

APPENDIX A:

Race & Ethnicity

RACE & ETHNICITY IN WEST CHICAGO, 2008-2012 ^A

	Number	Percent
White	22,692	83.5%
Asian	1,400	5.2%
Black	719	2.7%
Other (including two or more races)	2,268	8.4%
Total	27,079	100.0%
Hispanic or Latino ^B	13,102	48.4%

^A This data is based on the American Community Survey (ACS), which is a sample survey conducted on an annual basis by the U.S. Census. The ACS aggregates the data for a 5-year period into a single value for each variable to reduce the margin of error from the smaller sample. The ACS is different from the decennial Census in that the latter covers all households, while the former represents a small sample.

^B Hispanic or Latino population may be part of each of the race categories.

Source: American Community Survey (ACS) 5-Year 2008-2012

APPENDIX A:

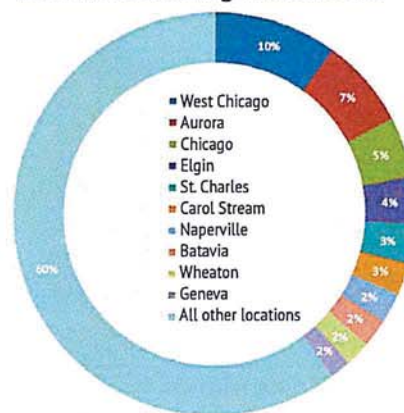
Employment

The largest employment sectors in West Chicago (at-place employment) are manufacturing, administration and support, and waste management remediation.

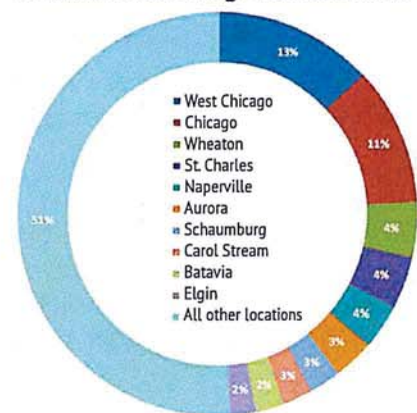
No one municipality accounts for a dominant share of where employees in West Chicago live. About 10% of employees live in West Chicago, 7% live in Aurora, and 5% live in Chicago.

No one municipality accounts for a large share of where West Chicago residents work. The largest single locations are West Chicago (13%), Chicago (11%), and Wheaton, St. Charles, and Naperville (4% each). About 36% work in the west and northwest sub-urbs.

Where do West Chicago Workers Live?

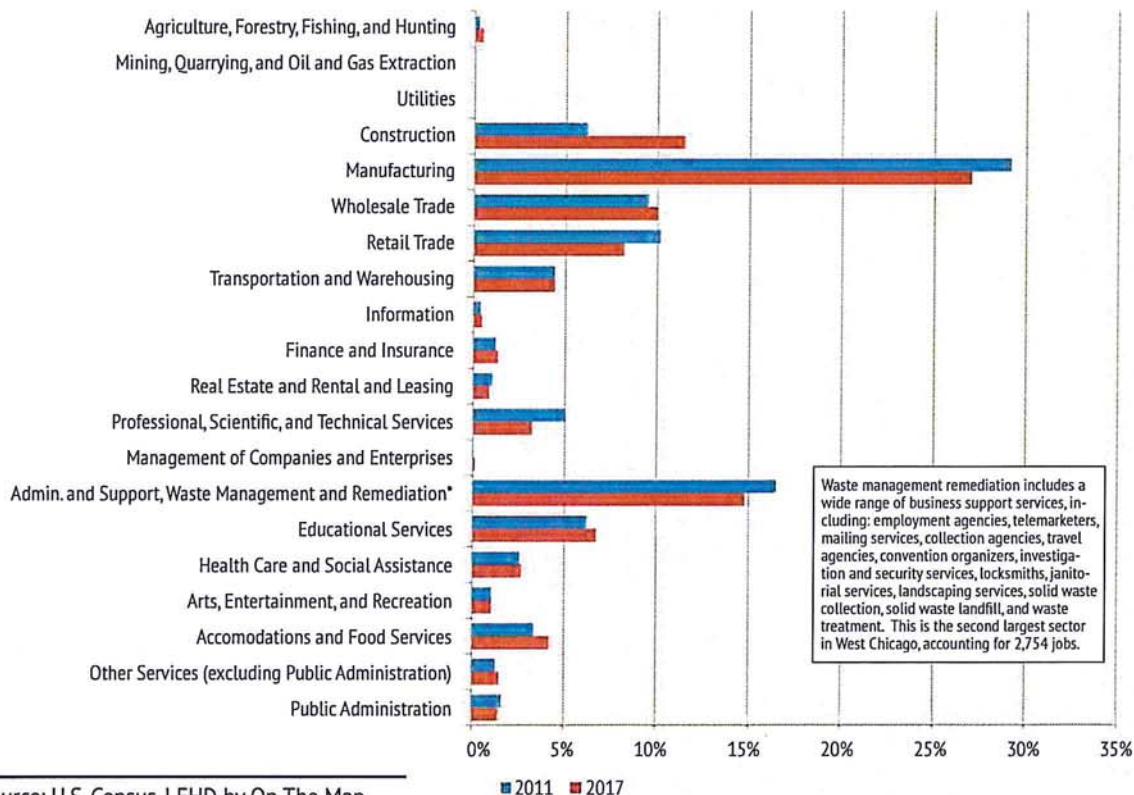


Where do West Chicago Residents Work?



Source: U.S. Census, LEHD by On The Map, 2011

Jobs in West Chicago, 2007 & 2011



Source: U.S. Census, LEHD by On The Map

APPENDIX A:

Housing Tenure & Characteristics of the Housing Stock

West Chicago has a lower percentage of owner-occupied housing than DuPage County.

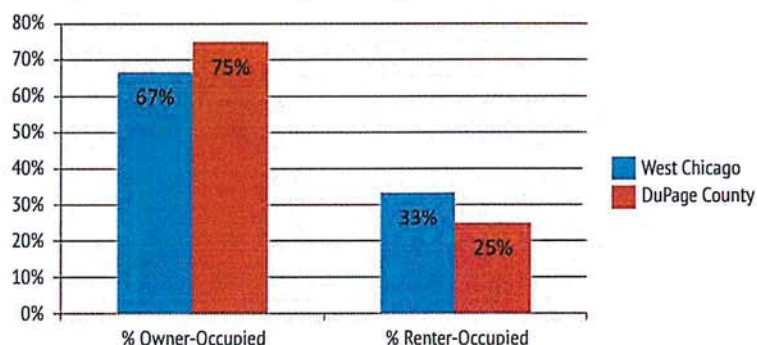
Those with incomes over \$50,000 have higher shares of home ownership, while those with incomes under \$50,000 have higher rental shares.

The vast majority of single-family homes and townhomes are owner-occupied, while multifamily properties are primarily rental.

Compared to the CMAP region overall, West Chicago has a higher share of owner-occupied single-family homes, and lower share of townhouses and owner-occupied multifamily properties.

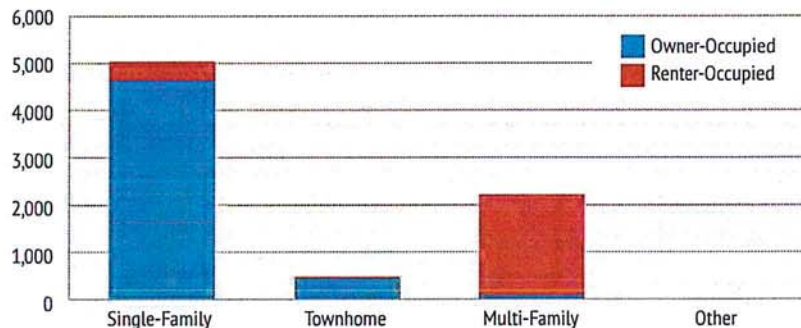
There are owner-occupied multifamily units in West Chicago located east of City Hall on the north and south sides of Main Street. There are also a fair number of single-family detached rental properties.

Housing Tenure in West Chicago & DuPage County



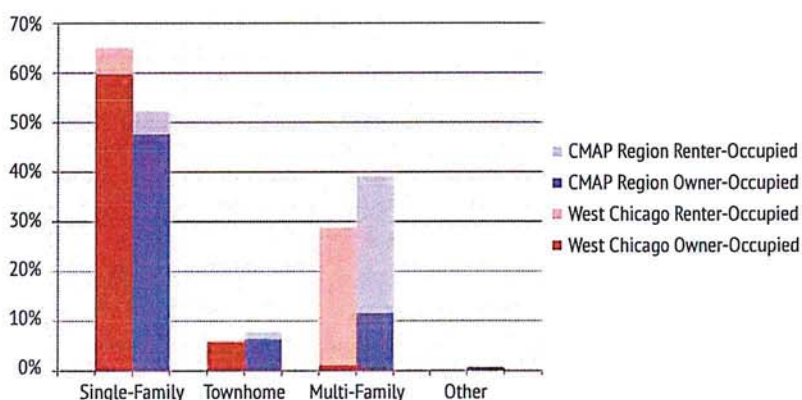
Source: American Community Survey, 2008-2012

Housing Type by Tenure in West Chicago



Source: American Community Survey, 2008-2012

Housing Type by Tenure in West Chicago & CMAP Region



Source: American Community Survey, 2008-2012

APPENDIX A:

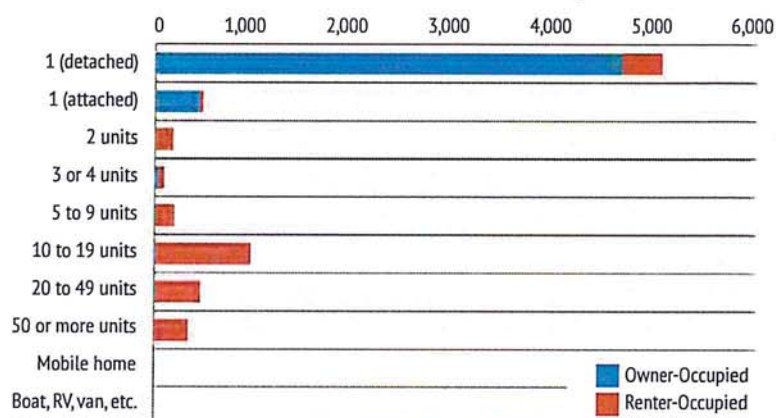
Housing Tenure & Characteristics of the Housing Stock

The share of owner-occupied housing in West Chicago is high for those with incomes over \$75,000.

The share of rental housing is particularly high for those with incomes under \$35,000.

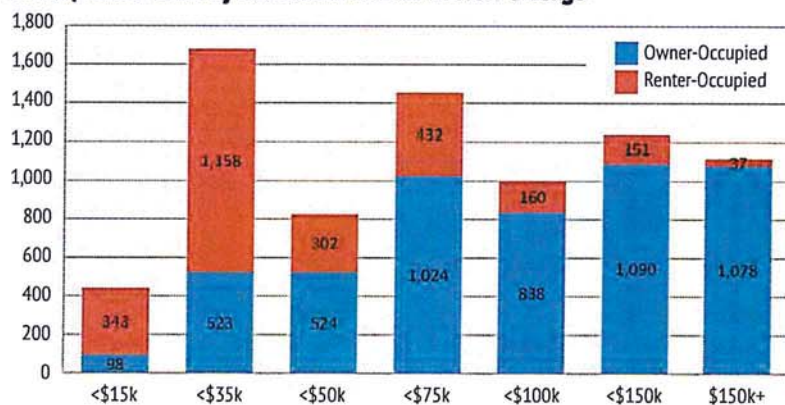
West Chicago has a high share of newer owner-occupied housing built since 1990 (48%), which is twice as high as DuPage County (24%).

Housing Units by Units in Structure & Tenure in West Chicago



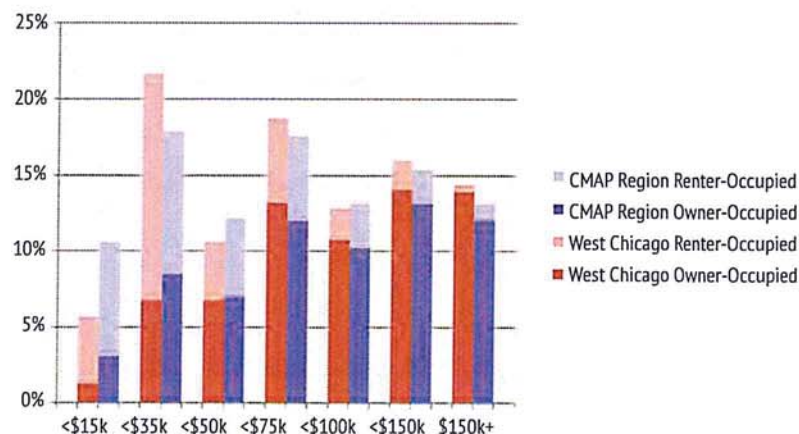
Source: American Community Survey, 2008-2012

Owner/Renter Units by Household Income in West Chicago



Source: American Community Survey, 2008-2012

Housing Tenure by Income in West Chicago & CMAP Region



Source: American Community Survey, 2008-2012

APPENDIX A:

Housing + Transportation Index

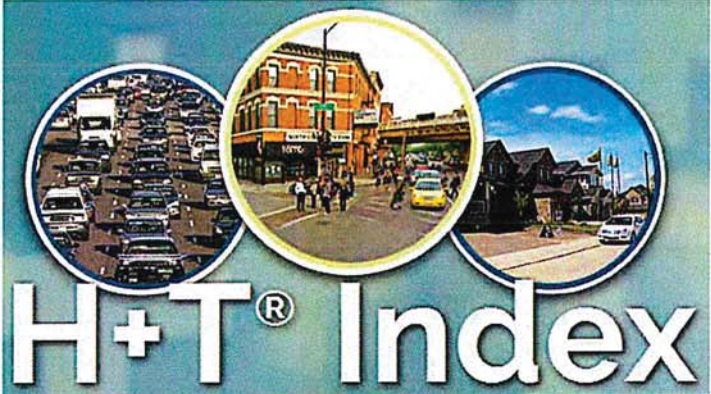
The Center for Neighborhood Technology (CNT) index is based on the "Typical Chicago Regional Household" that has the following characteristics:

Income	\$60,289
Household Size	2.73 people
Commuters	1.23 workers



Affordability assumes that a household spends no more than 45% of its income on housing and transportation.

.....

An analysis of West Chicago's median household income (estimated by ESRI), median owner and renter costs (ACS), and the average transportation cost for the block groups in West Chicago (CNT) shows that the Housing + Transportation cost for residents of West Chicago is 47% of the City's median household income, which is only slightly higher than the recommended 45% for affordability.




H+T[®] Index

 + 

The Housing and Transportation (H+T[®]) Affordability Index provides a comprehensive view of affordability, one that includes the cost of housing and transportation at the neighborhood level.

The Index is part of a broader effort to explore urban sustainability through location efficiency. Learn more about the ideas, tools, development strategies and policies behind location efficiency at CNT's [Location Efficiency Hub](#).

CNT 

APPENDIX A:

Home Prices, Foreclosure Filings & Residential Construction

The median home price in West Chicago is below that of DuPage County.

The median price has trended upward since 2011 and increased by 73% in West Chicago and 19% in DuPage County from 2011-2014. However, the median price is still below the pre-recession level.

Foreclosures are also on the decline with a 75% drop in the number of filings between 2010 and 2014 in West Chicago and 70% decline in DuPage County.

There was a precipitous drop in the number of building permits for new residential construction issued since the start of the Recession, with the limited land area available for development also a contributing factor. There were only 26 permits issued between 2010 and 2014, compared to 102 units in 2005.

Distressed Properties in West Chicago

	Detached Distressed	Attached Distressed
Foreclosures	81 24.8%	5 14.3%
Short Sales	28 8.6%	5 14.3%
Total Distressed	109 33.3%	10 28.6%



Homes for a Changing Region
Northwest DuPage County Cluster

Median Home Price Trends

	2011	2012	2013	2014	Change 2011-14	Change 2006-14
West Chicago	\$124,450	\$145,000	\$173,000	\$215,000	73%	-21%
DuPage County ^A	\$201,000	\$201,250	\$218,000	\$239,000	19%	-14%

^A DuPage County median shown is for first quarter 2015.

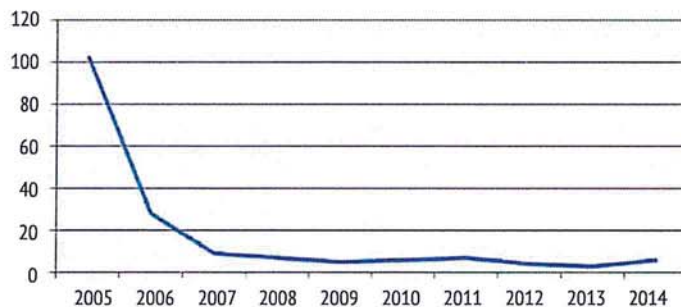
Source: Midwest Real Estate Data, Chicago Magazine, Illinois Association of Realtors.

Foreclosure Filings

	2010	2011	2012	2013	2014	Change 2010-14
West Chicago	298	192	216	130	74	-75%
DuPage County	6,651	5,362	5,701	3,490	2,008	-70%

Source: Woodstock Institute

West Chicago Residential Building Permits, 2005-2014



Source: U.S. Census

West Chicago Residential Sales [May 1, 2014 to May 1, 2015]

	Single Family Detached	Single Family Attached
Number of Units Sold	327	35
Median Sales Price	\$220,000	\$129,000
Sales Price Range	\$38,500 to \$640,000	\$30,000 to \$178,000
Average Days on Market	70	62
Number of Sales by Price		
:: Under \$100,000	30	11
:: \$100,000 to \$149,999	60	12
:: \$150,000 to \$199,999	60	12
:: \$200,000 to \$249,999	41	0
:: \$250,000 to \$299,999	42	0
:: \$300,000 to \$399,999	71	0
:: \$400,000+	23	0

Source: Re/Max, Multiple Listing Service, Valerie S. Kretchmer Associates, Inc.

APPENDIX B: ESRI Lifestyle Segment Definitions

The ESRI Lifestyle Segments provide a way to understand the make-up of an area beyond straight demographic characteristics such as age and income. No municipality is comprised of only one lifestyle segment and communities such as Hanover Park are diverse. The segments are based on more than 60 attributes including income, employment, home value, housing type, education, household composition, age, and other key determinants of household behavior. The descriptions are meant to give marketers a better feel for who lives in a community so that they can target their products appropriately.

Affluent Estates

- Established wealth—educated, well-traveled married couples
- Accustomed to "more": less than 10% of all households, with 20% of household income
- Homeowners (almost 90%), with mortgages (70%)
- Married couple families with children ranging from grade school to college
- Expect quality; invest in time-saving services
- Participate actively in their communities
- Active in sports and enthusiastic travelers

Upscale Avenues

- Prosperous married couples living in older suburban enclaves
- Ambitious and hard-working
- Homeowners (70%) prefer denser, more urban settings with older homes and a large share of townhomes
- A more diverse population, primarily married couples, many with older children
- Financially responsible, but still indulge in casino gambling and lotto tickets
- Serious shoppers, from Nordstrom's to Marshalls or DSW, that appreciate quality, and bargains
- Active in fitness pursuits like bicycling, jogging and aerobics
- Also the top market for premium movie channels like HBO and Starz

Uptown Individuals

- Young, successful singles in the city
- Intelligent (best educated market), hard-working (highest rate of labor force participation) and averse to traditional commitments of marriage and home ownership
- Urban denizens, partial to city life, high-rise apartments and uptown neighborhoods
- Prefer debit cards to credit cards, paying down student loans
- Green and generous to environmental, cultural and political organizations
- Internet dependent, from social connections to shopping for groceries (although partial to showrooming)
- Adventurous and open to new experiences and places

Family Landscapes

- Successful young families in their first homes
- Non-diverse, prosperous married-couple families, residing in suburban or semirural areas with a low vacancy rate
- Homeowners (80%) with mortgages (second highest %), living in newer single-family homes, with median home value slightly higher than the U.S.
- Two workers in the family, contributing to the second highest labor force participation rate, as well as low unemployment
- Do-it-yourselfers, who work on home improvement projects, as well as their lawns and gardens
- Sports enthusiasts, typically owning newer sedans or SUVs, dogs, and savings plans, comfortable with latest technology

- Eat out frequently at fast food or family restaurants to accommodate their busy lifestyle
- Especially enjoy bowling, swimming, playing golf, playing video games, watching movies rented via Redbox, and taking trips to a zoo or theme park

GenXurban

- Gen X in middle age; families with fewer kids and a mortgage
- Second largest Tapestry group, comprised of Gen X married couples, and a growing population of retirees
- About a fifth of residents are 65 or older; about a fourth of households have retirement income
- Own older single-family homes in urban areas, with 1-2 cars
- Live and work in same county, creating shorter commutes
- Invest wisely, well-insured, like banking online or in person
- News junkies (read a daily newspaper, watch news on TV, and go online for news)
- Enjoy reading, photo album/scrapbooking, playing board games and cards, doing crossword puzzles, going to museums and rock concerts, dining out, and walking for exercise

Cozy Country Living

- Empty nesters in bucolic settings
- Largest Tapestry group, almost half of households in Midwest
- Homeowners with pets, residing in single-family dwellings in rural areas; almost 30% have 3 or more vehicles and, therefore, auto loans
- Politically conservative and believe in the importance of buying American
- Own domestic trucks, motorcycles, and ATVs/UTVs
- Prefer to eat at home, shop at discount retail stores (especially Walmart), bank in person, and spend little time online
- Own every tool and piece of equipment imaginable to maintain their homes, vehicles, vegetable gardens, and lawns
- Listen to country music, watch auto racing on TV, and play the lottery; enjoy outdoor activities, such as fishing, hunting, camping, boating, and even bird watching

Ethnic Enclaves

- Established diversity: young, Hispanic homeowners w/families
- Multilingual and multigenerational households feature children that represent second-, third- or fourth-generation Hispanic families
- Neighborhoods feature single-family, owner-occupied homes built at city's edge, primarily built after 1980
- Hard-working and optimistic, most residents aged 25 years or older have a high school diploma or some college education
- Shopping and leisure also focus on their children—baby and children's products from shoes to toys and games and trips to theme parks, water parks or the zoo
- Residents favor Hispanic programs on radio or television; children enjoy playing video games on personal computers, handheld or console devices
- Many households have dogs for domestic pets

APPENDIX B:

Middle Ground

- Lifestyles of thirtysomethings
- Millennials in the middle: single/married, renters/homeowners, middle class/working class
- Urban market mix of single-family, townhome, and multi-unit dwellings
- Majority of residents attended college or attained a college degree
- Householders have ditched their landlines for cell phones, which they use to listen to music (generally contemporary hits), read the news, and get the latest sports updates of their favorite teams
- Online all the time: use the Internet for entertainment (downloading music, watching YouTube, finding dates), social media (Facebook, Twitter, LinkedIn), shopping and news
- Leisure includes night life (clubbing, movies), going to the beach, some travel and hiking

Senior Styles

- Senior lifestyles reveal the effects of saving for retirement
- Households are commonly married empty nesters or singles living alone; homes are single-family (including seasonal getaways), retirement communities, or high-rise apartments
- More affluent seniors travel and relocate to warmer climates; less affluent, settled seniors are still working toward retirement
- Cell phones are popular, but so are landlines
- Many still prefer print to digital media: Avid readers of newspapers, to stay current
- Subscribe to cable television to watch channels like Fox News, CNN, and The Weather Channel
- Residents prefer vitamins to increase their mileage and a regular exercise regimen

Rustic Outposts

- Country life with older families in older homes
- Rustic Outposts depend on manufacturing, retail and health-care, with pockets of mining and agricultural jobs
- Low labor force participation in skilled and service occupations
- Own affordable, older single-family or mobile homes; vehicle ownership, a must
- Residents live within their means, shop at discount stores and maintain their own vehicles (purchased used) and homes
- Outdoor enthusiasts, who grow their own vegetables, love their pets and enjoy hunting and fishing
- Technology is cost prohibitive and complicated. Pay bills in person, use the yellow pages, read the newspaper and mail-order books

Midtown Singles

- Millennials on the move—single, diverse, urban
- Millennials seeking affordable rents in apartment buildings
- Work in service and unskilled positions, usually close to home or public transportation
- Single parents depend on their paycheck to buy supplies for their very young children

- Midtown Singles embrace the Internet, for social networking and downloading content
- From music and movies to soaps and sports, radio and television fill their lives
- Brand savvy shoppers select budget friendly stores

Hometown

- Growing up and staying close to home; single householders
- Close knit urban communities of young singles (many with children)
- Owners of old, single-family houses, or renters in small multi-unit buildings
- Religion is the cornerstone of many of these communities
- Visit discount stores and clip coupons, frequently play the lottery at convenience stores
- Canned, packaged and frozen foods help to make ends meet
- Purchase used vehicles to get them to and from nearby jobs

Next Wave

- Urban denizens, young, diverse, hard-working families
- Extremely diverse with a Hispanic majority, the highest among LifeMode groups
- A large share are foreign born and speak only their native language
- Young, or multigenerational, families with children are typical
- Most are renters in older multi-unit structures, built in the 1960s or earlier
- Hard-working with long commutes to jobs, often utilizing public transit to commute to work
- Spending reflects the youth of these consumers, focus on children (top market for children's apparel) and personal appearance
- Also a top market for movie goers (second only to college students) and fast food
- Partial to soccer and basketball

Scholars & Patriots

- College and military populations that share many traits due to the transitional nature of this LifeMode Group
- Highly mobile, recently moved to attend school or serve in military
- The youngest market group, with a majority in the 15 to 24 year old range
- Renters with roommates in nonfamily households
- For many, no vehicle is necessary as they live close to campus, military base or jobs
- Fast-growing group with most living in apartments built after 2000
- Part-time jobs help to supplement active lifestyles
- Millennials are tethered to their phones and electronic devices, typically spending over 5 hours online every day tweeting, blogging, and consuming media
- Purchases aimed at fitness, fashion, technology and the necessities of moving
- Highly social, free time is spent enjoying music and drinks with friends
- Try to eat healthy, but often succumb to fast food

APPENDIX C: Housing + Transportation - HUD Location Affordability Index

HUD developed an index that looks at housing affordability based on the costs of transportation and commuting in addition to the cost of housing. The index is based on the percentage of income spent for housing and transportation by different types of households. The table below shows the percentage of income spent for housing, transportation, and housing and transportation by households in West Chicago compared to DuPage County and the Chicago metro area.

	<u>Percent of Income Spent On:</u>		
	Housing	Transportation	Housing and Transportation
West Chicago			
Dual-Professional Family	23%	15%	38%
Single Professional	21%	10%	31%
Median-Income Family	29%	21%	50%
Moderate-Income Family	36%	20%	56%
Retired Couple	37%	12%	49%
Single -Parent Family	50%	30%	80%
Working Individual	45%	24%	69%
Very Low-Income Individual	112%	54%	166%
DuPage County			
Dual-Professional Family	25%	14%	39%
Single Professional	23%	10%	33%
Median-Income Family	32%	21%	53%
Moderate-Income Family	39%	20%	59%
Retired Couple	41%	12%	53%
Single -Parent Family	55%	29%	84%
Working Individual	51%	23%	74%
Very Low-Income Individual	130%	53%	183%
Chicago-Joliet-Naperville Metropolitan Division			
Dual-Professional Family	23%	14%	37%
Single Professional	22%	10%	32%
Median-Income Family	30%	20%	50%
Moderate-Income Family	37%	19%	56%
Retired Couple	38%	11%	49%
Single -Parent Family	51%	28%	79%
Working Individual	46%	22%	68%
Very Low-Income Individual	113%	50%	163%

Source: HUD, 2015

Definitions for the HUD Households:

Dual-Professional Family	150% of Median Household Income, 4 persons, 2 commuters
Single Professional	135% of Median Household Income, 1 person, 1 commuter
Median-Income Family	Median Household Income, 4 persons, 2 commuters
Moderate-Income Family	80% of Median Household Income, 3 persons, 1 commuter
Single-Parent Family	50% of Median Household Income, 3 persons, 1 commuter
Working Individual	50% of Median Household Income, 1 person, 1 commuter
Very Low-Income Individual	National Poverty Line, 1 person, 1 commuter

CITY OF WEST CHICAGO

DEVELOPMENT COMMITTEE AGENDA ITEM SUMMARY

ITEM TITLE:

Conceptual Review
Bartlett United Pentecostal Church -1935 N. Neltor

AGENDA ITEM NUMBER: 5.B.**FILE NUMBER:** _____**COMMITTEE AGENDA DATE:** October 10, 2016**COUNCIL AGENDA DATE:** _____**STAFF REVIEW:** John D. Said**SIGNATURE** **APPROVED BY CITY ADMINISTRATOR:** Michael Guttman**SIGNATURE** _____**ITEM SUMMARY:**

Bartlett United Pentecostal Church (UPC) proposes to locate in the Old Time Pottery location at 1935 N. Neltor in the Oliver Square Shopping Center. As outlined in the attached proposal prepared by Bartlett UPC, the church wishes to purchase the building and use a portion of it (\pm 35,000 square feet) for their church, with the remaining portion (\pm 43,000 square feet) remaining available for Old Time Pottery or other commercial/retail or office uses.

The property is currently zoned B-3 Regional Shopping district, which does not permit places of worship. Places of worship are currently permitted uses in the B-2 General Business district (and under 7,500 square feet as special uses in B-1). In order to allow a church in the shopping center the entire shopping center would either need to be rezoned to B-2 so as to allow this as a permitted use, or a text amendment would be required to include places of worship as a special use (with restrictions) in the B-3 Regional Shopping district. If the applicant decides to request rezoning, all property owners in the center would need to sign off on the application.

Staff would not support either a text amendment or a rezoning request, due to concerns with allowing places of worship within shopping centers designed for commercial use. Shopping centers are designed to allow multiple tenants with extended hours to share customers and encourage multiple purchases, as well as providing property tax revenues to all taxing bodies and sales taxes to the community. While some churches have more than standard Sunday worship, they are not typically open as often as traditional retail tenants. While Bartlett UPC would be a valuable asset to West Chicago, staff recommends that they seek locating in the B-2 District, or a residential district where they would not use prime real estate in a commercial center at a major intersection.

A similar request was reviewed by the Committee in 2010 and not supported at that time.

ACTIONS PROPOSED:

Conceptual review of a proposal to allow Bartlett UPC to locate in the Mosaic Crossing Shopping Center at 1935 N. Neltor.

COMMITTEE RECOMMENDATION:



**BARTLETT
UPC**

270 E. Schick Rd
Bartlett, IL 60103
Phone: (630) 837-9800
Fax: (630) 837-9009
www.upcbartlett.org

October 1, 2016

To the City of West Chicago:

Our congregation, Bartlett United Pentecostal Church, is interested in purchasing the property located at 1935 N Neltor Blvd which is located in the City of West Chicago. Our church Treasurer has been in contact with Mr. John Said, Director of the Department of Community Development. Director Said has instructed us to prepare a proposal for conceptual review of our church's plans for the property. Please find our conceptual proposal attached to this cover letter. Our proposal currently outlines two options.

The property is currently owned by IRC Retail Centers, Inc., a real estate investment trust, located in Oakbrook, Illinois (the "Owner"). The Owner is interested in selling the property to our church in an expedited closing transaction. The proposed expedited closing necessitates significant due diligence on the behalf of our church. Working with the City of West Chicago to review our plans for the property is a part of our due diligence.

The property is currently leased to Old Time Pottery, Inc. (the "Current Tenant"). Our church has been in direct contact with the Current Tenant's corporate executives to discuss the future of their tenancy at the property. Although the Current Tenant currently occupies the entire building on the property, the Current Tenant has agreed, in concept, to a renegotiation of the current lease. Subject to the resulting renegotiated lease, our church would occupy approximately half of the building on the property and use it as our new house of worship.

Our church would like to make the City of West Chicago our new home. We feel that a strong, long-term presence by our church would greatly benefit the City and the local businesses surrounding the property. We will make the property into an attractive facility for the neighborhood. Our growing congregation will regularly draw hundreds of new unique visitors to the City. We are confident that our church will increase the general welfare of the City and will increase the strength of local businesses.

We thank Director Said for his aid in guiding us through this process.

Respectfully,

Bartlett United Pentecostal Church

Lead Pastor R. Boettcher | Pastor V. Aghadi | Pastor J. Dilworth | Pastor P. Goff
Pastor K. Mandley | Pastor S. Rodriguez | Pastor J. Smet | Pastor D. Stokes



Proposal for Conceptual Review

Option A: Bartlett United Pentecostal Church proposes to purchase the property from the Owner and renegotiate the current lease with the Current Tenant such that the Current Tenant will agree to occupy approximately 55% of the building's square footage while our church will occupy the remaining 45% of the building. The division of the building will be made in accordance with the City of West Chicago's Municipal Code. All utilities will be segregated between the two occupants. This option appears to be the most likely outcome based on recent conversations with the Current Tenant.

Option B: Bartlett United Pentecostal Church proposes to purchase the property from the Owner and renegotiate the current lease with the Current Tenant such that the Current Tenant will agree to end its current tenancy. The building will be subdivided into two main facilities. The division of the building will be made in accordance with the City of West Chicago's Municipal Code. All utilities will be segregated between the two facilities. Approximately 45% of the building's square footage will serve as Bartlett United Pentecostal Church's house of worship. The remaining 55% of the building will be converted into business suites for lease by professional and medical tenants.

Potential Second Floor

Working with municipal and state regulations, our church would like to incorporate a second floor with stairs and elevator access to the church portion of the building. If Old Time Pottery chooses to leave the building and Option B becomes the likely outcome for our ownership, we would also like to add a second floor to the office suite side of the building to add additional leasable office space.

Zoning

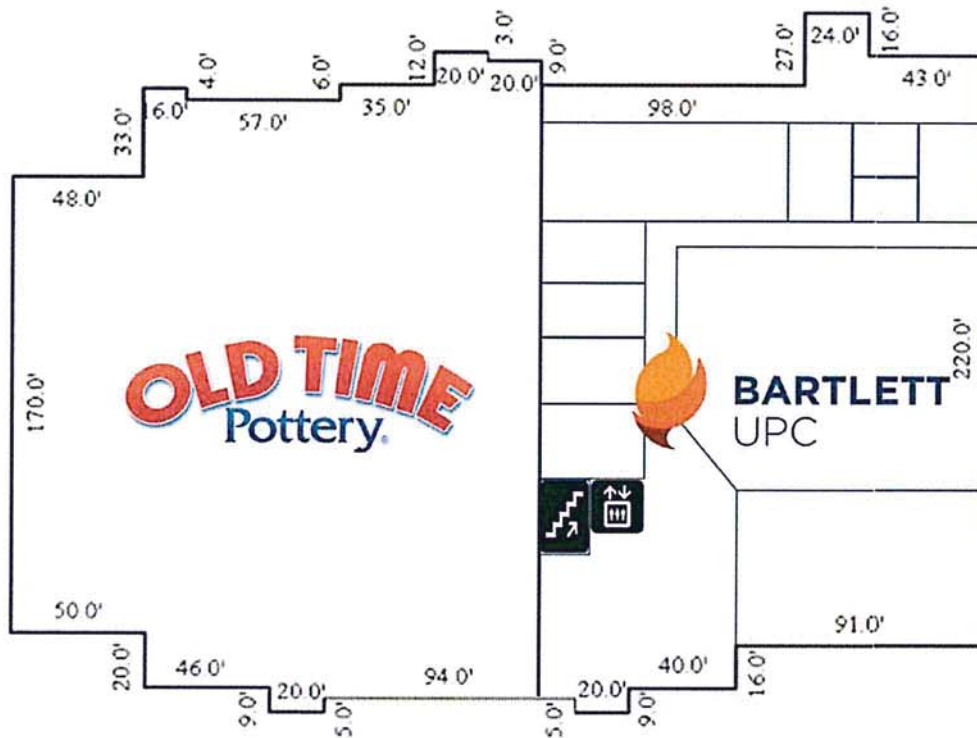
Currently, the property is zoned as B-3 Regional Shopping District. This particular zoning does not explicitly allow for houses of worship. Our church would make application to the City of West Chicago to allow for our church to occupy a portion of the subject property.

Tax-Exemption

Given that our church is a tax-exempt entity, we will be coordinating with the Township Assessor and DuPage County to make only the church's portion of the property tax-exempt. We feel the portion of property tax lost by welcoming a church to your city will be more than offset by the additional patronage to your existing businesses along with the other new businesses we welcome to your great city through our offering exceptional business office suites.



Option A Floor Plan Concept

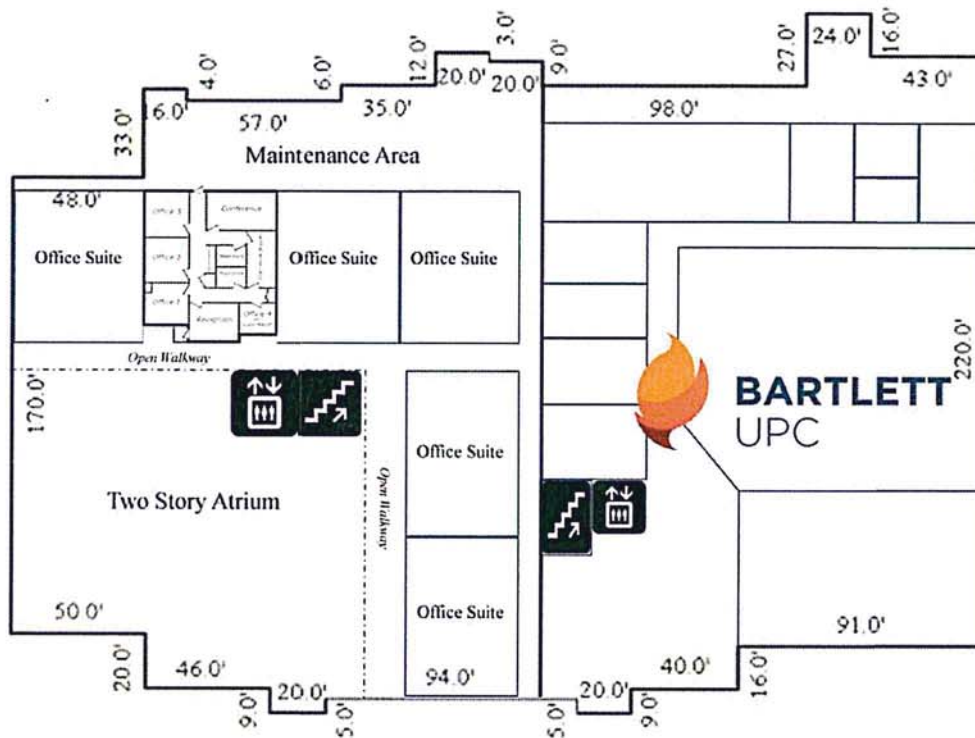


Notes

- Old Time Pottery will occupy approximately 43,000 square feet.
- The United Pentecostal Church will occupy approximately 35,000 square feet.
- Outside façade will be updated to clarify distinct occupants.
- United Pentecostal Church signage added to the Mosaic Crossing Center standing signs.
- Working with municipal and state regulations, second floor with stairs and elevator access added to United Pentecostal Church portion.
- Utilities and life-safety equipment will be altered/added to provide sufficient and independent service to the two sides of the building in accordance with all applicable regulations.



Option B Floor Plan Concept



Notes


- A two-story office suite complex will occupy approximately 43,000 square feet.
- The United Pentecostal Church will occupy approximately 35,000 square feet.
- Outside façade will be updated to clarify distinct occupants.
- United Pentecostal Church signage added to the Mosaic Crossing Center standing signs.
- Working with municipal and state regulations, second floor with stairs and elevator access added to United Pentecostal Church portion.
- Working with municipal and state regulations, second floor with stairs and elevator access added to the leasable office suite portion.
- Utilities and life-safety equipment will be altered/added to provide sufficient and independent service to the two sides of the building in accordance with all applicable regulations.

CITY OF WEST CHICAGO

DEVELOPMENT COMMITTEE AGENDA ITEM SUMMARY

ITEM TITLE:

Retail Firearms Sales
Zoning Ordinance Review

AGENDA ITEM NUMBER: 5.C.**FILE NUMBER:** _____**COMMITTEE AGENDA DATE:** October 10, 2016
COUNCIL AGENDA DATE:**STAFF REVIEW:** John D. Said**SIGNATURE** **APPROVED BY CITY ADMINISTRATOR:****SIGNATURE** _____**ITEM SUMMARY:**

Based upon comments from the Chair and other members of the Development Committee that it was expected that staff return this item to the Committee for review prior to scheduling a public hearing before the Plan Commission/Zoning Board of Appeals, City staff withdrew its request for a text amendment.

So, here is where the matter now stands:

- (1) There was consensus (not unanimity) that firearm sales not be a permitted use within the B-1 Zoning District.
- (2) There was consensus (not unanimity) that firearm sales be allowed in the B-2 and B-3 Zoning Districts, and it appeared that most Committee members favored it as a special rather than a permitted use.
- (3) The Committee talked about separation requirements from schools, parks/playgrounds, and houses of worship, among others, but there was no direction given on from which uses there should be these restrictions and the actual distance amounts.

So, City staff would appreciate guidance as follows:

- (1) The Public Affairs Committee (3-2) voted to recommend that the City create a licensing program for firearms dealers (attached is the latest draft). The purpose of classifying uses as special (as opposed to permitted) uses is to ensure that any adverse impacts associated with the use are addressed. The draft licensing program, if adopted, addresses such (though they are all unrelated to zoning which is why they are included here), as it details certain security/safety benchmarks that must be followed by the retailer (e.g. security cameras, knowledge of where the cameras are located when the store is closed, background checks for employees, etc.). So, if there are any adverse impacts associated with the zoning/land use component (not separation requirements, as those are handled differently and not part of a use classification), then those should be detailed and then the use may be designated as a special use, if the Committee wishes to recommend such. However, if the requirements within the licensing program cover the adverse impacts associated with the use, then the use should be designated as a permitted use.
- Does the Committee want to include distance/separation requirements from certain uses (e.g. schools/day care centers, libraries, parks, places of worship, etc.) and if so, what should the distance be. City staff will have a zoning map available to show various separation distances for consideration. State law does not contain distance requirements, so any distance requirements would be determined by the municipality.

Currently, City zoning requirements include firearms sales as a retail sales use. Therefore, it is a permitted use in all locations where retail sales are permitted, which primarily includes the B Districts. At this time, there are two

CITY OF WEST CHICAGO

such uses in West Chicago; one on North Ave. (B-2 District), and one on Main Street (B-1 District).

ACTIONS PROPOSED:

Development Committee review and direction concerning the items noted above regarding establishment of specific zoning requirements for retail firearms sales.

COMMITTEE RECOMMENDATION:

ORDINANCE NO. 16-O-0034

**AN ORDINANCE AMENDING CHAPTER 9 AND APPENDIX G OF THE
MUNICIPAL CODE OF THE CITY OF WEST CHICAGO REGARDING
LICENSING FOR FIREARMS DEALERS**

WHEREAS, the City deems it appropriate at this time to amend Chapter 9 and Appendix G of the City Code to amend the regulations currently pertaining to business licensing; and

WHEREAS, the proposed revisions to the business licensing regulations are intended to establish regulations for firearms dealers, including appropriate business license fees; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of West Chicago, Du Page County, Illinois, in regular session assembled, as follows:

SECTION 1: Chapter 9 of the City Code is hereby amended to add Article XXIII, entitled "Firearms Dealers", consisting of the following language:

ARTICLE XXIII. – FIREARMS DEALERS

Sec. 9-665. - Definitions.

As used in this article the following terms shall have the following meaning:

FIREARM. Any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas, excluding, however:

- (1) Any pneumatic gun, spring gun, paint ball or B-B gun which either expels a single globular projectile not exceeding eighteen one-hundredths inch in diameter and which has a maximum muzzle velocity of less than 700 feet per second or breakable paint balls containing washable marking colors;
- (2) Any device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission;
- (3) Any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition; and
- (4) An antique firearm (other than an assault weapon) which although designed as a weapon, the Department of State Police finds by reasons of the date of its manufacture, value, design, or other characteristic is primarily a collectors' item and is not likely to be used as a weapon.

FIREARM AMMUNITION. Any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm; excluding, however:

- (1) Any ammunition exclusively designed for use with a device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or

- (2) Any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

FIREARMS DEALER. Any federally licensed firearms dealer, excluding any person licensed solely as a "collector" pursuant to Section 923(b) of Title 18 of the United States Code and possessing only a Type 03 federal license.

GUN SHOP. The premises of any federally licensed firearms dealer where the business or commercial enterprise conducted on the premises is the purchase or sale of firearms or firearm ammunition.

Sec. 9-666. - License required.

- (a) It shall be unlawful for any person licensed as a firearms dealer pursuant to federal law to engage in the business of dealing in firearms at an address within the corporate limits of the City without having obtained a City firearms dealer's license pursuant to this article. A City firearms dealer's license shall be required in addition to any other City license required by law. Possession of a valid federal firearms dealer's license shall be deemed proof of being engaged in the business of dealing in firearms in the City and thus requiring a City firearms dealer's license. All applicants for a City firearms dealer's license must possess a valid Firearms Owner's Identification Card (FOID) issued by the State of Illinois and a federal firearms license.
- (b) Any person licensed under federal law at more than one location within the City must obtain a City license for each individual location. A separate application and license fee is required for each location at which any person shall engage in the business of firearms sales and/or operation of a gun shop.
- (c) No license issued hereunder shall be transferable or assignable to any other person, or any other location.

Sec. 9-667. - Application for license; investigation; issuance.

- (a) All applications for a license under this article shall be made in writing to the Chief of Police on a form provided for that purpose. In addition to any other information required by the Chief of Police, each application for a license shall contain the following information:
- (1) If the applicant is a corporation:
- Corporate name, address, state of incorporation, and name and address of registered agent
 - Names and addresses of all corporate officers and directors.
 - Statements of principal kinds of business in which the corporation engages.
 - Statement of whether the local business will be conducted by a manager, and the name, address and title of any such manager or agent.
 - The location of the place of business.
- (2) If the applicant is an individual or partnership or other such entity:
- Name and address of applicant.

- b. Location of place of business.
 - c. Principal kind of business in which the business is engaged.
 - d. Statement of whether business will be conducted by a manager or agent, and the name, address and date of birth of any such manager or agent.
 - e. The location where the firearms will be stored when business is closed.
 - f. Names and addresses and telephone number of all owners of said partnership or other such entity, and the name, address and telephone number of the person authorized to receive notices pursuant to this article.
- (b) The individual named in the FFL will not have to submit to a background check by the City but all other agents and employees who will be employed on site, shall submit to a background check, including fingerprinting, by the City prior to the opening of the gun shop. A background check shall thereafter be required for all new agents and employees prior to their commencement of , representation or employment with the gun shop.
 - (c) The fees for the background check shall be paid by the applicant as prescribed in Appendix G.
 - (d) The Chief of Police shall investigate the information contained in the application. If premises are identified for operation of a gun shop, the Chief of Police shall determine if the premises designated by the application as the location of the gun shop complies with all applicable requirements of the City. Upon payment by the applicant of a license fee hereunder required, the compliance of the applicant with the requirements of this article and any other applicable City requirements, the Chief of Police shall issue the license.
 - (e) The license shall show the name, address and FEIN # of the licensee, the date of issuance and the length of time the license shall be in effect. A record of all licenses issued pursuant to this article shall be maintained by the City.
 - (f) The City shall not issue a City firearm's dealers license to any person who is engaged in the business of dealing in firearms or any other activity requiring a federal firearms dealer's license, within 500 feet of the grounds of any school or public park, measured from the property lines of the respective properties, unless the licensee was operating the business from the location prior to adoption of this article.
 - (g) A copy of the City license shall be posted in the gun shop, visible to the public.

Sec. 9-668. - Denial of license.

- (a) Upon review of the application, the Chief of Police may refuse to issue a license to the applicant under this article for any of the following reasons:
 - (1) An investigation reveals the applicant falsified or omitted information on the application;
 - (2) The applicant is ineligible for a license pursuant to the requirements of this article;
 - (3) The applicant does not meet the requirements of other City ordinances or other applicable requirements of law;
 - (4) The applicant has been convicted of a felony in any jurisdiction or has been found in violation of any federal, state or local law or ordinance relating to the sale, transfer or use of firearms or any other deadly weapon described in Section 24-1 of the Illinois Criminal Code of 1961, 720 ILCS 5/24-1, or has ever had any ownership interest in any business that has had a federal, state or local firearms license suspended or revoked for any reason;
 - (5) The applicant fails to produce a valid federal firearms license and a valid FOID Card issued by the State of Illinois; or

- (6) In the case of any annual renewal, the applicant has been denied a license under this article within the immediate past year, unless the applicant demonstrates to the satisfaction of the Chief of Police the reasons for such earlier denial no longer exist or have been corrected.
- (b) The Chief of Police's denial, and the reasons for denial, shall be noted on the application, and the applicant shall be notified that the application is denied and that no license will be issued. Notice shall be mailed to the applicant at the address shown on the application form. Any person seeking to appeal the denial may do so by filing a written request for a hearing with the Mayor. The hearing shall be conducted in accordance with the procedures provided in Sec. 9-671 (Suspension or revocation of license).

Sec. 9-669. - Annual license; termination date; fees.

Licenses issued pursuant to this article shall be an annual license and shall expire on December 31 of each year; the fee for said license is included in Appendix G. Licenses shall be renewed prior to January 1 of each year and payment must be received by December 31 of the prior year; licenses not renewed by December 31 of any year shall be subject to a late fee in the amount of two (2) times the fee included in Appendix G.

Sec. 9-670. - Conditions and regulations; inspection of Gun Shop premises prior to issuance of license; violations; penalty.

- (a) In addition to any other condition or regulation contained in this article or in the statutes of the State of Illinois and the United States, the following conditions and regulations shall be applicable to and shall govern and control all gun shops within the City:
- (1) The walls, ceiling or floor, or any combination thereof, of the structure or building, or portion thereof, containing such devices shall be insulated or otherwise constructed so that no noise or vibration that is detectable without the aid of any mechanical device or instrument will be allowed beyond the outer perimeter of the gun shop.
 - (2) No person under eighteen (18) years of age shall be allowed on the gun shop premises unless accompanied by a parent, guardian, or an adult member of the immediate family of such person. An adult for the purposes of this article shall be any person eighteen (18) years old or older. No person under eighteen (18) years of age shall be allowed to handle a firearm unless accompanied by a parent, guardian or an adult member of the immediate family of such person.
 - (3) At all times during the hours of operation of the gun shop there shall be present a manager or other agent of the licensee who shall be not less than twenty-one (21) years of age. This manager, agent or authorized attendant shall have the responsibility to provide adequate control and supervision of the gun shop and the handling of firearms present therein.
 - (4) The licensee shall provide adequate fire protection facilities and devices including, but not limited to, fire extinguishers, in compliance with the fire prevention code.
 - (5) Premises where gun shops are housed shall be adequately lighted at all times during operation by natural or artificial light.
 - (6) Premises must have security cameras operational at all times, showing all areas where firearms are handled, sold, displayed and stored, with recordings being retained for 90 days, and made available to the City upon request.
 - (7) Premises must have a security/alarm system operational at all times.

- (b) All premises where gun shops are housed shall be inspected by the City prior to the issuance of a license. No license shall be issued until written certification has been supplied to the City that the premises meets the current City Code requirements.
- (c) The Chief of Police or his/her designee shall have general supervision over all firearm and dealers, and shall also have power to inspect their respective places of business and all sales and records relating to the activity for which a federal firearms dealer's license is required, and such shall be made available for inspection upon request.
- (d) It shall be unlawful for any person licensed to engage in the business of a gun shop within the City to fail to comply with the conditions and regulations set forth herein or suffer or permit noncompliance with such conditions and regulations on or within the gun shop.
- (e) Any person convicted of a violation of the conditions or regulations of this article shall be subjected to a fine pursuant to the requirements of Sec. 1-8 of the Code.

Sec. 9-671. Suspension or revocation of license

Nothing in the provisions of this article shall preclude the right of the Mayor or any duly appointed agent to suspend or revoke the license of the licensee.

- (a) The Mayor may suspend for a period of up to thirty (30) days or revoke any license issued under the provisions of this article for the following reasons:
 - (1) Violation of any of the provisions of this article or any applicable rules or regulations relating to the sale or transfer of firearms.
 - (2) Fraud, misrepresentation or knowingly false statement(s) contained in the license application.
 - (3) The licensee transfers a firearm to any person who the licensee knows or reasonably should know, is acquiring the firearm, not for his or her own use, but for the purpose of transferring it to another who could not legally obtain the firearm (commonly known as a straw purchaser).
 - (4) Fraud, misrepresentation or knowingly false statement in the course of carrying on the business as a firearms dealer.
 - (5) Conducting business in such a manner as to create a public nuisance, cause a breach of the peace or constitute a danger to the public health, safety, welfare or morals.
 - (6) Conviction of licensee or any employee of the licensee of any felony or of a misdemeanor involving moral turpitude in this or any other jurisdiction.
 - (7) All debts due and owing to the City are not paid.
- (b) No such license shall be revoked or suspended except after a public hearing by the Mayor. Said hearing shall commence no sooner than seven (7) days following provision of written notice of same delivered either personally or by certified or registered mail, return receipt requested, to the licensee affording the licensee an opportunity to appear and defend against the charges contained in such notice. The seven-day notice provisions shall begin the day following delivery by certified mail or by personal service. If the Mayor has reason to believe that any continued sale of firearms and/or ammunition will immediately threaten the welfare of the community, the Mayor may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing, suspend a license for not more than seven (7) days, giving the licensee an opportunity to be heard during that period.

- (c) The Mayor shall, within seven (7) days after such hearing, if he determines after such hearing that the license should be revoked or suspended, state the reason for such determination in a written order and serve a copy of such order within the seven (7) days upon the licensee.
- (d) Any licensee whose license is revoked or suspended shall pay to the City the costs of the hearing before the Mayor on such violation. The Mayor shall determine the costs incurred by the City for the hearing, including, but not limited to: court reporter's fees, the costs of transcripts or records, attorney's fees, the cost of preparing and mailing notices and orders and all other miscellaneous expenses incurred by the City or such lesser sum as the Mayor may allow.
- (e) The licensee shall pay said costs to the City within thirty (30) days of notification of the costs by the Mayor. Failure to pay the costs within thirty (30) days of notification is a violation of this article and may be cause for not issuing future licenses to the licensee.
- (f) Any person aggrieved by said revocation or suspension shall have the right to appeal and have a hearing before the City Council. Such appeal shall be taken by filing with the City Administrator a written statement under oath setting forth specifically the grounds for appeal. The City Council shall thereupon set the time and place for the hearing on such appeal within thirty (30) days from the date of such request, and notice of such hearing shall be given to the licensee by certified mail (return receipt requested) to the licensee at least ten (10) days prior to the date set for the hearing. The decision of the City Council shall be made within thirty (30) days of said hearing on such appeal and shall be by a vote of a majority of all members then holding office and shall be final.

Sec. 9-672. – Prohibition against sale of firearms without safety devices

It shall be unlawful for any person possessing a license to transfer any firearm which does not contain the following:

- (a) A safety mechanism, such as a trigger lock, cable lock, combination handle lock or solenoid use limitation device, that substantially hinders the use of the firearm by children under the age of 17 or other unauthorized users; or
- (b) A load indicator device which plainly indicates that a bullet is placed in the firearm in a way that pulling the trigger or otherwise handling the firearm may result in firing or detonation and which provides reasonable warning to potential users such that users even unfamiliar with the firearm would be forewarned and would understand the nature of the warning.

SECTION 3: Appendix G, Section 2.1, of the City Code is hereby amended to add the following:

Business Licenses

Gun Shops..... \$ 100.00 plus \$ 50.00 per background check completed.

SECTION 4: That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, are expressly repealed.

SECTION 5: That the City Clerk of the City of West Chicago be and is hereby directed to publish this Ordinance in pamphlet form, pursuant to the statutes of the State of Illinois.

SECTION 6: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in a manner provided by law.

PASSED this ____ day of _____ 2016.

Alderman L. Chassee	_____	Alderman J. Beifuss	_____
Vacant – Ward 2		Alderman J. Sheahan	_____
Alderman L. Grodoski	_____	Alderman A. Hallett	_____
Alderman S. Dimas	_____	Alderman M. Ferguson	_____
Alderman J.C. Smith, Jr.	_____	Alderman K. Meissner	_____
Alderman G. Garcia	_____	Alderman R. Stout	_____
Alderman J. Banas	_____	Alderman N. Ligino-Kubinski	_____

APPROVED as to form: _____
City Attorney

APPROVED this ____ day of _____ 2016.

Mayor, Ruben Pineda

ATTEST:

City Clerk, Nancy M. Smith

PUBLISHED: _____