishment of new shooting ranges, which must comply with all existing local ordinances. Under the new law, all shooting ranges will abide by the general development standards that apply to all structures in a county or township. The rules adopted by the Division of Wildlife for the reconstruction, enlargement, remodeling, or repair of a shooting range and its related facilities do not preempt

local laws. However, locally adopted standards may no longer be authorized if they specifically target facilities or structures that are part of a shooting range.

### No Guns in My Back Yard

Zoning ordinances ensure that compatible land uses are placed in zoning districts that will minimize or prevent land-use conflicts. Concerns over gun-related enterprises include the buffering and screening of shooting ranges for aesthetic reasons and to prevent bullets and projectiles from leaving the premises. Other concerns focus on firearm noise, devaluation of property near gun dealers and ranges, the perpetuation of crime, illegal firearms sales, and gun accessibility to minors and persons without licenses.



Outdoor shooting ranges have fallen victim to incompatible zoning. As the countryside succumbs to urbanization and farms are sold to developers, range operators find themselves uncomfortably close to the residents of new residential subdivisions.

Many ordinances eliminate gun dealing in residential areas altogether. Opponents of the dealers argue that "kitchen-table" operations pose a potential threat to nearby residents. The homes of such enterprises may not be equipped with the state-of-the-art security systems often found in commercial buildings. Storefront gun shops are typically required by ordinance to place bars on the windows and doors, employ security personnel, and install bulletproof glass. Gun inventories in stores are kept in locked cases, accessible to customers only when a trained professional is present. There is also the risk associated with residential gun dealers who do not keep sufficient records or conduct background checks on customers. Both offenses violate many state and federal laws.

Municipal ordinances can effectively deter kitchen-table operations by requiring a local dealer's license. For example, the dealer may be required to present proof that the operation exists outside a residential neighborhood and away from schools, day care centers, parks, liquor stores, bars, and other firearms dealers. All these areas are frequently deemed sensitive by local officials.

Zoning provisions can restrict firearms dealers to commercial areas. Lafayette, California, requires that dealers first obtain a land-use permit before opening shop. Applicants must also go

Permitted and Conditional Uses for Commercial Districts, Pleasanton, California\*

| Use  | CR  | CR  | CN | CC | CS | CF | CA |
|--|-----|-----|----|----|----|----|----|
|  | (m) | (p) |    |    |    |    |    |
| Antique stores, no firearm sales   |     |     |    | P  |    |    |    |
| Antique stores with sales of antique firearms  |     |     |    | C  |    |    |    |
| Catalog stores, no firearm sales   | P   | P   |    | P  |    |    |    |
| Catalog stores with firearm sales  | C   | C   |    | C  | C  |    |    |
| Firearm sales  | C   | C   |    | C  |    |    |    |
| Firearm sales in which no more than 10 firearms are stored on site at any one time and the majority of firearms are sold through catalogs, mail order, or at trade shows | C   | C   |    | C  | C  |    |    |
| Gunsmiths  |     | P   |    | P  | P  |    |    |
| Shooting Galleries, indoors with firearm sales   | C   |     |    | C  | C  |    |    |
| Sporting goods stores, no firearm sales  | P   | P   | P  | P  |    |    |    |
| Sporting goods stores, with firearm sales  | C   | C   |    | C  |    |    |    |

\*P = Permitted Use; C = Conditional Use  
 CR (m) = Regional Commercial (general use); CR (p) = Regional Commercial (special use mixed use)  
 CN = Neighborhood Commercial; CC = Central Commercial; CS = Service Commercial; CF = Financial Commercial  
 CA = Accessible Commercial

through a public hearing process before the local plan commission to allow for public input. Still, the land-use permit is not lawful until the applicant secures a local police permit and meets federal and state licensing requirements. Such measures have reduced dramatically the number of residential gun dealers throughout the country. Oakland, California, passed its own comprehensive gun dealer ordinance in 1992, reducing the number of local dealers from 115 to six.

The owners of some storefront gun shops in Illinois actually lobbied against residential dealers by supporting President Clinton's 1994 crime bill, which gave local governments more regulatory power over gun dealers. Until then, dealers in some of Chicago's southern suburbs could hold a permit to sell firearms even if the business was violating a state law or a local ordinance. Shop owners say their support for the bill arose from concerns about image rather than profits.

Banning guns in residential zones was not the only important objective of an ordinance passed in Los Angeles County, California. Requiring gun dealers to have a "fixed place of business where all licensed activities will be conducted" helps to eliminate illegal gun sales conducted out of the trunks of cars. The ordinance requires the dealer to be the legal occupant of the place of business, which cannot be a United States post office box address or a private commercial mailbox. The dealer also must prove that he is the owner, lessee, or other legal occupant of the fixed place of business. Any subsequent license will specify the post office address of the dealer's business.

Commercial districts are certainly not immune to the banishment of gun-related enterprises. Culver City, California, circulated a petition to adopt a zoning measure entitled "The Safe School Zones Ordinance of 1999," which would restrict certain uses, including gun shops, within 500 feet of public and private schools, regardless of the location. The petition states: "Not all commercial development is incompatible with school zones. A proper balance can be reached that enhances our business districts, but without sacrificing the health, safety, and well-being of our children in the process."

### Permitted or Not?

When gun-related enterprises are not listed as a use by right (permitted use) in a zoning district, owners are required to traverse through a lengthy administrative process to determine whether the operation is permissible through an alternate measure. Lafayette's gun-related enterprises are not allowed in commercial districts as a permitted use. A firearms dealer must

apply for and obtain a land-use permit before conducting business in a commercial area. Conversely, indoor ranges are listed as permitted uses in the planned industrial districts and the light and heavy industrial districts of Mankato, Minnesota, which requires applicants to embark on the somewhat less difficult process of acquiring a business license, building permit, certificate of occupancy, etc., and complying with any performance standards established by the federal, state, and local governments. Such a process is certainly less burdensome for the planning staff, as the land-use implications of a permitted use are relatively marginal and the paperwork minimal.

**Nonconforming use.** The preexisting nonconforming use, one which may be referred to as having "grandfather" status, is unavoidable for zoning administrators as cultural interests and living styles change and cities continue to grow. Despite such conflicts, some of the now "nonconforming" uses will be allowed to stay, albeit with restrictions. Even a minor structural modification of a gun facility could result in the termination of its nonconforming status, as stated in the Ohio law. The owner of a Michigan gun club wanted to expand his building to include a new range. The request was denied because of the club's status as a preexisting nonconforming use, and to change or alter the use would violate the law, rendering the facility "different" and making it a potential threat to the area with which it was once thought compatible.

**Conditional or special use.** Subject to the high standards of planning and design, as well as the general standards established in the ordinance, conditional or special uses are allowed in districts that do not have them as a permitted use. These add flexibility to the ordinance by allowing a previously unwanted land use to be developed with minimal negative consequences to neighboring properties. Zoning boards typically approve a conditional or special use when that use is compatible with the surrounding area. Present and future compatibility with the surrounding area is an extremely important consideration that zoning administrators, who may have the prerogative of designating the restrictions, should take seriously. Violation of any of the conditions could result in a loss of the permit or some other penalty. Any changes, however minor, to grandfathered outdoor ranges in Cowlitz County, Washington, require the issuance of a special use permit, rendering the entire facility subject to the standards of a new ordinance.

In Santa Monica, California, conditional uses (which include any "business or use which sells, transfers, leases, offers or advertises for sale, transfer or lease any firearm or munitions in any location where such business is permitted") may be granted if the following criteria are met:

- The proposed use will not adversely affect the welfare of neighborhood residents in a significant manner;
- The proposed use will not contribute to an undue concentration of similar uses in the area.
- The proposed use will not detrimentally affect nearby neighborhoods, considering the distance of the use to residential buildings, churches, schools, hospitals, playgrounds, parks, and other existing similar uses.
- The proposed use is compatible with existing and potential uses within the general area.
- The public health, safety, and general welfare are protected.
- No harm to adjacent properties will result.

- The proposed use is not within 1,500 feet of any other similar use, any day care facility, or any elementary, middle, junior, or high school.

Special use provisions for outdoor shooting ranges in New Hanover County, North Carolina, require that:

- all shooting areas shall be set back a minimum distance of 100 feet from any street right-of-way,
- the firing range shall have a natural earth embankment at least 10 feet high placed behind all targets within the shooting area,
- the firing range shall be posted "No Trespassing—Danger—Shooting Range," at 100-foot intervals around the perimeter,
- at least one qualified individual in the sponsoring club or organization shall be certified for shooting range supervision. Each facility shall adopt safety rules and regulations as determined by the sponsoring club or organization.
- the firing range shall be covered by a minimum of \$300,000 accident and liability insurance.

### Legal vs. Lethal

Because zoning ordinances originate from a local government's police power, which is used to ensure public welfare, legal challenges to municipal gun regulations may be unsuccessful, according to the Legal Community Against Violence, a San Francisco-based organization. (More information is available at the group's web site, [www.lcav.org](http://www.lcav.org).) Municipalities can regulate or prohibit uses that jeopardize the character or safety of a residential neighborhood, which may motivate opponents to challenge the municipality under various legal arguments.

**Preemption.** A preemption challenge by residential gun dealers may face rejection in a court of law. In California, the legislature authorizes cities and counties to regulate the sale of firearms within community boundaries, including decisions about licenses and local fees. State regulations exist as well, including those that require gun dealers to perform background checks. Preemption over local authority would not occur simply because a local ordinance prohibiting residential gun dealers "does not involve firearm registration or licensing." Additionally, the ordinance would not contradict the state's penal code requiring background checks because it does not impose any permit or licensing requirements on people who want to purchase firearms for their homes or places of business.

**Equal protection.** An ordinance challenged as violating equal protection will be upheld if the court finds that it does not specifically target a particular class or compromise a person's basic rights, and as long as there is a logical relationship between the ordinance and a valid governmental objective. If an ordinance that bans residential gun dealers has followed its intended purpose of maintaining the residential character of a neighborhood, then those arguing that it violates their equal protection rights will probably not have a solid legal argument.

A California Superior Court rejected a 1995 equal protection challenge to an ordinance banning residential gun dealers, stating in its order, "The sale of firearms is not a fundamental right. There is a rational basis for a ban on gun dealers in residential areas and, accordingly, there is a justifiable exercise of police power."

**Inverse condemnation.** Existing residential gun dealers may challenge an ordinance if they think that such regulation will negatively affect their business. They might argue that this would constitute a "taking without just compensation" in violation of the state and federal constitutions. Still, a cause for action under inverse condemnation should fail. A taking would

occur only if the ordinance imposed substantial constraints on the use of the property as a residence. Prohibiting kitchen-table gun operations does not severely limit a property owner in enjoying the benefits of selling or renting the home, or otherwise living in the home as she wishes.

Legislation regulating gun-related enterprises has increased substantially in recent years. Whatever the type of gun-related use, it is clear that zoning laws and other forms of municipal regulation are essential in achieving peaceful solutions.

### OUTDOOR RANGE STANDARDS

Shooting ranges have safety as the prime zoning purpose for regulation. Most codes require a minimum site size of 10-20 acres, with 20 acres most common. Setbacks of 50-200 feet are common for zone yards and behind back stops in the line of fire. Buildings located ahead of the firing line are allowed to be located to the normal zone yard setback. The site plan must show the location of the firing line or shooting stakes, targets, and backstops and indicate how the backstops are constructed. The backstop must be an earth mound or dike of sufficient dimension to stop projectiles. The range must be screened and fenced with no gates or outlets except as approved on the site plan, to avoid the possibility of unauthorized persons entering the shooting area and to intercept and stop projectiles from leaving the site. The passageway between the firing point and targets must be enclosed or be in a trench to protect users from projectiles.

An ancillary retail store and snack shop is allowed, selling convenience items and prepared snacks and sandwiches to patrons of the shooting range, but no drinks or beer, and short-term rental of firearms and equipment for use only on the premises. Buildings can have rooms for training in the use of firearms but not as an indoor shooting range unless approved with the permit.

—Charles Reed, *The Zoning Report: Definitions and Standards for Campgrounds, Shooting Ranges, Golf Courses, and Other Outdoor Recreation Uses*, Vol. 11, No. 15, December 17, 1993. Reprinted with permission from Charles Reed.

## Big Box Big Issue in California

California is starting out the new year with a new approach to local competition for big box retail stores, courtesy of A.B. 178, which passed the General Assembly last year. Last September, Gov. Gray Davis vetoed a second law passed by the General Assembly that targeted big box retailing. It would have prohibited municipalities from approving retail projects larger than 100,000 square feet if more than 15,000 square feet of the store were used to sell nontaxable merchandise, such as produce.

A.B. 178 prohibits local governments from offering development incentives to retail stores or auto dealers over 75,000 square feet that move from one jurisdiction to another in the same market region. The new law requires that the receiving local government share 50 percent of the sales tax revenue if the relocation results in a loss to the city where the business was originally located. The resulting tax sharing between municipalities would be continued for 10 years. According to Davis, the new law offers a fair approach to dealing with the loss of a large retail store.

State Assemblyman Tom Torlakson, a supporter of the new law, says state and local budget crises have forced governments to compete over business developments that generate sales tax. Threatened cities must then scramble to come up with an investment package or face the relocation of a business to a nearby city. Torlakson previously had tackled this issue unsuccessfully with

July 19, 2012

## MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

**APPROVED**

**DATE:** July 19, 2012

**TIME:** 7:30 P.M.

**PLACE:** Urbana City Building – City Council Chambers  
400 South Vine Street  
Urbana, IL 61801

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**MEMBERS PRESENT:** Carey Hawkins-Ash, Andrew Fell, Tyler Fitch, Lew Hopkins, Dannie Otto, Michael Pollock, Mary Tompkins

**MEMBERS EXCUSED:** Bernadine Stake, Marilyn Upah-Bant

**STAFF PRESENT:** Robert Myers, Planning Manager; Jeff Engstrom, Planner II

**OTHERS PRESENT:** Robin Arbiter, Camden Baxer, Ronald Berkman, John Boch, Matt Boynton, Jessica Dewitt, Brendon Ellis, Chris Fortier, Will Gillespie, Marcus Harris, Dean Hazen, Mike Holden, Pat Holden, Christina Kniskern, David Martin, Ryan Meekma, Kenneth Selby, Steve Stanley, Susan Taylor, Clyde Walker

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## COMMUNICATIONS

The following written communications were distributed to Plan Commissioners at the beginning of the meeting:

- Updated recommendation for proposed Zoning Ordinance text for Plan Case No. 2181-T-12 provided by City staff.

## NEW PUBLIC HEARINGS

**Plan Case No. 2181-T-12:** A request by the Zoning Administrator to amend Table V-1, Article II, Article V, and Article VII of the Urbana Zoning Ordinance to establish standards for “Firearm Sales” and “Firing Range (Private Indoor)”

Jeff Engstrom, Planner II, presented this case to the Plan Commission. The proposed text amendment originated when a property owner contacted the Zoning Administrator to determine where the Urbana Zoning Ordinance would allow opening a new gun store and firing range in Urbana. Mr. Engstrom noted that the Federal Bureau of Alcohol, Tobacco, and Firearms (ATF) enforces federal laws such as the Gun Control Act, the National Firearms Act, and the National

Instant Criminal Background Check System. Additionally, the State of Illinois has adopted firearms laws concerning rules for sale and purchase of firearms. Cities have the ability to regulate firearm sales through zoning or licensing. Zoning regulations may include minimum distances from schools, parks, churches or other gun shops or restricting firearm sales to specific zoning districts.

Mr. Engstrom stated that requirements for shooting ranges were less common than those for firearm sales. For indoor shooting ranges, design standards have been adopted by the federal government to ensure safety and low noise impacts on adjacent properties.

He discussed possible zoning districts in the City of Urbana where firearm sales might be allowed with a Special Use Permit. City staff is proposing firearm sales would only be allowed in the IN-1 (Light Industrial/Office) and B-3 (General Business) Zoning Districts. In addition, City staff is recommending the following three standard conditions for all principal use firearm sales businesses to meet: 1) Require a minimum distance from schools and places of worship; 2) Require a security plan approved by the City of Urbana's Police Department and 3) Restrict firearms and ammunition from being displayed in windows.

He also spoke about limiting retail sales of firearms as a home occupation and permitting private firing ranges as a conditional or special use in certain districts. The amendment would also limit gun sales out of homes. Upon researching firing ranges, City staff found all of their concerns addressed in the federal guidelines for range design criteria. Staff is proposing to adopt these design guidelines as a requirement for any indoor firing range.

Mr. Engstrom explained how the 2005 Urbana Comprehensive Plan relates to the proposed text amendment. He read the options of the Plan Commission and presented City staff's recommendation.

Chair Pollock asked staff to explain the processes for acquiring a special use permit and a conditional use permit. Mr. Engstrom then explained the process for each.

Mr. Hopkins asked if there is a particular reason why the special use permits being proposed in the text amendment only apply to IN-1 (Light Industrial/Office). Mr. Engstrom replied that when the City recently created the IN-1 (Light Industrial/Office) and IN-2 (Heavy Industrial) Districts, the intent of the IN-1 District includes limited retail uses, but IN-2 Districts are intended to be limited to heavy industrial uses.

Mr. Hopkins asked how indoor firing ranges related to the CRE (Conservation-Recreation-Education) Zoning District which is primarily public owned land. Mr. Engstrom answered that although CRE zoning is mostly publically owned, it could also include privately owned property.

Mr. Hopkins asked what constitutes a private firing range as opposed to a public firing range. Mr. Engstrom responded that a new definition would define a "private" firing range as essentially private owned. The proposed text amendment distributed tonight would apply to private firing ranges and not publically owned ranges such as the law enforcement-only range at the closed City landfill.

Mr. Hopkins wondered if the Urbana Park District wanted to open a public firing range, then the proposed regulations would not apply. Mr. Engstrom said that is correct.

Mr. Otto noticed the wide range of minimum distance requirements on Page 3 of the written staff report range from 500 to 2,000 feet. Why is City staff proposing 500 feet distance? Mr. Engstrom explained that the table shows a sample of local standards. Most all of the cities require from 500 to 1000 feet, so City staff decided to go with the lower distance. The Plan Commission can recommend a different distance if they wish to do so.

Mr. Otto asked why there are different laws based upon business volume. He feels that there should be one set of regulations. Mr. Engstrom replied that when we generally look at principal uses for different businesses, there are different concerns that would affect them. Larger businesses have larger volumes of traffic. Mr. Myers added that it is the intent of this amendment to deal with land use categories rather than gun sales specifically. This amendment concerns principal use gun stores rather than pawn shops and sporting goods stores which may include gun sales as a smaller component of a broader range of retail sales.

Chair Pollock inquired as to whether the proposed regulations, if approved by the City Council, would be applied to stores that currently sell firearms or would these stores be grandfathered in without the regulations. Mr. Myers responded that because it is a zoning regulation, any firearms stores, private firing ranges, or approved home-based gun sales would be grandfathered as legally non-conforming uses. When the City staff drafted the proposed text amendment, they had firearm stores in mind rather than general retail stores.

Mr. Otto commented that his concern is not so much over the character of the use but more for the security of the inventory. A larger business, such as Walmart, could have a firearm section that while it may only be considered a small portion of their overall inventory could be five times larger than a firearm store. The City needs to have the same laws for any business who would sell firearms.

Mr. Otto noted that on Page 7 of the memo, under Section V-13. H. (home occupations) it states that, "*...No firearms inventory shall be regularly kept in the home.*" He felt this language should be removed for the simple reason that a firearm dealer with a home occupation permit will probably have a stock of guns for their own personal possession kept at home. How would one determine whether this would be part of the inventory or part of the dealer's personal collection? Mr. Myers stated that the City is not intending to limit gun ownership through this Zoning Ordinance amendment. The home occupation ordinance is vague in several major respects, including that it doesn't prohibit retail sales from the home. Allowing outright retail sales from a home flies in the face of residential zoning. Prohibiting stock in trade at home is intended to insure that a gun dealer operating from the home with internet sales does not become a gun store operated in a residential zoning district.

Mr. Fell asked if a firearm store owner wanted to provide a place for a potential buyer to fire a gun prior to purchasing it, would it be considered a firing range? Mr. Engstrom stated that this would be considered a private firing range. Chair Pollock pointed out that this could only happen in certain districts with the approval of a special use permit.

With no further questions for City staff, Chair Pollock opened the hearing for public input.

Marcus Harris and Dean Hazen approached the Plan Commission. Mr. Harris explained that he owns rental property and Mr. Hazen approached him about relocating his home firearm business. After researching firearm sales and firing ranges and reviewing the properties that he owns, he found two locations that would be suitable for these uses. The property at 705 South Glover Avenue might be a gun store, and 801 South Poplar might be suitable for an indoor firing range. Mr. Harris said he approached City staff about the process of opening each business.

Mr. Myers asked Mr. Harris to talk about the design of indoor firing ranges. Mr. Harris noted that the National Rifle Association (NRA) offers range conferences, and professional firing range outfitters can be hired to construct firing ranges to meet the federal, state and local regulations. Building or retrofitting a building to meet these standards requires a considerable investment.

Mr. Fitch questioned whether Mr. Hazen had any concern about possibly opening a firearm store close to an establishment where alcohol is served and consumed on premises. Mr. Hazen did not have any concern with this because most alcohol would be served in the evening during the hours when his business would be closed.

Mr. Fitch asked if Mr. Hazen felt confident that a security plan would cover any problems that might be unique to a similar location. Mr. Hazen recognized that the Plan Commission did not want to get specific details about his plans to open a firearm store and firing range, but he currently has an extensive security plan for his home business in which he has invested a lot of money.

Mr. Hazen spoke about larger chain stores selling firearms. Walmart used to sell guns at one time. However, he is not aware of any chain store in the area currently selling firearms. One reason why is because the stores would have to invest more training and money in employees authorized to handle firearm sales. The employees would have to pass written tests and background checks, obtain FOID cards and undergo extensive training. In addition, there are strict regulations on selling firearms and a large amount of paperwork to file when a firearm is sold. Larger chain stores realized it was not worth the extra cost, so they discontinued selling firearms in their businesses.

Mr. Hazen asked if there is a fee to apply for a special use or conditional use permit. Mr. Engstrom said yes. The fee is \$150.00 for a conditional use permit and \$175.00 for a special use permit. This is a one-time fee rather than annual.

Ron Berkman, of 1003 Philo Road, stated that shooting is a sport for him and his wife. They support the idea of allowing firearm sales and firing ranges in the City of Urbana. The nearest indoor firing ranges are in Bloomington, Rochester, and Pocahontas. They belong to the local clubs that provide outdoor shooting ranges in St. Joseph, Sadorus, and Foosland. They would like a local place to go when it gets cold outside. The use of firearms has to do with training and knowledge. There should be more information disseminated throughout the population. The City already supports bicycles and art, and there is no reason for the City not to support the sport

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of shooting firearms. Firearms are simply machines, just like cars, motorcycles, boats, and aircrafts. Any of these could be used as weapons.

Robin Arbiter, President of the Lierman Neighborhood Action Committee (LNAC), and Jessica Dewitt, resident of the City of Urbana, came before the Plan Commission to speak. They handed out copies of a letter to the Plan Commission regarding the concerns of the Lierman Neighborhood Action Committee, and Ms. Arbiter read the letter aloud. The Lierman Neighborhood Action Committee does not want gun stores to be allowed by right but instead considered on a case-by-case basis. They want businesses and services which will serve and support the community. They need a store where they can buy fresh food. They already have liquor sales and adult entertainment. A gun store would not benefit the neighborhood.

Chair Pollock pointed out that many of the standards that LNAC recommends are included in the proposed text amendment. Ms. Arbiter replied that they do support the proposed text amendment and feel that it addresses many of the neighborhood's concerns. The one area where the proposed text amendment had less emphasis is in spelling out the community impact. Chair Pollock assured them that every time the Plan Commission meets to review a case, they consider the impact that their decision would have on the community.

Ms. Dewitt wondered if a gun shop being located in a neighborhood would lower the property value of the homes in that neighborhood. Mr. Engstrom said he could research this issue.

Ms. Dewitt mentioned that there could be a potential for a secondary market of firearms even though this would be illegal. A firearms store locating in a neighborhood such as the Lierman Neighborhood would not present a good image for the neighborhood.

John Boch, President of Guns Save Life, approached the Plan Commission to speak. He encouraged the City of Urbana to adopt regulations that are more permissive than restrictive to avoid the potential for legal expenditures down the road. If the City adopts rules that are highly restrictive, it could lose in court like the City of Chicago and have to pay big money. He did not see a need for any setback requirements from other uses. The Constitution's Second Amendment, the right to keep and bear firearms, is right on par with the right to free speech, freedom of religion, etc. Firearms used properly are very safe and beneficial. If they are used for criminal acts, then let the justice system take care of the offenders.

Chair Pollock asked if Mr. Boch had read the proposed text amendment and would he term it as being "highly restrictive". Mr. Boch responded that based on his reading he believes that there is some wiggle room in the language and that it is not terribly objectionable. He hoped that it would not be amended to become more restrictive than what it appears in its current state.

Steven Stanley, resident of Liberty Commons, stated that he is a gun owner. He pointed out that purchasing firearms is already very restrictive with the federal and state regulations. He hoped that the City of Urbana would not create an ordinance that would infringe upon gun owners. Allowing indoor and outdoor shooting ranges would be beneficial to gun owners as well as to the City. Gun owners would have a local place to go, and the City would benefit from the revenue that shooting ranges would generate.

Kenneth Selby, a federally licensed firearms dealer, talked about his life experience with regards to firearms. He feels that the proposed text amendment is overly restrictive with regards to distance from schools. He owned a firearm store in Jacksonville that was within 300 feet from a public school and across the street from the athletic field for the high school. The only issue he had would be when there was a football game on Friday night with parents and fans parking in his parking lot. He never had an issue with kids coming into his shop because they were not old enough to purchase firearms. Another issue he has with the proposed text amendment is with regards to inventory. The ATF will not allow a person to open a firearms store out of their home unless they have specific hours of operation. "By appointment only" will not be approved by the ATF. In his current firearm business, which is located in Rantoul, he does mostly internet sales. Firearms are delivered to his house by regular carriers, and he ships firearms to his clients through the United States Post Office. He has about 30 guns in his inventory that he advertises on the internet.

The ATF allows for individuals to open firearm businesses in their homes, grow their business, and once the business has outgrown the home, the individual can move their business into a shop elsewhere in the City. However, the proposed text amendment as worded would not allow this to happen in the City of Urbana.

David Martin, resident of rural Urbana, noted that with regards to indoor shooting ranges, the City of Bloomington is 55 miles away, the range in the Danville area is north of Oakwood about five miles, and the Village of Foolsland is approximately 7 to 8 miles north of Mahomet. To have an indoor shooting range close by for the citizens of Urbana and for residents of the surrounding areas would be a great benefit to the area. If ever the State of Illinois adopts a conceal/carry law, then there would be a big business in firearms training. People would need a place to practice.

Mr. Hazen re-approached the Plan Commission to address comments that were mentioned by other speakers. He verified Mr. Selby's comments about the ATF requiring specific hours of operation for home based firearms businesses. In his current home business, he has one day a week with limited hours of operation to meet ATF's regulations and restricts other business to no more than five visits per day to meet local regulations.

Regarding inventory, Mr. Hazen has about 65 to 70 guns in his business inventory. He has construction toolboxes bolted to the floor, alarms in the house, motion sensors, and barbed windows in the garage. He has customers who have four to five times the number of guns in their personal collections than he has in inventory, and his customers do not have nearly as much security as he does. He wanted to discuss what the City's concerns are regarding security in terms of inventory.

With regards to his business and the proposed text amendment, Mr. Hazen understood that his home business would be grandfathered in. While the proposed text amendment would prevent any future competition, he believes in the American dream and that others should have the same opportunity that he has had. He mentioned that he has not made any money in the year and a half that he has been in business. It is a labor of love. Most of the firearm dealers that work out of their homes have this type of business because of fond memories from hunting with their fathers or learning how to shoot guns in school.

He talked about the Police Training Institute located on the University of Illinois' campus. He noted that this is not a public range. It is a shooting range for people who belong to the faculty and staff shooting club. The Urbana Police Department has their own range on the north side of town.

He stated that he is a police officer and a resident of southeast Urbana. He is very concerned about the development of southeast Urbana in terms of home values, crime rate and safety. When good businesses pull out of a neighborhood then it leaves more room for the crime rate to increase. Gun owners and firearm store owners are some of the most civic minded, methodical, and responsible people. This is the type of people who will be frequenting a firearm store; not people under the influence of alcohol or felons. He would like to see the neighborhood get built up with good business no matter what the business may be.

Mr. Myers explained that the intent of only allowing business "by appointments" is to prohibit retail trade from occurring in a home. Mr. Hazen asked that now City staff knows that the ATF require at least one day with limited hours if they could include that in the language of the proposed text amendment so that it would be possible for an individual to open a home-based firearm business. Mr. Myers said yes.

Mr. Harris mentioned that he owns about 50 residential properties in the neighborhood. He would not do anything to impact the value of those properties. Therefore, he would not rent to Mr. Hazen if a firearms store would lower home values.

Mr. Hopkins wondered if there is alternative language that would be more directly useful than not allowing any inventory be kept in a home based business. Mr. Hazen stated his security plan for his home based firearm business is on file with the Urbana Police Department as well as with METCAD. Mr. Hopkins proposed that the City change the language in the proposed text amendment to make it a requirement for any home based firearm business to submit a security plan to the Urbana Police Department and to METCAD in lieu of any other regulations.

Mr. Ash wondered if Mr. Harris or Mr. Hazen, upon getting approval in the future to open a firearm store and/or indoor shooting range, would provide educational training for people who are interested in learning about firearm safety. Mr. Harris remarked that if people are interested in the educational or training component, then he would be willing to have open doors to offer it and possibly even have some competitor events. Mr. Ash felt that by offering education and working together with people to obtain their FOID cards, that it could help bridge the gap between them and the community.

Mr. Berkman re-approached the Plan Commission. He mentioned that he has a home-based business and deals with people as clientele. He communicates with them through email and periodically someone will come by to pick up their product. He also has mail order customers. A gun shop and a shooting range could serve as a focal point for the individuals who are capable of sharing information with those who are interested in becoming involved. The more communication they have and the more interchange they have between the groups, then the better the end product will be.

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Michael Holden, of 1209 East Michigan, welcomes an indoor shooting range. He, especially, likes the idea of a range being located close to his home so he could walk there. He asked why the Pledge of Allegiance was not said at the start of the meeting. Chair Pollock stated that it is said at City Council meetings in conjunction with holidays. Mr. Holden commented that he wished it would be said at the start of all government meetings.

Steven Stanley re-approached the Plan Commission. He talked about education and how it increases safety and it teaches people not to be as scared of firearms.

Ryan Meekma, resident of the City of Urbana, talked about how when he first moved here he was unable to meet new people who enjoyed the same hobbies as him, especially when it came to shooting as a sport. It took him two years to find shooting clubs in other communities. He advised people to be careful when talking about guns or firearms and not call them weapons. It offends those who like shooting as a sport or for hunting. We need to educate people correctly so that they do not consider guns as weapons.

Clyde Walker, of 901 South Lierman Avenue, senses an irony in the idea of locating a firearm store in an area where so much gun violence has occurred over the last several years. To him it is a matter of semantics of whether they are called firearms or weapons because the potential physical and psychological results are still the same.

With no further input from the audience, Chair Pollock closed the public input portion of the meeting and opened it up for further questions for City staff from the Plan Commission.

Mr. Ash questioned whether the two existing home-based firearm store permits would expire and have to be renewed. If so, would they be renewed under the amended ordinance? Mr. Engstrom said no, home occupation permits, once granted, are perpetual as long as the home owners abide by the conditions in their applications.

Chair Pollock then opened the meeting up for Plan Commission discussion. Mr. Hopkins felt that the Plan Commission needed to make some revisions to the proposed text amendment prior to making a motion.

One revision would be to Section V-13, Paragraph H. Mr. Hopkins believed that they should require approval of a site security plan by the Urbana Police Department. This should be the only requirement listed in this paragraph. The current proposed language is over written in trying to solve concerns of the City staff. The Urbana Police Department should be able to figure out whether a size of inventory requires some kind of alarm system or not.

Mr. Otto felt that anything they come up with should be in accordance with the ATF. He felt that Mr. Hopkins' suggestion to require approval of a site security plan by the Urbana Police Department is too broad or general, and he is worried that the responsibility of making the decision might fall on someone with less experience with the ATF's regulations. He would like for City staff to find the specific regulations that the ATF requires. It was the consensus of the Plan Commission to have City staff look at what types of issues we should have the Urbana Police Department look at, what the ATF regulations are and some options for how to reword the language so that it fits with the ATF criteria as well as safety concerns for the City's neighborhoods.

Mr. Otto inquired about current regulations for existing home-based businesses with regards to hours of operation. Mr. Myers replied that there are many issues with the home occupation ordinance. It does not actually say that retail is not allowed; however, it has been a long-standing interpretation that it does not include retail sales. It does not generally prohibit having business hours open to the public because some home occupation uses that are permitted may need to have hours of operation, such as a hair salon/parlor. Chair Pollock suggested that given the vagueness of the ordinance in general and its various different applications depending on types of businesses that when the Plan Commission looks at gun sales in particular they hone in specifically on this use. The Plan Commission should leave the recrafting of the home occupation ordinance in general to a later date.

Mr. Hopkins felt that the notion of distance from other uses needs some justification. Chair Pollock voiced his idea that maybe discussion on this should take place during the special use permit process depending on the property, adjacent properties and the zoning of the properties. Mr. Fitch stated that he would like to see a justification of why 500 feet would be appropriate instead of 200 or 300 feet and why does it only apply to churches, schools and mosques. Why does it not apply to businesses that sell alcohol? He believes it warrants more discussion and research by City staff.

Mr. Hopkins understood Section VII-5. Paragraph D to be specific conditions to be added to the special use criteria for firearms in addition to general criteria for special uses. It seems to him that Item 4 is so vague that it is covered under the general criteria for special uses, and therefore invites misinterpretation. Chair Pollock added that special use permit process provides great flexibility for the Plan Commission and the City Council to make those determinations on a case-by-case basis, so there is really no reason to have Item 4 in the ordinance. It was the consensus of the Plan Commission to remove Item 4.

Mr. Otto pointed out that there had been no discussion on hours of service for a firearm sale use. The Plan Commission agreed that City staff should research this more and find if other areas have hours of operation for firearm sale use as home occupations.

Mr. Otto stated that he would prefer to include the outdoor shooting range use with the proposed text amendment rather than to wait until someone expresses an interest. Chair Pollock mentioned that he had previous conversations with City staff prior to the meeting about how to handle this. City staff is not ready to present a text amendment to the Zoning Ordinance on outdoor shooting ranges. However, it is on the list of what City staff is planning to propose changes to or create in the form of future text amendments.

Mr. Ash asked Mr. Harris and Mr. Hazen whether they would offer firearm educational services to which they assented.

Chair Pollock announced that this case will be continued at the next regular meeting of the Plan Commission.

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: August 9, 2012

TIME: 7:30 P.M.

PLACE: Urbana City Building – City Council Chambers  
400 South Vine Street  
Urbana, IL 61801

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MEMBERS PRESENT: Carey Hawkins-Ash, Andrew Fell, Tyler Fitch, Dannie Otto,  
Michael Pollock, Bernadine Stake, Mary Tompkins

MEMBERS EXCUSED: Lew Hopkins, Marilyn Upah-Bant

STAFF PRESENT: Robert Myers, Planning Manager; Teri Andel, Planning Secretary

OTHERS PRESENT: Marcus Harris, Dean Hazen, Susan Taylor

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CONTINUED PUBLIC HEARINGS

**Plan Case No. 2181-T-12: A request by the Zoning Administrator to amend Table V-1, Article II, Article V, and Article VII of the Urbana Zoning Ordinance to establish standards for “Firearm Sales” and “Firing Range (Private Indoor)”**

Robert Myers, Planning Manager, presented an update of the proposed text amendment to the Plan Commission. City staff intends for the proposed text amendment to establish standards for firearm sales as a land use category rather than as an activity. Based on this, City staff modified the proposed term “firearm sales” to “firearm store” in Table V-1, Table of Uses.

At the request of the Plan Commission, Mr. Myers has further researched minimum distance requirements for firearm stores and firing ranges. He pointed out that there are minimal distance requirements for other uses in the City of Urbana are common, such as billboards and adult entertainment uses. He talked about minimum distance requirements for firearm sales and the results of the court case *Illinois Sporting Goods Association versus County of Cook* (1994). Establish minimum distance standards can be a reasonable zoning requirement, but City staff recommends that the standard minimum distance requirement be removed from the proposed ordinance since it is limited to two specific uses: firearm stores and firing ranges. The Plan Commission could choose to recommend minimum distance requirements, but City staff would need to do further legal research to determine whether these standards would need to be applied across the board to all firearm sales. The proposal in writing before the Plan Commission is to

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deal with potentially sensitive nearby land uses such as churches and schools on a case-by-case basis through the special use permit process.

To address Plan Commission questions about what elements might be included in site security plan, Mr. Myers met with Dean Hazen and Roger Tillman of D & R Firearms to review the security used for their home-based business. Mr. Myers discussed these elements and suggested that the Plan Commission could make approval of a security plan a standard condition.

Chair Pollock opened the hearing up for Plan Commission questions to City staff. The questions and answers were as follows:

If a minimum distance regulation was supported and added to the proposed text amendment, how would it affect a home-based firearm dealer use? Mr. Myers replied that minimum distance requirements would not apply to a home based business because the use is accessory to the principal use as a home.

If the proposed text amendment is approved, would it prohibit home-based firearm business? Mr. Myers responded that such uses would still be permitted as long as it meets all of the City's home occupation standards and complies with approved permits.

Does the City's existing Home Occupation Ordinance require a security plan? Mr. Myers responded that it does not.

What about firing ranges? Mr. Myers responded that the current Zoning Ordinance does not have indoor firing ranges in the Table of Uses. As being proposed, the City would review requests for firing ranges on a case-by-case basis to ensure compatibility with neighboring properties.

There was a concern about who would approve a site security plan given that the proposed wording would be approval by the Police Department. Mr. Otto would be more comfortable identifying the Chief of Police as the person who reviews site security plans rather than just naming the Police Department. Mr. Myers said this could be changed.

There was also concern that there are no restrictions on the hours of operation. It is conceivable to have hours of operation as long as it relates to a public purpose.

Should there be a specific list of security measures that a future owner would be required to complete? Mr. Myers recommended that this be left to the Chief of Police to determine what type of security would be needed for each business. The City could also address this when reviewing and deciding upon the special use permit request that is required to open a firearm store.

Are firearm dealers required to renew their site security plans every so often? It would be reasonable to require periodic review of security plans.

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Are regulations in a special use permit process allowed to be determined based on the specific needs of that particular request without regard to other special use permit approvals that have come before? Mr. Myers responded "yes".

Could an age limit be placed on entry into the store as a condition on approval of a special use permit request? How old must a person be to obtain a FOID card? Mr. Myers believed an age limit could be a condition if the City finds a reasonable relationship between the age limit and protecting the public.

Does the City of Urbana impose hours of operation for alcohol sales? Mr. Myers responded that City staff could find out and get back to the Plan Commission.

Why would private indoor firing ranges require a conditional use permit rather than a special use permit in the AG, Agricultural, and CRE, Conservation-Recreation-Education, Zoning Districts? Wouldn't the City Council want to review all of these uses? Mr. Myers explained that because AG and CRE Zoning Districts usually have large lots, firing ranges established there are less likely to impact neighbors and so a conditional use seems reasonable. But there is some logic to having all of these uses approved by the Plan Commission and City Council as Special Use Permits. Mr. Myers would support this change.

In researching the distance from specific uses, did City staff find any communities that regulate distance between a firearm store and a business that sells alcohol? Yes, occasionally. The most common distance regulations applied to schools, residences, places of worship and parks. Distance requirements to liquor stores is probably the fifth most common.

With no further questions for City staff, Chair Pollock reopened the public hearing and asked for any comments from the public.

Dean Hazen and Marcus Harris came before the Plan Commission to speak.

Following up on Plan Commission questions, Mr. Hazen explained that a person must be at least 18 years old to obtain FOID card and 21 years old to purchase. An 18-year-old can purchase shotgun and 22-rifle ammunition only.

A firearm business is required by the Federal Bureau of Alcohol, Tobacco, and Firearms (ATF) to have a block of hours that the business is open, even if it's just a couple of hours a week. The reason is because the ATF can only inspect the business during business hours. For this reason a home occupation firearms dealer needs to be able to have some limited hours open to the public.

With regards to restricting the age limit for people who can enter a firearm business, he stated that some of his customers bring their children with them when coming to his business. They are out running errands and stop by his business to see what he has for sale. Owners of this type of business and the children's parents are not going to allow the children to handle guns. It is actually educational for children as part of firearms safety. It would not be onerous for the City to place an age restriction for entrance as long as they include that minors can be accompanied by their parent or legal guardians. It is a state law that a person must have a FOID card to even

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look at or touch a firearm. He believes that the reason an 18-year-old can purchase a FOID card is for hunting purposes. Even then, the 18-year-old has to be sponsored by a parent.

He confirmed that there is a 72 hour waiting period to purchase a hand gun and 24 hour waiting period to purchase a long gun (shotgun or rifle). He explained the process for completing a background check. In the case where the waiting period has expired and he has not heard back from the Illinois State Police, there are specific steps to follow. After the initial 72 hour waiting period, he calls the State Police's FOID Division to inform them that he has not heard anything about the customer. They have an additional 2 days to respond. After 5 days with no response, the customer is legally able to purchase a firearm. But the firearm dealer is not obligated to sell a gun. He has turned down a few people even though they had a FOID card.

There was a concern expressed about the potential noise produced from an indoor firing range. Mr. Hazen said that any indoor shooting range he has visited he has not heard any noise outside whatsoever except in a few cases when someone is shooting something enormously loud. Chair Pollock pointed out that as mentioned earlier, an indoor shooting range is only allowed in the AG and CRE Zoning Districts, which are usually fairly large sized parcels. However, if an indoor shooting range is proposed to be located within the City on a smaller size lot, then the noise level is something that could be addressed during the special use permit process.

Mr. Hazen noted that easily 90% of his customers have inquired about places to practice shooting and receive training and education on firearms. There is no place locally for the public to go. Some people set up cans along the roadside to practice shooting, which is extremely dangerous because bullets can travel a long distance.

With regards to restricting hours of operation for a firearm store, Mr. Hazen thought that a closing time of 7:00 p.m. or 8:00 p.m. would not interfere with business. Most customers visit his business either before work, after work or on the weekends. Mr. Harris recommended for a shooting range, extending the hours of operation from 9:00 a.m. until 9:00 p.m. Weekends are very popular.

As for firearms, Mr. Hazen explained that most people bring their own firearms to a shooting range. However, most shooting ranges will have firearms that people can rent while at there. This gives people an opportunity to fire a gun that they may not own or have wanted to try.

Customers must have FOID cards. There are certain regulations people must follow to transport their firearms to a shooting range. Once a customer arrives, a range officer would then inspect the firearm to ensure that it is safe and would also inspect the customer's ammunition because there are regulations on what type of ammunition can be used at a range.

Mr. Harris stated that firing ranges are often conjoined with gun stores, or they sell their own ammunition and firearms. Sometimes the gun store and the shooting range are owned by separate people.

With no further input from the public, Chair Pollock closed the public hearing and opened it up for further questions for City staff from the Plan Commission.

The Plan Commission asked how a "school" was defined. Mr. Myers explained that staff uses the definitions in the Zoning Ordinance as land use categories to find principal uses of properties. The Zoning Administrator would interpret what the principal use of a property is based on the definitions in the Zoning Ordinance prior to a special use permit request coming before the Plan Commission or City Council.

With no further questions, Chair Pollock entertained Plan Commission discussion and/or motion(s).

Mr. Fell wondered if the minimum distance requirement should also apply to home occupation permits. It seems that every other instance where we have a minimum distance requirement, it is something that would never be a home occupation use, such as radio tower, wind turbine, etc. If we apply a minimum distance requirement to a firearm store, then we also need to apply it to a home-based firearm business. Mr. Myers replied that this opens up the issue of whether a minimum distance should be required for any business that sells guns. This would include a pawn shop or a sporting goods store, which are both permitted by right in certain zoning districts. As such, gun sales would only be a small portion of the overall business either in square footage or in their level of income. The City could never allow outright retail sales in any home occupation business because it flies in the face of residential zoning. Mr. Fell pointed out that home firearm businesses are required to be a retail shop for a certain period of time each week by having set hours of operation. Mr. Myers replied that City staff does not consider it to be a retail shop just because they have a few hours of operation. They have prior arrangement for visits on a clientele basis. The hours of operation could be time when pre-arranged clients could come to fill out paperwork, finalize a sale that started on the internet, pick up a product, etc. The proposed text amendment as written does not include minimum distance requirements. Each request would be considered on a case-by-case basis. Mr. Otto stated that it would be a good idea for the City to require a rationale for placing a minimum distance requirement on a specific request. Mr. Myers agreed.

Mr. Ash wondered if there should be any distinction for combination firearm stores/firearm ranges guns. Mr. Ash said that the two uses could cohabitate in one building with a wall separating them. Chair Pollock believes that they could impose a minimum distance requirement on the gun range from schools, churches, etc. in this instance.

Mr. Myers stated that there are two ways to deal with adjacent uses. One is through the approval process and the other is through standard conditions. The City could say that any specific use (such as billboard, firearm store, indoor shooting range, etc.) has to be a specified distance from another type of use (such as residential, church, etc.). Another way to deal with the use is to require a special or conditional use permit where it would be reviewed on a case-by-case basis. A third option would be to require both a minimum distance and a special or conditional use permit. Chair Pollock added that this part of the process is simply what zoning districts a firearm store or indoor shooting range would be allowed in and what type of process would an owner go through to locate there.

Ms. Stake talked about the danger of having a firearm store located near schools. There have been 100 school shootings since the deadly 1999 Columbine High School shooting. It is not reasonable to locate a firearm store or indoor shooting range in an area where there is already a high crime rate. She is opposed to people owning guns.

Could a firearm store currently be established in a commercial district? Mr. Myers responded that it could not now be established as a primary use. It could be part of a larger retail use such as a sporting goods store or pawn shop. The Zoning Administrator would need to make this interpretation.

There was discussion about the noticing requirements for special and conditional use permit hearings. City staff is required to notice public hearings within 250 feet, excluding City right-of-ways. If the Plan Commission desired to increase this distance, then they could add that to the recommendation that they forward to City Council for the proposed text amendment.

Mr. Fitch moved that the Plan Commission forward Plan Case No. 2181-T-12 to the Urbana City Council with a recommendation for approval as indicated in the revised written staff report dated August 3, 2012. Mr. Fell seconded the motion.

Mr. Ash moved a friendly amendment to amend Section V-13.H to read as such: *The sale of firearms as a home occupation shall require approval of a site security plan by the Chief of Urbana Police Department or his designee for renewal every three years.* Mr. Otto seconded the motion.

Mr. Ash stated that this will incorporate what the Plan Commission had already discussed in specifying the officer responsible for approval. If the Chief of Police is too busy, then he can designate one of his responsible deputies. It also incorporates Mr. Fell's comments as to the renewal period in the event that there is growth and expansion for the business owner.

Mr. Otto called the question on the amendment. Mr. Fitch seconded. A hand vote was taken and the question on the amendment passed.

Roll call on the motion to amend was as follows:

|              |   |     |           |   |     |
|--------------|---|-----|-----------|---|-----|
| Mr. Ash      | - | Yes | Mr. Fell  | - | Yes |
| Mr. Fitch    | - | Yes | Mr. Otto  | - | Yes |
| Mr. Pollock  | - | No  | Ms. Stake | - | Yes |
| Ms. Tompkins | - | Yes |           |   |     |

The motion to amend was approved by a vote of 6-1.

Mr. Ash moved a friendly amendment to amend Section VII-5. Special Use Terms and Conditions Subsection D, Number 1 to read as such, "~~Urbana Police Department approval of a~~ A site security plan shall be submitted to the Urbana Chief of Police or his designee for his approval every three years as a condition for approval of a Special Use Permit." Ms. Stake seconded the motion.

Mr. Fell understood the motion to mean that a firearm store owner would have to get approval of a new Special Use Permit every three years. Mr. Ash stated that his intent is to require a firearm store owner to resubmit a security plan every three years as a condition of the approval of the permit.

Chair Pollock presented a scenario where a store owner gets approval of a special use permit to locate a firearm store, submits a site security plan and it is approved, then three years later resubmits a site security plan as required that is not approved by the Chief of Police or his designee, what happens then with the special use permit? Mr. Ash replied that the Chief of Police would give notice of the denial of the site plan, and the special use permit would come back to the Plan Commission in terms of the validity of the permit. It would actually trigger a review of the special use permit.

Mr. Otto likes this idea, because many times a special use permit is granted and there is no way to enforce that the owner is complying with the conditions of the permit. For example, when an owner agrees to contract for additional required parking. They let the parking contract lapse after getting approval of the special use permit, and the City has no way of enforcing that a new contract be arranged.

There was discussion by the Plan Commission about whether the owner should be notified every three years when the time comes to resubmit a site security plan or whether the owner should be held responsible to resubmit on their own similar to a driver's license. It was pointed out that there is an expiration date on a driver's license alerting the individual when his/her license would expire. The Plan Commission decided it should be an administrative decision.

Chair Pollock asked for the motion to amend to be read back to them.

Roll call on the motion to amend was as follows:

|           |   |     |              |   |     |
|-----------|---|-----|--------------|---|-----|
| Mr. Fell  | - | Yes | Mr. Fitch    | - | Yes |
| Mr. Otto  | - | Yes | Mr. Pollock  | - | No  |
| Ms. Stake | - | Yes | Ms. Tompkins | - | No  |
| Mr. Ash   | - | Yes |              |   |     |

The motion to amend was approved by a vote of 5-2.

Mr. Otto moved a friendly amendment to Table V-1. Table of Uses to change the level of review for *Private Indoor Firing Range* in the AG and CRE Zoning Districts from C (Conditional Use Permit) to S (Special Use Permit). Mr. Fitch seconded the motion.

Mr. Otto stated that an indoor firing range use has the potential to generate a lot of public interest and controversy. Therefore, he believes that it should require review and action by the Urbana City Council. Chair Pollock agreed.

Roll call on the motion to amend was as follows:

|              |   |     |           |   |     |
|--------------|---|-----|-----------|---|-----|
| Mr. Fitch    | - | Yes | Mr. Otto  | - | Yes |
| Mr. Pollock  | - | Yes | Ms. Stake | - | Yes |
| Ms. Tompkins | - | Yes | Mr. Ash   | - | Yes |
| Mr. Fell     | - | Yes |           |   |     |

The motion to amend was approved by unanimous vote.

Mr. Otto moved a friendly amendment to Section VII-5. Special Use Terms and Conditions – Subsection D to add Number 3 and Subsection E to add Number 2 to read as such, “Hours of Service shall be limited to 9 a.m. to 9:00 p.m.” Mr. Fitch seconded the motion.

Mr. Otto felt that the earlier discussion explained the intent of this friendly amendment.

Roll call on the motion to amend was as follows:

|           |   |     |              |   |    |
|-----------|---|-----|--------------|---|----|
| Mr. Otto  | - | Yes | Mr. Pollock  | - | No |
| Ms. Stake | - | Yes | Ms. Tompkins | - | No |
| Mr. Ash   | - | Yes | Mr. Fell     | - | No |
| Mr. Fitch | - | Yes |              |   |    |

The motion to amend passed by a vote of 4-3.

Chair Pollock moved a friendly amendment to Section VII-5. Special Use Terms and Conditions – Subsection D to add Number 4 and Subsection E to add Number 3 to read as such, “No individual under the age of 21 unless accompanied by a parent or guardian will be allowed on the premises.”

Mr. Ash requested that they add “...legal guardian...”

There was discussion about 18-, 19- and 20-year olds being able to enter purchase some types of ammunition. The Plan Commission decided that these individuals are exempt from the regulation because they are not old enough to purchase firearms anyway.

There was discussion about if the government lowers the age restriction to purchase firearms. The Plan Commission decided to change the language in the amendment to read “...under the legal age of 21 to purchase a firearm...”

Chair Pollock restated the amendment to read as follows, “No one under the legal age to purchase a firearm in the State of Illinois will be allowed on the premises without a parent or legal guardian.” Mr. Otto seconded the motion.

Roll call on the motion to amend was as follows:

|              |   |     |           |   |     |
|--------------|---|-----|-----------|---|-----|
| Mr. Pollock  | - | Yes | Ms. Stake | - | Yes |
| Ms. Tompkins | - | Yes | Mr. Ash   | - | Yes |
| Mr. Fell     | - | Yes | Mr. Fitch | - | Yes |
| Mr. Otto     | - | Yes |           |   |     |

The motion to amend passed by unanimous vote.

Mr. Fitch moved a friendly amendment to Section VII-5. Special Use Terms and Conditions to add Subsection F to read as such, "*Require notification for Special Use Permit to property owners within 500 feet of the subject property*". Ms. Stake seconded the motion.

Mr. Fitch felt this amendment is preferable for setbacks. Rather than setting a minimum distance requirement between uses, he believes that notifying a larger area of pending public hearings will generate more input for the Plan Commission and the City Council to use in making decisions. There was discussion about whether or not 500 feet would be enough. Mr. Myers clarified that 500 feet would be from the outer property line of the parcel on which the use is located, not from the building in which it would be located.

Roll call on the motion to amend was as follows:

|             |   |     |              |   |     |
|-------------|---|-----|--------------|---|-----|
| Ms. Stake   | - | Yes | Ms. Tompkins | - | Yes |
| Mr. Ash     | - | Yes | Mr. Fell     | - | Yes |
| Mr. Fitch   | - | Yes | Mr. Otto     | - | Yes |
| Mr. Pollock | - | Yes |              |   |     |

The motion was passed by unanimous vote.

With no additional amendments, the main motion read as follows:

*The Plan Commission forward Plan Case No. 2181-T-12 to the Urbana City Council with a recommendation for approval as amended in the revised written staff report dated August 3, 2012 along with the following amendments:*

- 1. Amend Section V-13.H to read as such: **The sale of firearms as a home occupation shall require approval of a site security plan by the Chief of Urbana Police or his designee for renewal every three years.***
- 2. Amend Section VII-5. Special Use Terms and Conditions Subsection D, Number 1 to read as such: **A site security plan shall be submitted to the Urbana Chief of Police or his designee for his approval every three years as a condition for approval of a Special Use Permit.***
- 3. Amend Table V-1. Table of Uses - **Change the level of review for Private Indoor Firing Range in the AG and CRE Zoning Districts from C (Conditional Use Permit) to S (Special Use Permit).***

4. *Amend Section VII-5. Special Use Terms and Conditions – Subsection D to add Number 3 and Subsection E to add Number 2 to read as such, “Hours of Service shall be limited to 9 a.m. to 9:00 p.m.”*
5. *Amend Section VII-5. Special Use Terms and Conditions – Subsection D to add Number 4 and Subsection E to add Number 3 to read as such, “No one under the legal age to purchase a firearm in the State of Illinois will be allowed on the premises without a parent or legal guardian.”*
6. *Amend Section VII-5. Special Use Terms and Conditions to add Subsection F to read as such, “Require notification for Special Use Permit to property owners within 500 feet of the subject property.”*

Roll call on the main motion and amendments was as follows:

|              |   |     |             |   |     |
|--------------|---|-----|-------------|---|-----|
| Ms. Tompkins | - | Yes | Mr. Ash     | - | Yes |
| Mr. Fell     | - | Yes | Mr. Fitch   | - | Yes |
| Mr. Otto     | - | Yes | Mr. Pollock | - | Yes |
| Ms. Stake    | - | No  |             |   |     |

The motion was approved by a vote of 6-1.

Mr. Myers noted that Plan Case No. 2181-T-12 will be forwarded to City Council on Monday, August 20, 2012.

**Agenda Item #6**



**Staff Report  
Plan Commission**

**July 10, 2013**

*Continued from May 1, 2013, March 6, 2013 & February 6, 2013*

**Subject Property: N/A (Text Amendment)**

**Requested Action:** Text amendment to Section 5.13 of the Zoning Ordinance to an amendment regarding final decisions of appeals.

**Nature of Request:** A text amendment to consider the Village Board to make final decisions on all appeals rather than the Zoning Board of Appeals.

**Petitioner:** Village Board

**Summary**

*Note: Below is the summary provided at the May 1, 2013, March 6, 2013 & February 6, 2013 Plan Commission meeting. This matter was continued.*

Section 5.13 of the Zoning Ordinance identifies the process in which an applicant may file an appeal of an administrative order, requirement, decision or determination made by the Zoning Officer with respect to the provisions of the Zoning Ordinance. Recently, the Village received what is believed to be the first request for an appeal of the Zoning Officers interpretation. As part of this process, the Village Board recommended the review of the procedure to consider the Village Board as the final administrative authority. Currently, as per Section 5.13(4) the Zoning Board of Appeals is the Village's final administration authority and any appeal of the ZBA decision shall be subject to judicial review only.

Staff researched nearby communities for how appeals are handled and seven of the eight surveyed review appeals the same as Lincolnwood. The only community that does not is Skokie. Final determinations on appeals are made by the Village Board and Mayor.

**Attachments:**

1. Zoning Code Excerpt: Article V Sections 5.13(4)

the Plan Commission or the ZBA, as the case may be, to approve the requested relief.  
(Ordinance No. 2011-2936)

### 5.13 APPEALS

- (1) Authority: The ZBA shall hear and decide appeals from an administrative order, requirement or determination made by the Zoning Officer with respect to the provisions of this Zoning Ordinance.
- (2) Initiation: An appeal may be taken to the ZBA by any person, firm or corporation, or by any office, department, board, bureau or commission, aggrieved by an administrative order, requirement, decision or determination made by the Zoning Officer with respect to the provisions of this Zoning Ordinance.
- (3) Processing: An appeal shall be filed in writing with the Village Clerk within 45 days after the date of the action complained of. The Village Clerk shall then forward the appeal to the ZBA, which shall hold a public hearing of the appeal within 90 days after receipt of the written appeal. The Zoning Officer shall give notice of the date of the hearing on the appeal to all interested parties.
- (4) Decisions: Within 90 days after receipt of the written appeal, or such further time to which the appellant may agree, the ZBA shall reverse, affirm, or modify, in whole or in part, the order, requirement, decision or determination. The decision of the ZBA shall be in writing. All decisions of the ZBA on appeals filed pursuant to this Section 5.13 shall, in all instances, be final administrative determinations and shall be subject to judicial review only, in accordance with the Illinois Administrative Review Law, 735 ILCS 5/3-101 et seq., as may be amended.

### 5.14 MINOR VARIATIONS

- (1) Purpose: A variation is a grant of relief to a property owner from the exact standards of this Zoning Ordinance, issued when undue hardship would be caused by the literal enforcement of this Zoning Ordinance. Additionally, a variation is intended to provide relief where the requirements of this Zoning Ordinance render the land difficult or impossible to use because of some unique or special characteristic of the property itself. The intent is not to simply remove an inconvenience or financial burden that the requirements of this Zoning Ordinance may impose on a property owner. Conditions existing prior to adoption of this zoning ordinance shall not require a variation.
- (2) Definition: Only those variations specifically listed in Section 5.14(3) shall be classified as minor variations, and may be approved in accordance with this Section 5.14 only for single- or multiple-family residential uses.
- (3) Authorized Minor Variations: The Zoning Officer shall have the authority to grant the following "minor variations" for single- or multiple-family residential uses:
  - a. A reduction of up to fifteen (15) percent of the minimum required lot area;
  - b. A reduction of up to ten (10) percent of the minimum required side or rear yard setback;

**Agenda Item #7**



**Staff Report  
Plan Commission**

**July 10, 2013**

*Continued from June 5, 2013, May 1, 2013, March 6, 2013 & February 6, 2013*

**Subject Property: N/A (Text Amendment)**

**Requested Action:** Text amendment to consider requirements for Balconies, Porches, and Open Patios or Terraces as Found in the Permitted Obstructions in Yards Table 3.10.01 of the Zoning Ordinance.

**Nature of Request:** A text amendment is proposed to consider modifying or additional bulk requirements for Open Balconies in the Front Yard, Open Patios, and Attached and Covered Porches.

**Petitioner:** Village Board

**Summary**

**Open Patios** – At the June 5<sup>th</sup> meeting, the Plan Commission discussed the intent of the Zoning Code regulation of Open patios or terraces. The Plan Commission requested examples of open patios and terraces. Attached are images of elevated patios and terraces as well as at-grade patios.

As discussed, the current language is unclear as to permitted size and location.

Open Patios or terraces are permitted as follows:

Open patios or terraces in a residential district, provided that they are at least four feet from all side and rear property lines, not over four feet (4') above the average level of the adjoining ground and do not project over ten feet (10') (excludes covered porches)

The Plan Commission deliberated the regulation and provided direction to staff that the requirement is intended to regulate elevated patios and terraces. The Plan Commission discussed that at-grade patios would not be subject to this standard.

Based on the Plan Commission discussion, below is draft language incorporating the comments made by the Plan Commission at the June 5<sup>th</sup> meeting.

Open patios or terraces **in excess of one foot above grade** in a residential district (**excludes at-grade patios**), provided that they are at least four feet from all side and rear property lines, not over four feet (4') above the average level of the

adjoining ground and do not project over ten feet (10') **from the front façade**  
(excludes covered porches)

This draft language provides clarity on the regulation of elevated patios and terraces. Staff raises the question given this clarification on the appropriate regulation, if any, for at-grade patios.

Open Balconies – Table 3.10.01 of the Zoning Ordinance identifies the permitted obstructions in yards, i.e. where items such as electrical generators, detached buildings, decks, and other accessory structures are permitted. Open Balconies are permitted not to exceed 4 feet from the building as per Table 3.10.01 of Zoning Ordinance. Staff notes however, that Open Balconies in the front yard are the only accessory structure which requires a Special Use. Staff seeks guidance on the intent of the bulk regulations for Open Balconies. More specifically:

1. Do all balconies on the front elevation require Special Use approval?
2. Are all balconies permitted as long as they do not exceed 4 feet from the building? In the event a balcony on the front elevation exceeds 4 feet, is a Special Use required to permit such a balcony?
3. If the Principal Structure is located at the minimum front setback line and a balcony is on the front elevation does this balcony at any distance from the building require a Special Use?

Staff's recommendation is to identify the permitted dimension of a balcony (currently extending 4 feet from the building) and identifying which elevations such a balcony complying with the dimension is permitted. Once this is determined it is staff's recommendation that all other balconies be subject to approval by the variation process and hardship standards.

Porches – Attached and covered porches are permitted in all yards provided they are at least four feet from all side and rear property lines. This regulation appears to leave it open for a property owner to construct a nearly unlimited covered porch in their front and rear yards. Staff does not believe that this is the intention of the standard so at the February 6<sup>th</sup> meeting staff seeks discussion on what the reasonable limitation should be for covered porches. It is likely that staff will then need to draft language for review at a future meeting.

**Attachments:**

1. Zoning Ordinance Excerpt: Article III Table 3.10.01
2. Pictures of Elevated Patios, Terraces, and At-grade patios

Elevated Patios and Terraces





[View Gallery](#)





At-Grade Patios



