

Posted: 4/11/2018

**PLANNING AND ZONING COMMISSION
REGULAR MEETING**

Marengo City Hall
132 E. Prairie Street

AGENDA
April 16, 2018
7:00 p.m.

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Public Comment**
5. **Approval of Minutes:** March 19, 2018 Meeting Minutes, April 2, 2018 Special Meeting Minutes
6. **New Business**
 - a. **Continued Public Hearing** – Proposed zoning text amendment and recommendation to the City Council regarding the addition of Ground-Mounted Solar Energy Systems as a special use in the ER Estate residential zoning district
 - b. **Continued Public Hearing** – Special Use permit application for a Ground-Mounted Solar Energy System as a special use with zoning upon annexation as ER Estate residential zoning district for 1) 23317 W. Grant Highway, consisting of roughly 116 acres located south of Route 20 and west of Johnson Road and 2) roughly 120 acres located south of Route 20 and east of Johnson Road and recommendation to the City Council
 - c. **Public Hearing** – Proposed zoning text amendment and recommendation to the City Council regarding the addition of an indoor shooting range as a special use in the B-1 Central Business District and recommendation regarding the issuance of a special use for an indoor shooting range at 131 East Prairie Street with a variation of the parking requirements of the Zoning Ordinance
7. **Adjournment**

City of Marengo
Planning & Zoning Commission Meeting
 Council Chambers
 132 E. Prairie Street
 Marengo, IL 60152
 March 19, 2018
 7:00 P.M.

CALL TO ORDER

Commission Chairman Mike Bieniek called the Meeting of the Planning & Zoning Commission to order at 7:12 P.M.

PLEDGE OF ALLEGIANCE

Mr. Bieniek led everyone in the Pledge of Allegiance.

ROLL CALL

Present this evening are Commissioners Bieniek, Piwonka, Varney, Hunt, Gieseke, and Brackmann. Also present were City Administrator Joshua Blakemore, Attorney Michael Smoron and Deputy City Clerk Anna Leyrer. Commission Member Mazurkiewicz was absent.

APPROVAL OF MINUTES

Commission member Varney made a motion, seconded by Commission member Gieseke to approve the **August 21, 2017** Planning and Zoning Minutes. The motion passed with aye votes from Commission members Bieniek, Brackmann, Piwonka, Gieseke, Varney, and Hunt.

NEW BUSINESS

Public Hearing- Proposed Zoning Text Amendment and Recommendation to the City Council Regarding the Addition of Ground-Mounted Solar Energy Systems as a Special Use in the ER Estate Residential Zoning District.

Public Hearing- Special Use Permit Application for a Ground-Mounted Solar Energy System as a Special Use in the ER Estate Residential Zoning District for 1.) 23317 W. Grant Highway, Consisting of Roughly 116 Acres Located South of Route 20 and West of Johnson Road and 2.) Roughly 120 Acres Located South of Route 20 and East of Johnson Road and Recommendation to the City Council.

Commissioner Bieniek opened the Public Hearing at 7:15 p.m. Attorney Smoron swore in all parties that wanted to speak. Commissioner Bieniek then introduced the petitioners Attorney, Jay Filler with Filler and Associates Law Offices. Mr. Filler gave a brief explanation of the project and introduced the petitioners; Reed Wills with SunEast Development and Candace Ward with Energy Renewal Partners. Mr. Reed explained that Marengo Solar is the project company. SunEast Development and Energy Renewal Partners have many other projects throughout the Country. He explained the benefits that the City and its residents would see, like new tax revenue, supporting the local economy, being an economic development platform to attract other businesses, and future

agricultural benefits. He expanded on the benefit that solar energy is an attractive asset for big corporations and also stated that the possibility of placing a small scale solar facility at the City's Wastewater Treatment Plant, in lieu of annexation fees, was being discussed. He stated that the project would produce very little traffic, noise and emissions and that there is very little impact on the land. Most times, after the life of the solar units, they are removed and the land can be returned to the prior use and that the project has a very light footprint. He stated that the project would utilize the local ComEd Substation and that there is a map in the materials handed out that shows where the existing and proposed/new utility poles would be located and that expectations are that the utility poles would be standard poles, not big towers. Mr. Wills explained that the dwelling currently on the property would be removed. There is a setback of 150 feet from Grant Highway and that the initial landscaping would be five foot evergreen type trees and three foot shrubs along the perimeter fencing.

Commissioner Bieniek then opened the floor for questions from the Planning & Zoning Commission.

Commission member Hunt asked how the solar panel would be mounted. Mr. Wills explained the panels would be piled into the ground and that the panels and the mounting have to meet certain wind rating specifications; which is generally winds up to 100 mph.

Commission member Gieseke asked if the property was being purchased or leased. Mr. Wills stated the property is to be purchased.

City Administrator Blakemore went over the criteria required for a Special Use Permit for a Solar Farm per the proposed Ordinance and stated that, if the PZC does a recommendation, it would go before City Council for final approval.

Commission Member Bieniek then opened the floor to any members of the public in attendance who wanted to speak.

Cecelia Drazek asked if there has been any talks with offering the power generated to residents and asked who is funding this project. City Administrator Blakemore stated that as far as he knows, the power will be sold to ComEd and discussions have been had about installing solar panels at the Waste Water Treatment Plant for use there to reduce cost. Mr. Wills stated that all funding is through private third parties.

Tom Kearney inquired how the panels are going to be anchored in the ground and asked if there was any government funding or the responsibility of the tax payers. He also stated he is concerned about ground water and lighting. He also stated he felt that any business on Johnson Road is within Riley Township, and they should be advised of what is going on. He also stated that he is worried about looking out his windows and seeing solar panels and not fields. Mr. Wills stated he would go to Mr. Kearney's property and evaluate what his property will look like when the panels are up. Mr. Blakemore stated the panels will be piled into the ground. Attorney Filler stated he believes there is no cost to local tax payers that he is aware of. Mr. Blakemore stated that there is currently State legislation to be determined how solar farms will be taxed, whether it is from the solar panels, or by the amount of megawatts generated from the facility. He also stated that lighting will only be on when needed, like when staff is there doing maintenance. Also, he is not aware of any potential dangers to ground water.

Charles Ramsay stated he did not like the idea of having solar panels surrounding his house.

Bill Johnson presented and read from a prepared statement in opposition of the project he wanted submitted for record. His concern was his property values and the fact that $\frac{3}{4}$ of his property would be surrounded by fence and solar panels. He also stated that he feels the land owners are losing their property values while the City is benefiting.

Terry Garbaciak stressed her concerns about any possibility of radiation and Electro-Magnetic Hyper Sensitivity for those located near the solar farm. She also stated she would like to see a study on long term effects done by a third, non-partial party. Mr. Wills stated that he is not aware of any negative health impacts on people who live near solar panels. He will look into getting some information. He also confirmed that the fencing is not barbed wire and it would be eight feet high.

Barbara Walpole stated that she has concerns with the ability to sell her farm and what effect it would have on her property values. She was also concerned that the City would want to annex her property as well. Administrator Blakemore informed Ms. Walpole that annexation would be, in most instances, voluntary.

Linda Balek stressed her concerns about what happens when the solar farm is gone and that solar farms should be put on marginal land, not farmland. What happens to the land? She asked what is going to be growing under the panels to avoid soil erosion. Mr. Will stated that shade grass and, most likely, clover, is planted under the panels. Administrator Blakemore informed her that the land would be returned to ER Estate Residential zoning, which is the most restrictive zoning in the City.

Paul Santonacita asked if any herbicides or pesticides would be used. He also asked who proposed this project. Administrator Blakemore stated that the petitioner approached the City for this project. With the location of this project, the petitioner could have gone to McHenry County, but did approach the City due to the close proximity to the City and the potential to annex. Mr. Wills stated that they did approach the City due to the proximity to the ComEd substation. He also stated that any uses of herbicides and pesticides would be at a minimum. The solar community is very sensitive to preserving the land.

Rick Schulze stated he didn't like the fact that all the farm land will be filled with solar panels. He also stated that the property floods during heavy rain.

Commission member Brackmann asked if there would be a concern about glare created from the solar panels. Mr. Wills explained that there is an anti-glare coating on the panel to prevent glare and explained there is a 70-acre solar farm at the Indianapolis Airport and there has not been an issue with glare.

Gertrude Randall, who lives on Ritz Road, stated she has lost most value of her home due to the Arnold 300 West water contamination, so she said she sympathizes with the home owners and their concern about their property values.

Ed Olsen stated he feels that property values of the homes surrounding the area will decrease and that solar farms are still new and he feels there is not a lot of information on them yet. He also stressed concern about standing water on the property.

Commissioner Bieniek asked Mr. Wills if there is a possibility to address the concerns about the twenty-five foot setback and if it could be pushed back an additional twenty-five feet. Mr. Wills stated he would be happy to go the properties to address each location and go from there.

Commission member Gieseke asked if the petitioner has contacted the McHenry County Conservation District. Mr. Wills stated they have, and the few locations that they looked at had standing water issues.

Mr. Wills presented a document for the record that addresses the concerns of solar impact on property values and that there is little evidence that solar panels/farms have an adverse impact.

PLANNING AND ZONING ACTION

Commissioner Bieniek stated he felt the need to have some of the concerns addressed by the petitioner and to continue the meeting at a later date. Attorney Smoron stated that the best course of action would be to not make any recommendations this evening, since all of the ordinances are “bound together”, they should all be up for recommendation at the same time. The Planning and Zoning Commission agreed to continue the meeting at a later date after requesting the petitioner to gather some additional information on the following: 1.) Submit independent studies on health effects of solar farms; 2.) The Indianapolis Airport study about glare; 3.) Address the specific property owners concerns; 4.) Submit pictures of real life examples of houses located near solar farms.

Mr. Wills stated that they would be happy to meet on a one-on-one basis with any resident regarding their concerns and will make that happen for anyone interested. He encouraged them to speak with him after the meeting. He said that they should be able to have their information together by the April 16th Planning & Zoning Commission meeting.

MOTION TO CONTINUE MEETING UNTIL APRIL 16, 2018

Commission member Hunt made a motion, seconded by Commission member Piwonka to continue the meeting until April 16, 2018. It passed with aye votes from Commission members Hunt, Bieniek, Gieseke, Varney, Brackman, and Piwonka.

OTHER BUSINESS

City Administrator Blakemore informed the Commission that there is a Special Planning and Zoning meeting planned for Monday, April 2, 2018, and the packets will be available next week.

ADJOURNMENT

Commission member Varney made a motion to close the meeting. Commission member Brackmann made a second. The motion passed with a voice vote. The meeting adjourned at 9:30 p.m.

Respectfully submitted,
Anna Leyrer
Deputy City Clerk

Approved at the _____ Planning and Zoning Commission meeting.

#5

PLANNING AND ZONING COMMISSION
Special Meeting Minutes
City Council Chambers
132 E. Prairie Street
Marengo, IL 60152
April 2, 2018

CALL TO ORDER

Mike Bienek called the meeting to order at 7:01 PM.

PLEDGE OF ALLEGIANCE

Mr. Bienek led everyone in the Pledge of Allegiance.

ROLL CALL

Present this evening are Commission members: Mike Bienek, Richard Piwonka, Ryan Varney, Peter Hunt and Ryan Gieske. Also present are City Administrator Joshua Blakemore and Attorney Michael Smoron and City Clerk Connie Boxleitner. Commission members Chester Mazurkiewicz was absent. Member Corey Brackmann attended the meeting in the capacity of the developer for the project under consideration.

PUBLIC PARTICIPATION

None

APPROVAL OF MINUTES – March 19, 2018 Meeting Minutes

Mr. Bienek advised that these minutes were not ready for review at this time, but would be provided for review before the next meeting.

NEW BUSINESS

- a. *Public Hearing – Recommendation to the City Council regarding a Planned Unit Development Special Use Permit Application, with a Variance from the Marengo Sign Ordinance, for a Proposed Commercial Center located at 20009 – 20015 East Grant Highway*

City Administrator Blakemore explained that the applicant is requesting a planned development special use permit and a variance from the sign ordinance. A PUD is being requested to accommodate the development of an 8,000 square foot, four unit commercial retail center and a future 8,400 square foot building on the back portion of the lot. A variance to allow for the requested sign, which is slightly larger than current ordinance allows, is also being sought.

MOTION TO OPEN THE PUBLIC HEARING

Ryan Varney made a motion, seconded by Ryan Gieseke, to open the Public Hearing. The motion passed with a voice vote. The open hearing started at 7:08 PM.

Attorney Smoron swore in all those who were speaking this evening.

Mr. Terry McKenna, the Attorney representing the petitioner, introduced Corey Brackmann of Brackmann Construction who is representing the owners, S&V Property. Mr. McKenna went over the finding of facts regarding the PUD and the sign variance.

Commission member Hunt asked how the lot where the second building is being requested will be prepped. Mr. Brackmann stated that the lot would be left as dirt and planted with vegetation, it would not be paved now until needed.

Commissioner Bieniek asked Mr. Blakemore whether the plans for the future building would need to come back before the Planning & Zoning Commission for a site plan review when the time comes. Mr. Blakemore stated that typically it does not, but if the Commission would want to put certain stipulations, they can, but generally it would just have to comply with the allowable uses for a B2 district. Mr. Bieniek also inquired about the driveway in and out and if there was going to be any special striping or designation for the Dunkin' Donuts drive-thru. Jim Condon, with J. Condon & Associates, informed the Commission that IDOT would only allow for one main full access entrance and that the drive-thru will be striped to designate the drive-thru.

Commission member Hunt asked if the sign will be illuminated. Mr. Brackmann stated, it would be illuminated from the inside and the individual store panels on the light are interchangeable.

There was discussion between the Commission members that addressed the option of putting stipulations on the future building to specify the building design. Mr. Brackmann stated that the current building design is about 50% brick and 50% natural materials. Mr. Blakemore stated that if the Commission does choose to put stipulations on the future building, the petitioner could always come back before the Commission to ask for a variance and that there is potential for a shared Route 20 access when development to the West develops. There was discussion on the pending approval of the IDOT ROW construction.

MOTION TO CLOSE THE PUBLIC HEARING

Richard Piwonka made a motion, seconded by Ryan Varney, to close the public hearing. The motion passed with a voice vote. The open hearing ended at 7:28 PM.

ACTION FOLLOWING THE PUBLIC HEARING

Ryan Varney made a motion, seconded by Peter Hunt, to approve the PUD Special Use Permit Application, with a Variance from the Marengo Sign Ordinance, for the proposed commercial center located at 20009 – 20015 East Grant Highway and adopting of the finding of facts. The commission members voted as follows:

Ayes: Peter Hunt, Mike Bieniek, Ryan Gieseke, Ryan Varney and Richard Piwonka

Nays: 0

Absent: Mazurkiewicz and Brackmann

The motion passed.

City Administrator Blakemore stated that this will most likely go before the City Council next week and reminded the Commission about the meeting on Monday, April 16th. This meeting is a continuation of the April 2nd PZC meeting regarding the Solar Farm. Josh stated Mr. Reed has said he has meet with four of the residents that surround the future Solar Farm. Also at the April 16th meeting, we will have application for the Zoning Text Amendment and Special Use Permit for a shooting range at the old McGill building.

ADJOURNMENT

Richard Piwonka made a motion, seconded by Ryan Varney, to adjourn the meeting. The motion passed with a voice vote. The meeting adjourned at 7:31 PM.

Anna Leyrer
Deputy City Clerk

The Planning & Zoning Commission approved these minutes on _____.

PUBLIC HEARING

TO: Planning and Zoning Commission

FROM: Joshua Blakemore, City Administrator

FOR: April 16, 2018 Planning and Zoning Commission Meeting

RE: Application for Zoning Text Amendment to Add Ground-Mounted Solar Energy as a Special Use in the ER Estate Residential District & Issuance of Special Use Permit for said use, Concurrent with Zoning Upon Annexation to ER Estate Residential – East and West Side of Johnson Road, South of Route 20

During the March 19th PZC meeting the public hearing for the proposed solar development was continued to the April 16th meeting. The petitioner was asked to provide additional information, primarily centered around 1) concerns about electromagnetic hypersensitivity, 2) additional information on glare, 3) concerns regarding impact of neighboring property values and 4) meet with residents to discuss and review the visual impact of the property.

To that end Marengo Solar LLC has provided the following, which are attached for your review.

- A presentation addresses each of the four concerns stated above, along with additional information on the impact of construction and operations, impact on wildlife and a potential tour of a solar facility. Marengo Solar LLC will be reviewing this information during the April 16th PZC meeting.
- A property value impact study, prepared by Cohn Reznick, Valuation Advisory Services.
- An updated site plan, with additional details on setbacks to neighboring properties.

Again, please bring your March 19th packet for the staff report, findings of fact, other application material submitted by the petitioner, and a motion of the PZC desires to make a recommendation to the City Council regarding this application.

PUBLIC HEARING

TO: Planning and Zoning Commission

FROM: Joshua Blakemore, City Administrator

FOR: March 19, 2018 Planning and Zoning Commission Meeting

RE: Application for Zoning Text Amendment to Add Ground-Mounted Solar Energy as a Special Use in the ER Estate Residential District & Issuance of Special Use Permit for said use, Concurrent with Zoning Upon Annexation to ER Estate Residential – East and West Side of Johnson Road, South of Route 20

Issue Statement: The petitioner, Marengo Solar LLC, is seeking a zoning text amendment to allow for a Special Use Permit in the ER Estate Residential Zoning District to allow for the development of a ground mounted solar farm. The applicant is seeking the issuance of a special use permit for said use concurrently with the zoning text amendment and zoning upon annexation from A-1 Agriculture (under McHenry County) to ER Estate Residential within the City of Marengo. The applicant will be in attendance Monday and has prepared a brief presentation on the proposed project. The applicant will also be able answer any questions the PZC may have about solar farms or the application itself.

As per the request, Marengo Solar LLC, via Enel and SunEast Development is desirous of developing a solar farm of roughly 235 acres on the east and west side of Johnson Road and south of Route 20. There are two particular actions for the PZC to consider as part of this application. One is the proposed zoning text amendment and two is the issuance of a special use permit for the ground-mounted solar use with the concurrent zoning upon annexation. Each of these items requires a public hearing. In accordance with the Marengo Zoning Ordinance, a public hearing to consider the petition has been scheduled for 7:00 p.m. on March 19, 2018. Additional renderings of the site will be sent under separate cover, including the proposed screening.

Neighboring Uses: The adjacent properties to the north of the property in quest are zoned M-Manufacturing and are in the City of Marengo. The adjacent properties to the east, south, and west are zoned A-1 Agriculture and are under McHenry County's jurisdiction.

Staff did receive two phone calls regarding the application. One call was more of a general inquiry, the other was an objection from an adjacent property owner, who stated she planned on attending the public hearing.

Staff Review and Recommendation: The proposed text amendment is being requested to allow for the development of roughly 235 acres as a ground mounted solar energy use. The petitioner is concurrently seeking approval of zoning upon annexation to ER Estate Residential and issuance of a special use permit to allow for the solar farm development. The Southwest Sub-area Plan (attached) shows the property in question as a mix of low density residential, medium density residential and light industry and neighborhood commercial. The proposed use is most compatible with light industrial development. In the future the property at the intersection of Route 20 and Johnson Road could be redeveloped into a commercial use.

As always, the PZC should carefully consider the public comments and objections, if any, and potential impacts on the surrounding properties in their consideration of this application.

Please review the attached proposed finding of facts (outlining the criteria for a zoning text amendment, special use permit and zoning map amendment) and modify them accordingly based on the evidence and testimony presented at the public hearing.

If the PZC feels that the standards for these requests have been satisfied, then adoption of the attached finding of facts and a recommendation that the City Council approve the requested zoning text amendment, special use application and zoning upon annexation would be in order. The zoning text amendment is treated as one agenda item (6a) while the special use application with zoning upon annexation is being treated as a separate item (6b).

New Business 6a – Public Hearing - Proposed Zoning Text Amendment regarding the addition of Ground-mounted solar energy systems as a special use in the ER Estate Residential zoning district –

The proposed zoning text amendment creates a special use permit in the ER Estate Residential District for ground mounted solar energy as a special use. The zoning text amendment, if approved, will outline the conditions of a solar farm. A draft zoning text amendment has been attached for your review. The conditions in the draft text amendment would be applied to this solar development. This amendment was drafted by the City Attorney, with the input of the City Engineer and the developer. It contains conditions found in other zoning ordinances pertaining to solar farms from other areas of Illinois and throughout the United States as well.

Some of the key provisions of the zoning text amendment, particularly for review by the PZC, are in section B. Of particular note and consideration are the setback, screening (an 8 foot privacy fence), glare and lighting provisions. The text amendment requires a decommissioning plan in the event the solar farm does not produce energy for an extended period of time, or has reached the end of its useful life. The draft ordinance states the solar panels shall not exceed 12.5 feet in height. An elevation of the type of panel to be installed has been included for your reference.

The PZC can amend the text amendment if you so choose. For example, certain stipulations as drafted could be revised if the PZC sees fit to do so. As you can see, the draft is very comprehensive and further provides list of items to be submitted for engineering review and building permit review.

Zoning Text Amendment Process: The purpose of the zoning text amendment is to allow for altering to the regulations imposed by the Zoning Ordinance to promote public health, safety, comfort, and general welfare. The standards upon which a zoning text amendment is to be considered are outlined in Section 17.08 of the Zoning Ordinance (see attached).

Motion to Recommend: *Motion to adopt the finding of facts as presented and recommend that the City Council approve a text amendment to the Marengo Zoning Ordinance to allow for a ground mounted solar energy use as a special use in the ER Estate Residential Zoning District.*

Finding of Facts

Johnson Road Ground Mounted Solar Project

Application for Zoning Text Amendment (Section 17.08)

Based on the evidence presented at the March 19, 2018 Public Hearing regarding the above case, the Planning and Zoning Commission make the following findings:

Marengo Zoning Ordinance Section 17.08 "Text Amendments and Standards for Text Amendments" states the City Council may amend zoning regulations provided the following findings:

1. That the proposed amendment is beneficial to the orderly development of the City;
2. That the proposed amendment will benefit the public health, safety, comfort and general welfare of the community;
3. That the proposed amendment promotes the public interest and not solely the interest of the petitioner or applicant.

New Business 6b – Public Hearing - Special Use permit application for ground-mounted solar energy use as a special use in the ER Estate Residential District for 1) 23317 W. Grant Highway, consisting of roughly 116 acres located south of Route 20 and west of Johnson Road and 2) roughly 120 acres located south of Route 20 and east of Johnson Road – with zoning upon annexation.

Special use permit - Concurrent with this entire process will be the issuance of a special use permit for a ground mounted solar energy use. The previously mentioned zoning text amendment allows for a ground mounted solar use with a special use permit. The standards for a Special Use Permit are found in Section 15.03 of the Zoning Ordinance (see attached). This recommendation would be to issue a special use permit in accordance with the zoning text amendment discussed previously.

A public hearing is required to consider a special use permit application and a zoning map amendment. Following the conclusion of the public hearing, the Planning and Zoning Commission shall make a recommendation to the City Council to approve or deny the application based on the evidence presented at the public hearing and finding of facts. Again, a public hearing to consider this application has been scheduled for Monday March 19th at 7:00 PM.

Zoning upon annexation (zoning map amendment) – The property in question is contiguous to the City's corporate limits and would require a zoning map amendment upon annexation from County A-1 to ER in the City of Marengo.

Zoning Map Amendment Process: The purpose of the zoning map amendment is to allow for rezoning of properties to promote the public health, safety, comfort and general welfare as well as the conservation of property values. Due consideration is to be given to: a) the existing conditions, b) the conservation of property values, c) the direction of property development and land use that is to the best advantage of the entire city, and d) the uses to which the property is devoted at the time of the adoption of any such amendatory ordinance. The standards upon which a zoning map amendment is to be considered are outlined in Section 17.09 of the Zoning Ordinance (see attached).

Motion to Recommend: *Motion to adopt the finding of facts as presented and recommend that the City Council approve a special use permit to allow for a ground mounted solar energy use as a special use in the ER Estate Residential Zoning District, with a recommended zoning upon annexation of ER Estate Residential.*

Finding of Facts
Johnson Road Ground Mounted Solar Project
Standards for Special Uses (Section 15.03)

Marengo Zoning Ordinance Section 15.03, "Standards for Special Uses," states that the City Council may authorize a special use permit upon determining and finding as fact, the following:

1. That the proposed use will not be detrimental to the public health, safety, comfort or general welfare, nor substantially diminish or impair the value of other properties or improvements in the vicinity.
2. That the proposed use will comply with the regulations of the zoning district in which it is located and this Zoning Code generally, including but not limited to all applicable yard and bulk regulations, parking and loading regulations, sign control regulations, wetlands and flood plain regulations, building and fire codes, and all other applicable City ordinances, or if exceptions are requested, that such exceptions are justified.
3. That the proposed use will not negatively impact the existing off-site traffic circulation; will adequately address on-site traffic circulation; will provide adequate on-site parking facilities; and if appropriate or required, will contribute financially, in proportion to its impact, to upgrading roadway systems.
4. That the proposed use will not negatively impact existing public utilities, facilities and municipal service delivery systems without due consideration for adequate means of upgrading such utilities, facilities and systems.
5. That the proposed use will not negatively impact the environment by creating air, noise or water pollution, ground contamination, or unsightly views without due consideration for adequate means of controlling, mitigating or buffering such impacts.
6. That the proposed use will maintain, where possible, existing mature vegetation; provide adequate screening to residential properties; and provide appropriate landscaping.
7. That the proposed use will meet standards and requirements established by jurisdictions other than the City, such as federal, state, county or other governmental units or agencies requiring licensing, permitting or health/safety inspections, and submit written evidence thereof.
8. That the proposed use shall conform to the regulations established for specific special uses as provided in this Section 15 [of the Marengo Zoning Code].

Finding of Facts
Johnson Road Ground Mounted Solar Project
Application for Zoning Map Amendment (Section 17.09)

Based on the evidence presented at the March 19, 2018 Public Hearing regarding the above case, the Planning and Zoning Commission make the following findings:

1. That the proposed re-zoning is not detrimental to the orderly development of the City;

2. That the proposed re-zoning will not be detrimental to or endanger the public health, safety, comfort or general welfare of the community;
3. That the request promotes the public interest and not solely the interest of the petitioner or applicant;
4. That the request is consistent with the existing uses of property within the general area of the property in question;
5. That the request is consistent with zoning classifications of property within the general area of the property in question;
6. That the property is not generally suitable for the uses permitted under the existing zoning classification;
7. That the trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the original zoning of the affected property was established supports the request;
8. That, if applicable, the length of time that the property in question has remained undeveloped under its current zoning is considered in the context of land development in the vicinity of the property in question;
9. That property values of the surrounding and adjacent property will not be substantially diminished or impaired;
10. That the request is in harmony with the objectives of the Comprehensive Plan.

cc: Attorney Jay Filer

MARENGO SOLAR LLC
Project Description for Solar Ordinance – Section C
Prepared for April 16, 2018 Planning and Zoning Commission Meeting

Marengo Solar LLC is providing this Project Description as part of its Special Use Application to the City of Marengo, and in advance of the April 16, 2018 Planning and Zoning Commission Meeting during which additional testimony regarding the solar project will be made. The Project Description addresses the requirements in Section C of the March 15, 2018 Draft Solar Ordinance.

General Description: Marengo Solar has obtained land rights to six parcels of property located at the corner of Johnson Road and US 20/Grant Highway. The total acreage is approximately 236 acres. The three properties on the western side of Johnson Road are referred to as Marengo Solar I and total 116 acres, and the three properties on the eastern side of Johnson Road are referred to as Marengo Solar II and total 120 acres.

Generating Capacity: A total of 40 MW-ac for all six parcels.

Equipment Manufacturer: Tier 1 solar panels with a single axis tracker racking system and inverters will be utilized. In the preliminary design, we have specified Jinko 340w panels and TMEIC Solar Ware 2700 inverters, though these may change once detailed engineering design is complete and actual equipment selection is made.

Number of Solar Modules: Approximately 160,000 340W solar modules will be installed with a generating capacity of 54 MW-dc. This power is delivered to sixteen inverters which transform the power to 40 MW-ac.

Nameplate Capacity of Solar Modules: 340 watts-dc, though the rating may change as module performance continues to improve. Even with higher module capacity, the project capacity will remain 40 MW-ac

Height of Solar Modules: Solar modules will be mounted onto a single axis tracker (SAT) racking system. The SAT racking system runs north to south, and panels are mounted on top of the racking system. Panels will rotate from east to west in order to better collect solar energy. The Solar Ordinance calls for a maximum height of 12 feet and 6 inches. Any elevation requirement in excess of this height will require a variance. Solar modules only reach the maximum elevation for a short period of time, and most of the day the panels will be much closer to horizontal.

Overall Dimensions: The Marengo Solar I site is 113 acres. After accounting for setbacks, the area inside the security fence is ~100 acres. The Marengo Solar II site is 120 acres. After accounting for setbacks the area inside the security fence is ~110 acres. Although there are ~210 acres behind the two fence lines, only 160 acres will actually be covered with solar modules.

Security: Solar project security is managed through a combination of access control and perimeter security technologies. All projects are fully enclosed by an eight foot security fence. Additional security features include full site coverage by motion detecting high resolution video monitoring, as well as automated lighting at access gates and other sensitive areas. Some sites also utilize fiber optic cable intrusion detection systems which are attached to fences or buried around the perimeter. All plant operations, including automated security measures, are remotely monitored by a central control system which is staffed on a 24-hour basis.

Power Collection and Delivery to the Power Grid: The solar modules will generate power at 1500 volts and will be routed to sixteen inverter stations, where the power is transformed from direct current (dc) to alternating current (ac). The existing design calls for step-up transformation at the inverter to 34kv. The power leaves the inverters and runs below ground to various collection stations, and ultimately runs to an interconnection facility area at the northwest corner of the Marengo Solar II site. From there, the 34kv power will be routed to traditional electric distribution poles on two circuits and then routed to the ComEd Marengo substation. These poles will be consistent with the electrical distribution lines that run on US Route 20 through downtown Marengo.

Marengo Solar Project Presentation
Planning and Zoning Commission Meeting
April 16, 2018 Meeting (continued from 03.19.18 meeting)



Marengo Solar Project Team

Marengo Solar LLC – Project Owner

- Has site control of six parcels (~235 acres) adjacent to the corner of Johnson Road and West Grant Highway
- Seeking positive recommendation from the P&Z Commission Board for Special Use Permit, Solar Ordinance

SunEast Development LLC – Commercial Manager

- Manages the day-to-day development work for Marengo Solar
- Management team has an average of 25 year’s experience in developing independent power projects

Energy Renewal Partners (ERP) – Environmental and Permitting Manager

- ERP will lead the permitting work for the project, including survey work and civil engineering
- Has led and supported the permitting of 250+ renewable energy projects

Filler and Associates - Local Counsel to Marengo Solar LLC

- Jay Filler represents the project on local matters



CohnReznick LLP – Property Value Experts

- One of the largest accounting, tax and business advisory firms in the United States
- Will provide expert testimony regarding how solar projects impact property values

JL Architects – Rendering Specialist

- Successful architectural firm located in West Chester, PA for over thirty years
- Works closely with SunEast and our clients to develop true-to-scale renderings of solar facilities

Marengo Solar LLC

Documentation Available to the City and Residents

PROJECT DOCUMENTS

- Marengo Solar LLC – Project Description, ALTA Surveys, Site and Landscape Plans
- McHenry County Stormwater Conservation District – Natural Resource Inventory Report
- IL Department of Natural Resources – ECOCAT Termination Letters
- US Army Corps of Engineers – Letters of No Action
- CohnReznick LLP – Property Value Impact Study

THIRD PARTY DOCUMENTATION

- World Health Organization - Electromagnetic Hypersensitivity; December 2005
- MA Clean Energy Center – Study of EMF Levels from Solar PV Projects; December 2012
- MA Clean Energy Center – Q&A: Ground Mounted Solar PV Systems; June 2015
- NC Clean Energy Center/NC State University – Health and Safety Impacts of Solar PV
- SunShot Program/US Department of Energy – Solar Energy Myths and Misconceptions

Marengo Solar LLC

Agenda for April 16 Meeting

Report Back on Additional Information Requested by the Board on March 19

1. Address concern raised at March 19 meeting regarding electromagnetic hypersensitivity (EHS)
 2. Provide additional information on glare, e.g. Indianapolis Airport solar project
 3. Address residents concerns regarding negative impact on property values
 4. Meet with residents to hear concerns, assess visual impact of the project from their property
-

Marengo Solar met with neighboring property owners on March 20; the following additional questions and information requests were raised in addition to the items listed above:

5. Provide additional detail on how construction and operations will impact residents
6. What impact will the solar project have on wildlife?
7. Request for a tour of a solar facility
8. Provide photos of similar solar projects

Marengo Solar LLC

1. Electromagnetic Hypersensitivity (EHS) – Excerpts from WHO Paper



Electromagnetic fields (EMF)

Electromagnetic fields and public health

Electromagnetic hypersensitivity

Background

December 2005

As societies industrialize and the technological revolution continues, there has been an unprecedented increase in the number and diversity of electromagnetic field (EMF) sources. These sources include video display units (VDUs) associated with computers, mobile phones and their base stations. While these devices have made our life richer, safer and easier, they have been accompanied by concerns about possible health risks due to their EMF emissions.

For some time a number of individuals have reported a variety of health problems that they relate to exposure to EMF. While some individuals report mild symptoms and react by avoiding the fields as best they can, others are so severely affected that they cease work and change their entire lifestyle. This reputed sensitivity to EMF has been generally termed "electromagnetic hypersensitivity" or EHS.

What is EHS?

EHS is characterized by a variety of non-specific symptoms, which afflicted individuals attribute to exposure to EMF. The symptoms most commonly experienced include dermatological symptoms (redness, tingling, and burning sensations) as well as neuroathetic and vegetative symptoms (fatigue, tiredness, concentration difficulties, dizziness, nausea, heart palpitation, and digestive disturbances). The collection of symptoms is not part of any recognized syndrome.

Studies on EHS individuals

A number of studies have been conducted where EHS individuals were exposed to EMF similar to those that they attributed to the cause of their symptoms. The aim was to elicit symptoms under controlled laboratory conditions.

The majority of studies indicate that EHS individuals cannot detect EMF exposure any more accurately than non-EHS individuals. Well controlled and conducted double-blind studies have shown that symptoms were not correlated with EMF exposure.

Conclusions

EHS is characterized by a variety of non-specific symptoms that differ from individual to individual. The symptoms are certainly real and can vary widely in their severity. Whatever its cause, EHS can be a disabling problem for the affected individual. EHS has no clear diagnostic criteria and there is no scientific basis to link EHS symptoms to EMF exposure. Further, EHS is not a medical diagnosis, nor is it clear that it represents a single medical problem.

Source: World Health Organization. *Electromagnetic Fields and Public Health: Electromagnetic hypersensitivity. December 2005*
Accessed April 2018 <http://www.who.int/peh-emf/publications/facts/fs296/en/>

Marengo Solar LLC

1. Electromagnetic Hypersensitivity (EHS) – NIH Blind Study Analysis

NCBI Resources How To

PubMed.gov

US National Library of Medicine
National Institutes of Health

PubMed

Advanced

Format: Abstract ▾

Send to ▾

Psychosom Med. 2005 Mar-Apr;67(2):224-32.

Electromagnetic hypersensitivity: a systematic review of provocation studies.

Rubin GJ¹, Das Munshi J, Wessely S.

[Author information](#)

Abstract

OBJECTIVES: The objectives of this study were to assess whether people who report hypersensitivity to weak electromagnetic fields (EMFs) are better at detecting EMF under blind or double-blind conditions than nonhypersensitive individuals, and to test whether they respond to the presence of EMF with increased symptom reporting.

METHODS: An extensive systematic search was used to identify relevant blind or double-blind provocation studies. This involved searching numerous literature databases and conference proceedings, and examining the citations of reviews and included studies. The results of relevant studies were tabulated and metaanalyses were used to compare the proportions of "hypersensitive" and control participants able to discriminate active from sham EMF exposures.

RESULTS: Thirty-one experiments testing 725 "electromagnetically hypersensitive" participants were identified. Twenty-four of these found no evidence to support the existence of a biophysical hypersensitivity, whereas 7 reported some supporting evidence. For 2 of these 7, the same research groups subsequently tried and failed to replicate their findings. In 3 more, the positive results appear to be statistical artefacts. The final 2 studies gave mutually incompatible results. Our metaanalyses found no evidence of an improved ability to detect EMF in "hypersensitive" participants.

CONCLUSIONS: The symptoms described by "electromagnetic hypersensitivity" sufferers can be severe and are sometimes disabling. However, it has proved difficult to show under blind conditions that exposure to EMF can trigger these symptoms. This suggests that "electromagnetic hypersensitivity" is unrelated to the presence of EMF, although more research into this phenomenon is required.

PWID: 15784787 DOI: [10.1097/PSY.0b000155664.13300.64](https://doi.org/10.1097/PSY.0b000155664.13300.64)

[Indexed for MEDLINE]

Marengo Solar LLC

1. Electromagnetic Hypersensitivity (EHS) – Review of Medical Websites

We searched the websites of seven leading hospitals* using the term “Electromagnetic Hypersensitivity”, but did not find any research on this topic:

- Mayo Clinic, Rochester, MN
- Cleveland Clinic, OH
- Johns Hopkins Hospital, Baltimore, MD
- Massachusetts General Hospital, Boston
- University of Michigan Hospital, Ann Arbor
- University of Pennsylvania Hospital, Philadelphia
- Northwestern Memorial Hospital, Chicago

* From the *2017-18 Best Hospital Honor Roll published by US News and World Report*

1. Electromagnetic Hypersensitivity (EHS) – EMF Analysis

Household Sources of EMF (mG levels)

Source	Distance 1.2 inches	Distance 12 inches	Distance 36 inches
Microwave	750-2000	40-80	3-8
TV LCD/ Plasma	1.1-73.6	0-2.5	0-2.2
Hair Dryer	60-20,000	1-70	0.1-3
Clothes Washer	8-400	2-30	0.1-2
Electric Range	60-2,000	4-40	0.1-1

Source: Adapted from Gauger 1985 & EPRI Appliance Measurements Study 2010

The average household has 0.9 mG EMF levels

Source: National Institute of Health
EMF: Questions and Answers June 2002

In 2012, Massachusetts measured actual EMF levels at three separate utility-scale solar sites

Utility-Scale Solar EMF (mG levels)

Location	Distance Within 2 ft	Distance 50 to 150 ft
Inverter	150 - 500	0.5 or less
Site Boundary	0.2 - 0.4	< 0.2

Actual field EMF levels at 50 to 150 feet from the fenced boundary were <0.2 mG...well below the average household levels of 0.9 mG

Source: Massachusetts Clean Energy Center, Study of Acoustic and EMF Levels from Solar Photovoltaic Projects 12/2012

The closest house to the solar site is ~120 ft from the site boundary and ~900 ft from the closest inverter...indicating that there are no measurable EMF levels

2. Glare From PV Modules is Not a Risk to the Public



Notice Criteria Tool

1.2 Day: 14 PM 20.7 S. N 2
 1.3 Day: 12 PM 13.4 S. W 2
 NADDB #
 1.4 (Morse Code)
 1.5 (Morse Code)
 No Traverseway #
 (Additional height is added to existing structures under Project. User can increase the default height adjustment for Traverseway, Private Roadway and Waterway)

No
 Yes

Is structure on airport:

Results
You do not exceed Notice Criteria.

Marengo Solar has followed FAA protocols, and the installation will not impair the flight path or use of any commercial airports, both local and regional.



U.S. Department of Energy – Solar panels are designed to absorb radiation, not reflect it. Solar PV panels are constructed of dark colored (usually blue or black) materials and are covered with anti-reflective coatings. **Modern PV panels reflect as little as two percent (2%) of incoming sunlight.**

Source: "Four More Misconceptions about Solar PV", USDOE SunShot Program



The City of Marengo Solar Ordinance as currently drafted states: **In the event that glare concerns are raised within the community following commercial operation, the solar farm owner will take actions to address those concerns, including adding landscaping or privacy fencing as necessary or otherwise modifying the project site to address such concerns.**

Marengo Solar LLC

2. Glare From PV Modules is Not a Risk to the Public – Indy Airport Example



Two Indianapolis-based companies—Telamon Corporation and Johnson Melloh Solutions— have partnered with the Indianapolis Airport Authority (IAA), the City of Indianapolis, Indianapolis Power & Light Company (IPL), General Energy Solutions (GES) and Cenergy Power to build the largest solar farm on airport real estate in the world, the IND Solar Farm. The solar farm is comprised of three phases.



All partners involved in this solar farm project are committed to increasing the city's sustainability while helping grow and diversify renewable sources of electricity to power the growth and development of Indianapolis. The solar farm is expected to generate more than 36.1 million kilowatt hours of electric energy annually, enough to power more than 3,650 average American homes annually.

The solar energy produced will be sold to IPL through a 15-year power purchase program and feed into the grid of existing surface transmission lines that connect the airport terminal to the IPL substation west of the airport.

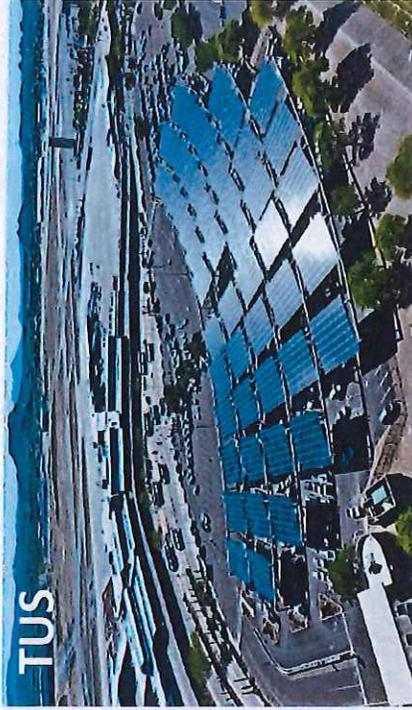
The electric energy generation facility includes 87,488 solar photovoltaic panels, each capable of producing a range of 280-305 watts at peak power production. The panels are installed on fixed ground-mounted racking systems (Phase I) and ground-mounted tracker systems (Phase II/III) that fill nearly 163 acres of land on both the east and west sides of the terminal near the entrance to the Indianapolis International Airport.

Marengo Solar LLC

2. Glare From PV Modules is Not a Risk to the Public – Solar at Other Airports

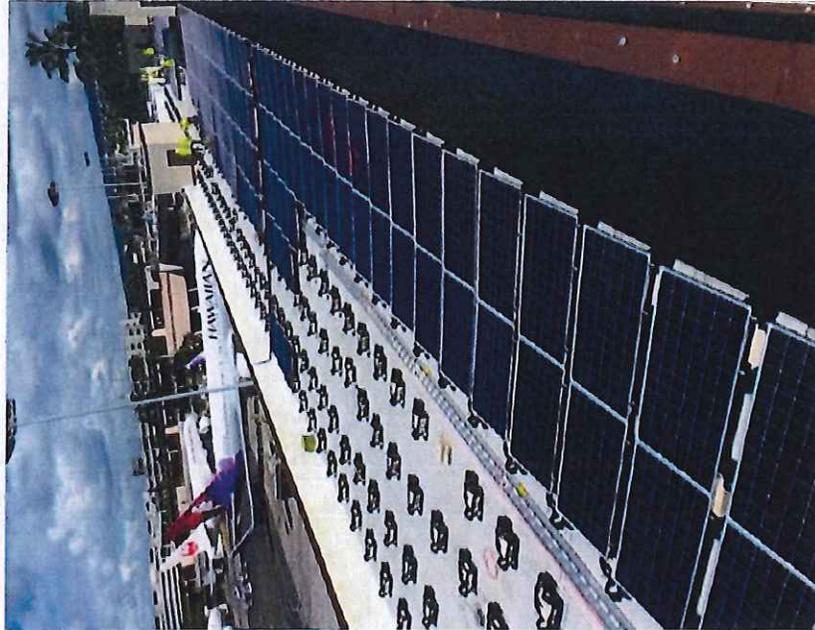
7 cool solar installations at U.S. airports

By Kelly Pickrel | March 24, 2016
 SOLARPOWERWORLDONLINE.COM

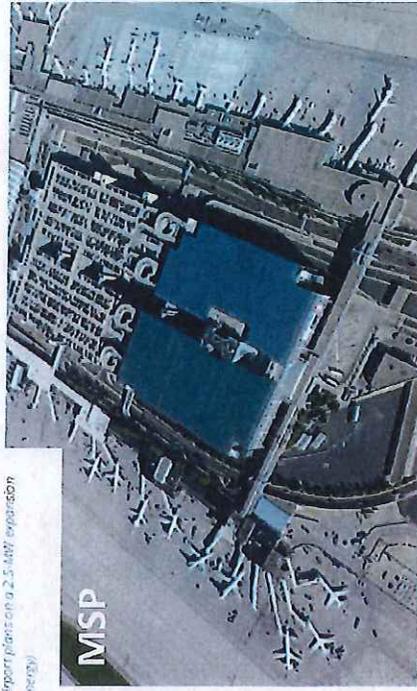


TUS

The Tucson International Airport has a uniquely designed solar array that produces 1.25 MW. The project faces southeast to meet FAA anti-glare best practices. Barker Morrissey Contracting, Natural Power and Energy and Avazora Solar assisted on the project, which used "Wags in the USA" components. The airport plans on a 2.5 MW expansion sometime this year. (Credit: Natural Power and Energy)



REC Solar installed 2,474 MW at Honolulu International and Kalahele Airports, which included both Trina Solar and JN Solar modules. Not only in a hurricane-prone region that requires stabilized wind load rating for solar, the area's salty and humid climate made Sollogix's non-corrosive plastic material mounting system a perfect choice. (Credit: Sollogix)



MSP

AMRESCO completed a 3.3-MW project on the roof deck of two parking structures at Minneapolis-St. Paul International Airport in late 2015, making it Minnesota's largest solar generation site. In addition to solar, the project connected more than 7,700 light fixtures to LED technology and brought the total number of electric vehicle charging stations to 19. (Credit: Amresco)

Marengo Solar LLC

Property Value Impact Study:
Proposed Solar Farm
Marengo, IL

COHN  REZNICK

Patricia L. McGarr, MAI, CRE, FRICS

ACCOUNTING • TAX • ADVISORY



Patricia L. McGarr, MAI, CRE, FRICS, CRA
Principal,
National Director, Valuation Advisory Services

200 S. Wacker Drive, Suite 2600
Chicago, IL 60606
312-508-5802
patricia.mc Garr@cohnreznick.com
www.cohnreznick.com

Licenses and Accreditations

- Member of the Appraisal Institute (MAI)
- Counselors of Real Estate, designated CRE
- Fellow of Royal Institution of Chartered Surveyors (FRICS)
- Certified Review Appraiser (CRA)
- California State Certified General Real Estate Appraiser
- District of Columbia Certified General Real Estate Appraiser
- Illinois State Certified General Real Estate Appraiser
- Indiana State Certified General Real Estate Appraiser
- New Jersey State Certified General Real Estate Appraiser
- Texas State Certified General Real Estate Appraiser
- Wisconsin State Certified General Real Estate Appraiser
- New York State Certified General Real Estate Appraiser
- Michigan State Certified General Real Estate Appraiser
- Virginia State Certified General Real Estate Appraiser
- Nevada State Certified General Real Estate Appraiser
- Maryland State Certified General Real Estate Appraiser
- Pennsylvania State Certified General Real Estate Appraiser
- Connecticut State Certified General Real Estate Appraiser

Professional Affiliations

- National Association of Realtors
- International Right Of Way Association
- Elkhart County Board of Realtors (MLS of Indiana)
- CREW (Commercial Real Estate Women)

Appointments

- Appointed by the Governor in 2017
to the State of Illinois to the Department of Financial &
Professional Regulation's Real Estate Appraisal Board
Vice-Chairman - 2018

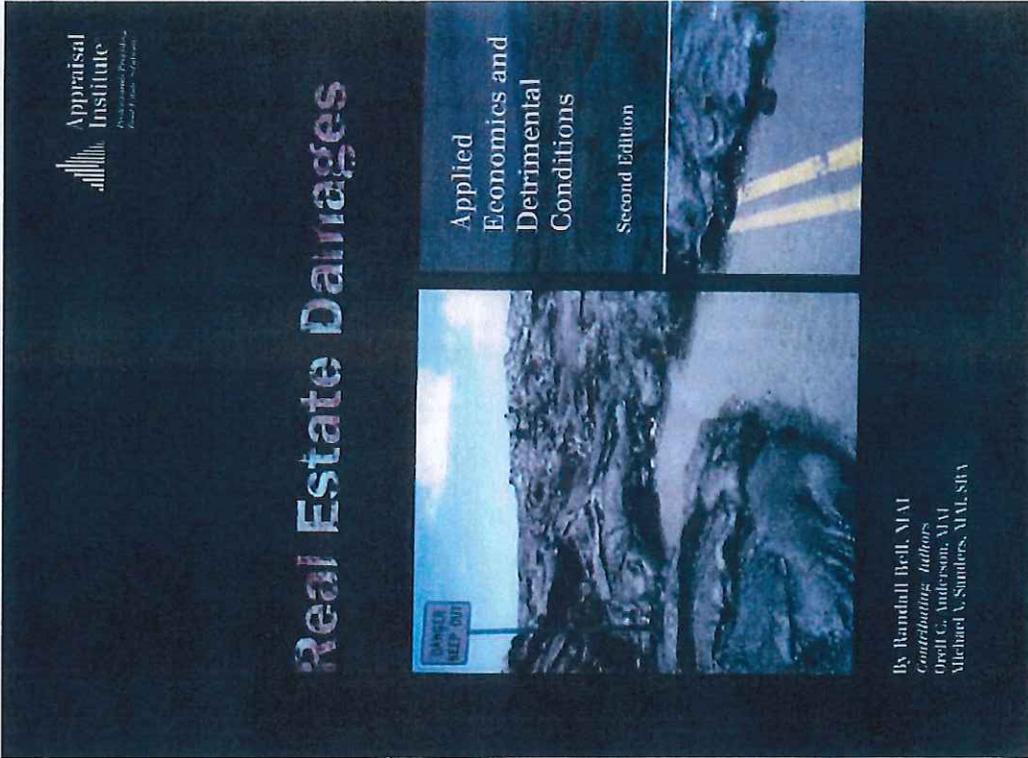
Property Value Impact Study - Overview

The purpose of this real estate impact study is to determine whether the existing solar farm uses under study have had any consistent and measurable impact on the value of adjacent properties. Our study includes research and analyses of five existing solar farms and the property value trends of the adjacent land uses, including agricultural, single family and residential properties; review of publishes studies, and discussions with market participants, summarized as follows:

- **Solar Farm 1 (Grand Ridge Solar Farm)** is located near the City of Streator in LaSalle County, Illinois, in a primarily rural area, on two contiguous parcels totaling 160 acres. (2012, 20 MW AC Project)
- **Solar Farm 2 (Portage Solar Farm)** is located near the City of Portage, in Porter County, Indiana. This solar farm is situated in a residential area on a 56-acre parcel of land. (2012, 1.5 MW Project)
- **Solar Farm 3 (IMPA Frankton Solar Farm)** is located in the Town of Frankton, Madison County, Indiana. This solar farm is situated in a fairly rural area and is located on a 13-acre parcel. (2014, 1 MW Project)
- **Solar Farm 4 (Dominion Indy Solar Farm III)** is located in a suburban, yet rural area outside of Indianapolis, in Marion County, Indiana, on a parcel totaling 134 acres. (2013, 11.9 MW Project)
- **Solar Farm 5 (Valparaiso Solar Farm)** is located near the City of Valparaiso, in Porter County, Indiana. This solar farm is situated in a fairly rural area on 27.9 acres. (2012, 1.3 MW Project)

We have performed a paired sales analysis for each adjoining property that fit the criteria for analysis that were adjacent to the solar farms we studied. We analyzed 13 adjoining property sales in Test Areas and 57 comparable sales in Control Areas, collectively, for them.

Property Value Impact Study - Methodology



Paired Sales Analysis

This type of analysis compares potentially impacted properties located in "Test Areas" with unimpacted properties called "Control Areas".

Test Areas: A group of sales located adjacent to Existing Solar Farms.

Control Areas: A group of otherwise similar properties not located adjacent to Existing Solar Farms.

"If a legitimate detrimental condition exists, there will likely be a measurable and consistent difference between the two sets of market data; if not, there will likely be no significant difference between the two sets of data".

The Appraisal Institute's Text, page 25.

COHN  **REZNICK**

Solar Farm 4: Dominion Indy Solar III-Indianapolis, IN



Solar Farm 4A: Dominion Indy Solar III-Indianapolis, IN

Group 1 Comparable Sales



CohnReznick Paired Sale Analysis

6	Potentially Impacted by Solar Farm?	Adjusted Median Price Per SF
Control Area Sales (8)	No: Not adjoining solar farm	\$57.84
Group 1 (Test Area)	Yes: Solar Farm was completed by the sale date	\$59.81
Difference		3.40%

Solar Farm 4B: Dominion Indy Solar III-Indianapolis, IN

Group 2 Comparable Sales



CohnReznick Paired Sale Analysis		
7	Potentially Impacted by Solar Farm?	Adjusted Median Price Per SF
Control Area Sales (7)	No: Not adjoining solar farm	\$68.67
Group 2 (Test Area)	Yes: Solar Farm was completed by the sale date	\$69.14
Difference		0.69%

Summary of Findings

CohnReznick Impact Study Analysis Conclusions						
Solar Farm	Adj. Property Number	Adjoining Property Sale (Test Area) Price Per Unit	Control Area Sales Median Price Per Unit	% Difference	Impact Found	
Grand Ridge Solar	12	\$79.90	\$74.35	+7.5%	No Impact	
Portage Solar	1	\$8,000	\$7,674	+4.3%	No Impact	
Portage Solar	7	\$84.35	\$84.27	+0.1%	No Impact	
IMPA Frankton	2	\$25.58	\$28.42	+0.6%	No Impact	
IMPA Frankton	7	\$52.40	\$51.47	+1.8%	No Impact	
Indy Solar III	Group 1	\$59.81	\$57.84	+3.4%	No Impact	
Indy Solar III	Group 2	\$69.14	\$68.67	+0.7%	No Impact	
Valparaiso Solar LLC	10	\$82.42	\$79.95	+3.1%	No Impact	
Valparaiso Solar LLC	14	\$62.11	\$64.07	-3.1%	No Impact	
Average Variance in Sale Prices for Test to Control Areas				+2.0%		

Based upon our examination, research, and analyses of the existing solar farm uses, the surrounding areas, and an extensive market database, we have concluded that no consistent negative impact has occurred to adjacent property that could be attributed to proximity to the adjacent solar farm, with regard to unit sale prices or other influential market indicators. This conclusion has been confirmed by numerous County Assessors who have also investigated this use's potential impact.

MARKET COMMENTARY

We have additionally contacted market participants such as appraisers, brokers, and developers. Our conversations with these market participants are noted below. Regarding properties in our study, we found:

We had contacted the selling broker of the Adjoining Property 12 of the Grand Ridge Solar Farm, Tina Sergenti with Coldwell Banker, and were told that the proximity of the solar farm had no impact on the marketing time or selling price of the property.

We interviewed Missy Tetrick, a Commercial Valuation Analyst for the Marion County Indiana Assessor. She mentioned the Indy Solar I, II, and III sites and stated that she saw no impact on land or property prices from these solar farms.

We also contacted other brokers and assessors in neighboring markets:

We contacted the Lake County Indiana Assessor, Jerome Prince to discuss the recent developments of solar farms in Indiana and how it would impact property values of adjacent properties. He directed us to his colleague, Robert Metz, who is familiar with the Lincoln Solar Farm in Merrillville. He stated that “there doesn’t seem to be a major impact in my initial investigation.” He also stated that “sales in the homes to the east of that site have sold and haven’t seen any value diminished.”

We spoke with James Allen, who is a county assessor in Elkhart County, Indiana. He stated that he conducted a study on residential properties with one acre and greater to see if there was any impact with the Middlebury Solar Farm and found no impact on land or property values.

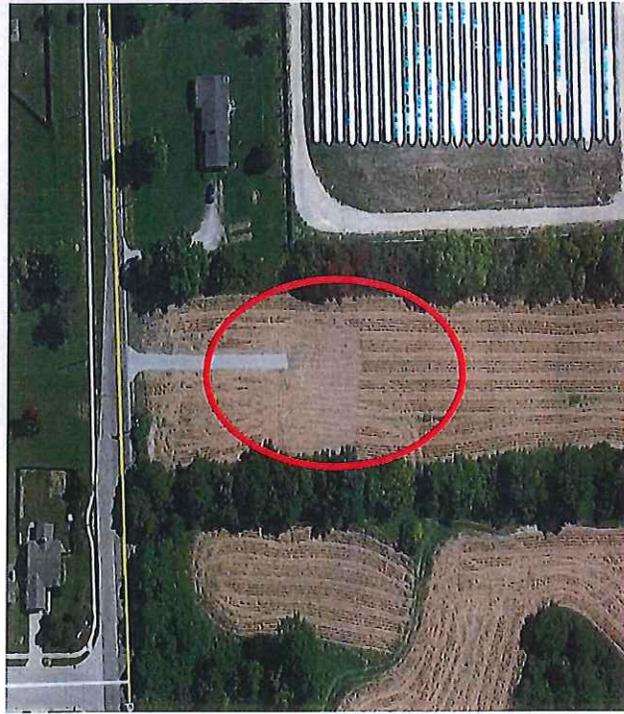
We spoke with Ken Surface, a Senior Vice President of Nexus Group. Nexus Group is a large valuation group in Indiana and has been hired by 20 counties in Indiana regarding property assessments. Mr. Surface is familiar with the solar farm sites in Harrison County (Lanesville Solar Farm) and Monroe County (Ellettsville Solar Farm) and stated he has noticed no impact on property values from these sites.

We interviewed Patti St. Clair, the Chief Deputy to the St. Josephs County Assessor in Indiana. She stated that she has seen no impact from the solar farm on land or properties in her county (Olive PV Solar Farm). Additionally, she stated that no appeals have come in to her office stating that this solar farm has had any negative effect.

According to Betty Smith-Hanson, the Wayne County Assessor in Indiana, there has been no impact on land or property values from the solar farm in her county (IMPA Richmond Solar Park).

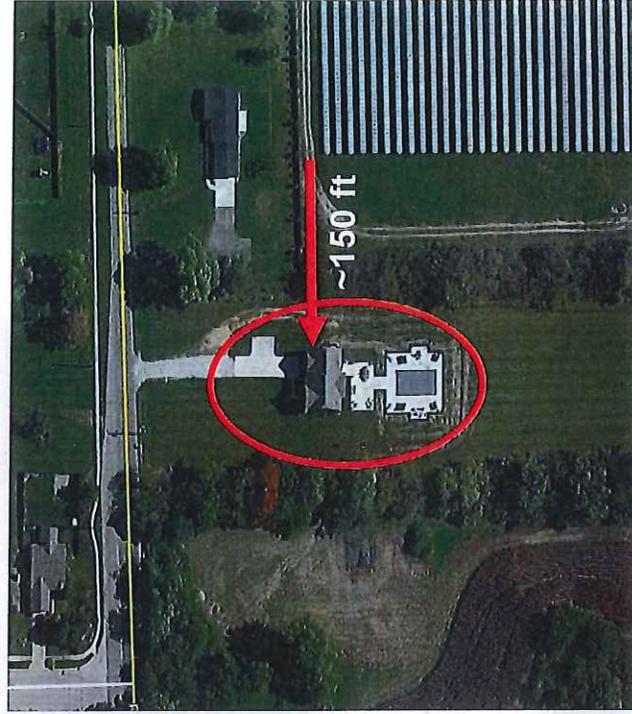
COMPATIBILITY WITH EXISTING USES

We have examined multiple instances where adjoining property owners have developed homes next to an operational solar farm, which shows that the presence of solar farms has not deterred new development. Supporting images are presented below.



Dominion INDY III Solar Farm (Solar Farm 4)

September 2014



Dominion INDY III Solar Farm (Solar Farm 4)

October 2016



Portage Solar Farm (Solar Farm 2)

October 2015



Portage Solar Farm (Solar Farm 2)

October 2016



4,255 square foot estate home under construction, adjacent to Portage Solar Farm (Solar Farm 2)

On-site pond, pool and attached garage (Cost Est at \$465,000) April 2018

4. Photos & Renderings – Garbacia Johnson Residence



Marengo Solar LLC

4. Photos & Renderings – Garbacia Johnson Residence



Marengo Solar LLC

4. Photos & Renderings – Garbaciak Johnson Residence



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4. Photos & Renderings – Garbacia Johnson Residence



Marengo Solar LLC

4. Photos & Renderings – Garbaciak Johnson Residence



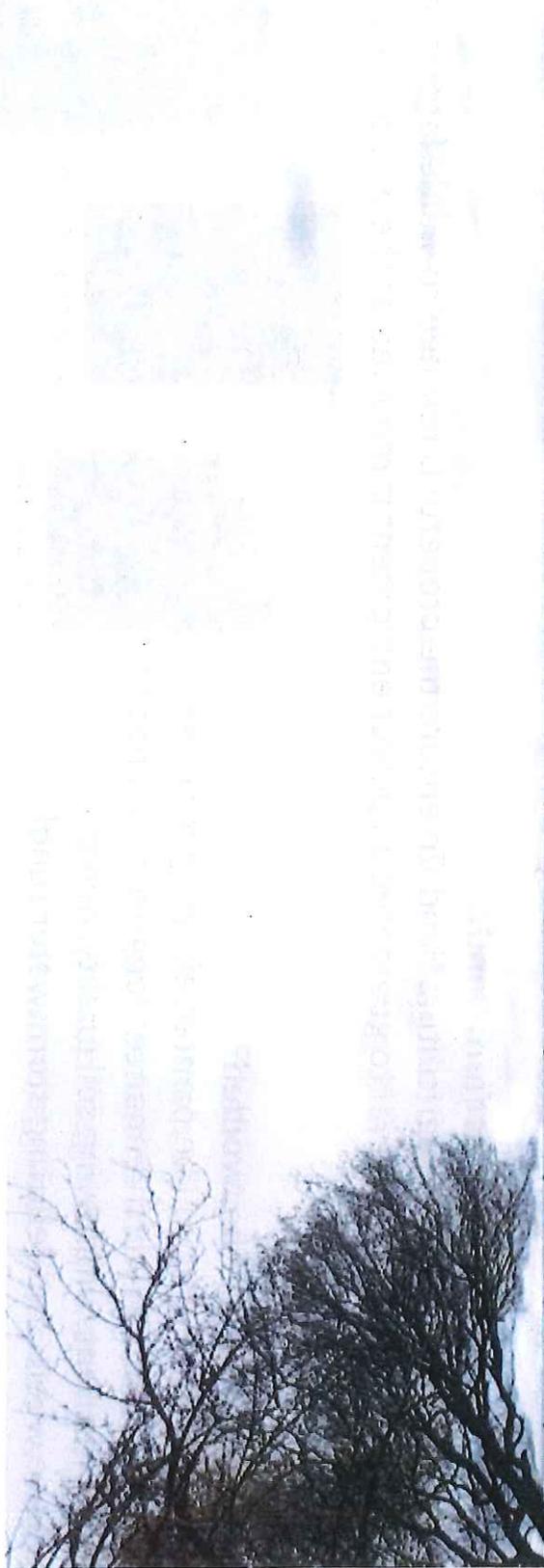
Marengo Solar LLC

4. Photos & Renderings – Garbacia Johnson Residence



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4. Photos & Renderings – Garbaciak Johnson Residence



Marengo Solar LLC

5. Residents Asked - Provide More Details on Construction and Operations

Typical Resident Construction and Operations Q&A

When will construction take place; how long will construction take?

Usually Mon - Sat, 7am to 7pm and typically completed in six months

How often does maintenance occur?

Initially once per month, but after one or two years, reduced to five times per year

How is the site secured?

An eight foot fence is installed around the perimeter of the property. Although the site is not staffed, the control center uses the latest technology to monitor the site and is staffed on a 24-hr basis

Does solar negatively impact farm land?

Solar has a low impact on agricultural land. To ensure the property is returned to viable farm land, we provide fully funded collateral to guarantee all power equipment is removed at the end of the project useful life

How will soil runoff be avoided?

Native ground cover will be planted allowing for deep rooted vegetation which enhances long-term soil health adding nutrients, improving soil quality, minimizing invasive weeds and reducing stormwater runoff



June grass



Prairie bush clover



Purple prairie grass

Marengo Solar LLC

5. Residents Asked - Provide More Details on Construction and Operations

Solar Panel Construction and Durability – NC Clean Energy Report

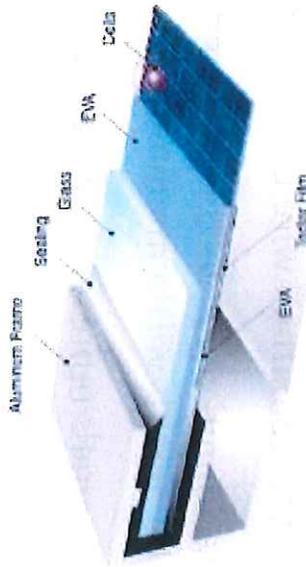


Figure 2: Components of crystalline silicon panels. The vast majority of silicon panels consist of a glass sheet on the top side with an aluminum frame providing structural support. Image Source: www.writesolar.com.au

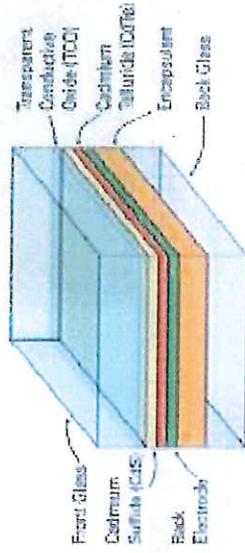


Figure 3: Layers of a common frameless thin-film panel (CdTe). Many thin film panels are frameless, including the most common thin-film panels, First Solar's CdTe. Frameless panels have protective glass on both the front and back of the panel. Layer thicknesses not to scale. Image Source: www.homepower.com

To provide decades of corrosion-free operation, PV cells in PV panels are encapsulated from air and moisture between two layers of plastic. The encapsulation layers are protected on the top with a layer of tempered glass and on the backside with a polymer sheet. Frameless modules include a protective layer of glass on the rear of the panel, which may also be tempered. The plastic ethylene-vinyl acetate (EVA) commonly provides the cell encapsulation. For decades, this same material has been used between layers of tempered glass to give car windshields and hurricane windows their great strength. In the same way that a car windshield cracks but stays intact, the EVA layers in PV panels keep broken panels intact (see Figure 4). Thus, a damaged module does not generally create small pieces of debris; instead, it largely remains together as one piece.

6. Residents Asked – Have You Considered Wildlife Impacts?

County, state and federal regulations require Marengo Solar to perform database research and field surveys to determine if wetlands exist on site, and if so, to avoid them. Surveys are also completed for endangered species – however no endangered species were identified, which is common for agricultural fields

From our environmental engineers:

- Construction best management practices will be implemented regarding wildlife, including those not specifically state or federally protected
- Our policy is to avoid harm to wildlife during the construction and operation of the site as long as the safety of workers is not compromised
- If trenches or excavations must be left unfilled at the conclusion of the work day, generally they covered or have ramps in place to allow wildlife to escape
- The type of fencing we are proposing will not impede animals' ability to travel near or through the Site and no barbed wire on fencing will be used
- A native ground cover will be used and established throughout the site, including around and below the panels will be maintained
- PV solar panels represent low risk to birds



Marengo Solar LLC

7. Residents Asked – Would Marengo Solar Arrange a Solar Facility Tour?

We are evaluating two options, the exact date is not finalized yet

NECA and IBEW Local 134 open Renewable Energy Training Field

By Mark Buchheit • November 13, 2015



The National Electrical Contractors Association (NECA) Chicago and International Brotherhood of Electrical Workers (IBEW) Local 134 have recently opened the Renewable Energy Training Field, a unique facility to train electricians and support electrical contractors as they work to meet the demand for smart-grid applications of solar and wind for residential, municipal, commercial and industrial properties.

"The Renewable Energy Training Field is a win-win situation for the IBEW-NECA partnership," said Harry Ohde, assistant director of the IBEW/NECA Technical Institute (IN-TECH). "The field was designed to accommodate the opportunities that lie ahead for designing, planning, installing and maintaining all renewable energy technologies."

The facility was built on the grounds of the IBEW/NECA Technical Institute in Alsip, a southwestern suburb of the Windy City. David Witz, president of the Electrical Contractors Association of Chicago, said his organization was excited to celebrate its grand opening and to show the world what the NECA/IBEW partnership doing. The facility is open to the public on weekdays with tours by request.

Grand Ridge Solar Farm

MAY 22, 2012



Blue Oak Energy was selected as the design and engineering subcontractor for Invenery's Grand Ridge Solar Farm located in LaSalle County, Illinois

The EPC contractor is White Construction located in nearby Clinton, Indiana. This 23MWp project will consist of twenty individual 1 MW solar inverters and over 155,000 photovoltaic modules supplied by General Electric. Invenery has developed the Grand Solar Farm adjacent to its existing 210 MW Grand Ridge Wind Farm and will own and operate the project. The nation's largest independent wind power generation company, Invenery and its affiliated companies currently have over 6,700 MW of wind, solar, and thermal projects under contract, in construction, or in operation. This project will be one of the largest solar farms in the Midwest United States.

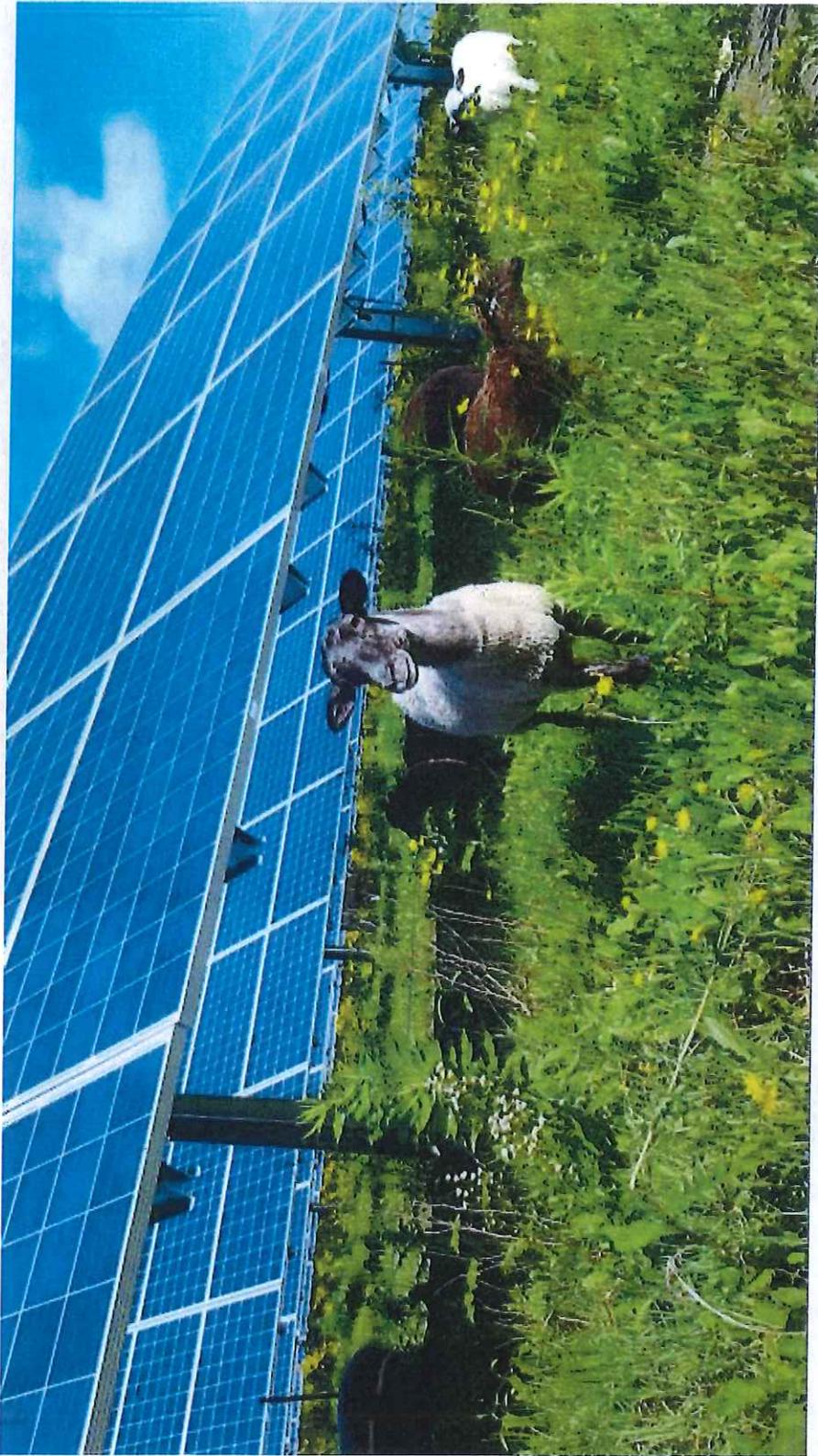
Marengo Solar LLC

8. Residents Asked – Provide Photos of Similar Solar Projects



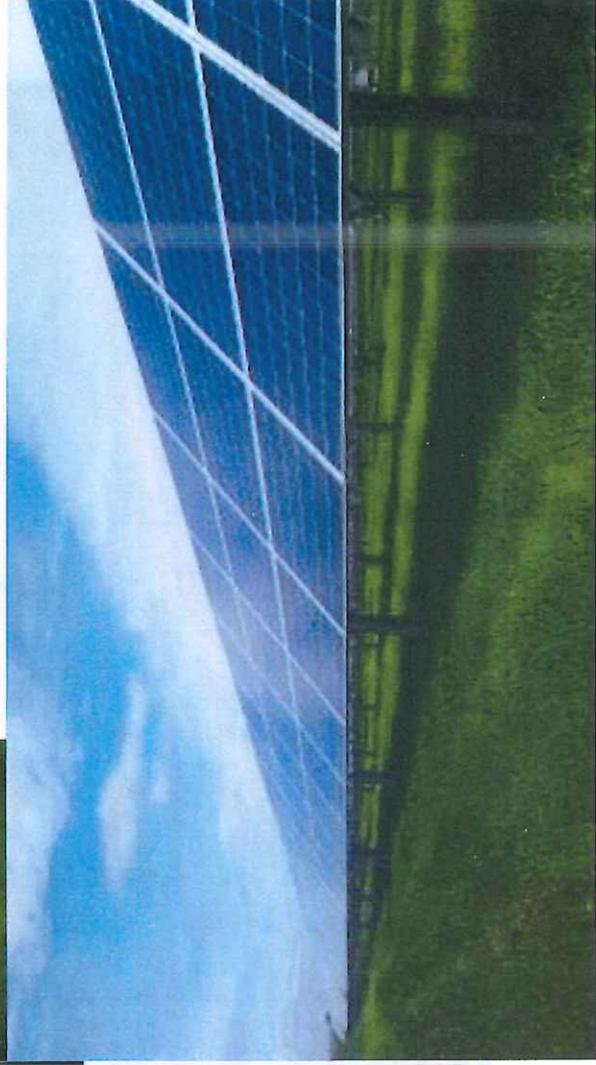
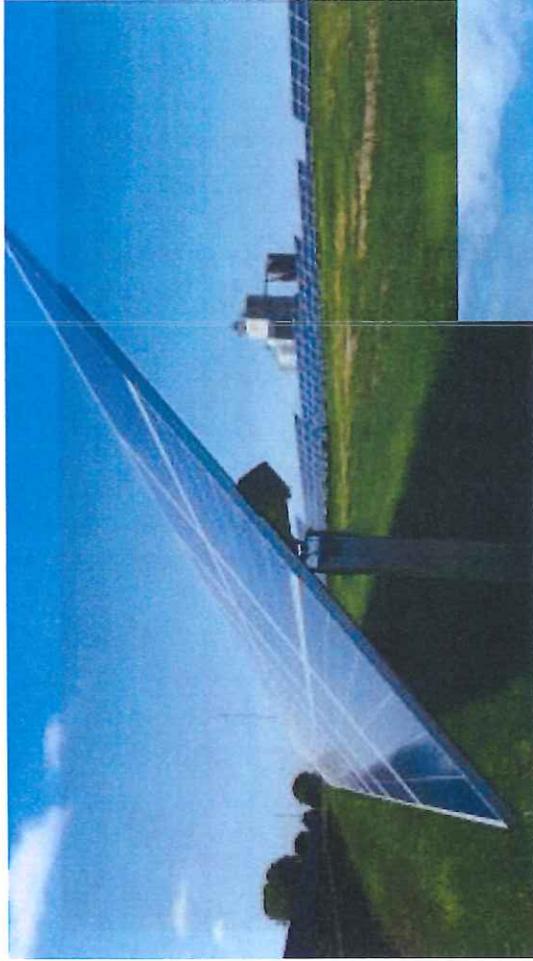
Marengo Solar LLC

8. Residents Asked – Provide Photos of Similar Solar Projects



Marengo Solar LLC

8. Residents Asked – Provide Photos of Similar Solar Projects



Marengo Solar LLC



PROPERTY VALUE IMPACT STUDY

PROPOSED MARENGO SOLAR ENERGY USES

City of Marengo, McHenry County, Illinois

PREPARED FOR:

Mr. Reed Wills
Marengo Solar, LLC
121 West Miner Street, Suite 1E
West Chester, PA 19382

SUBMITTED BY:

CohnReznick, LLP
Valuation Advisory Services
200 S Wacker Drive, Suite 2600
Chicago, IL 60606

Patricia L. McGarr, MAI, CRE, FRICS
patricia.mcgarr@cohnreznick.com
Direct: (312) 508-5802

April 10, 2018

PROPOSED MARENGO I SOLAR PROJECT

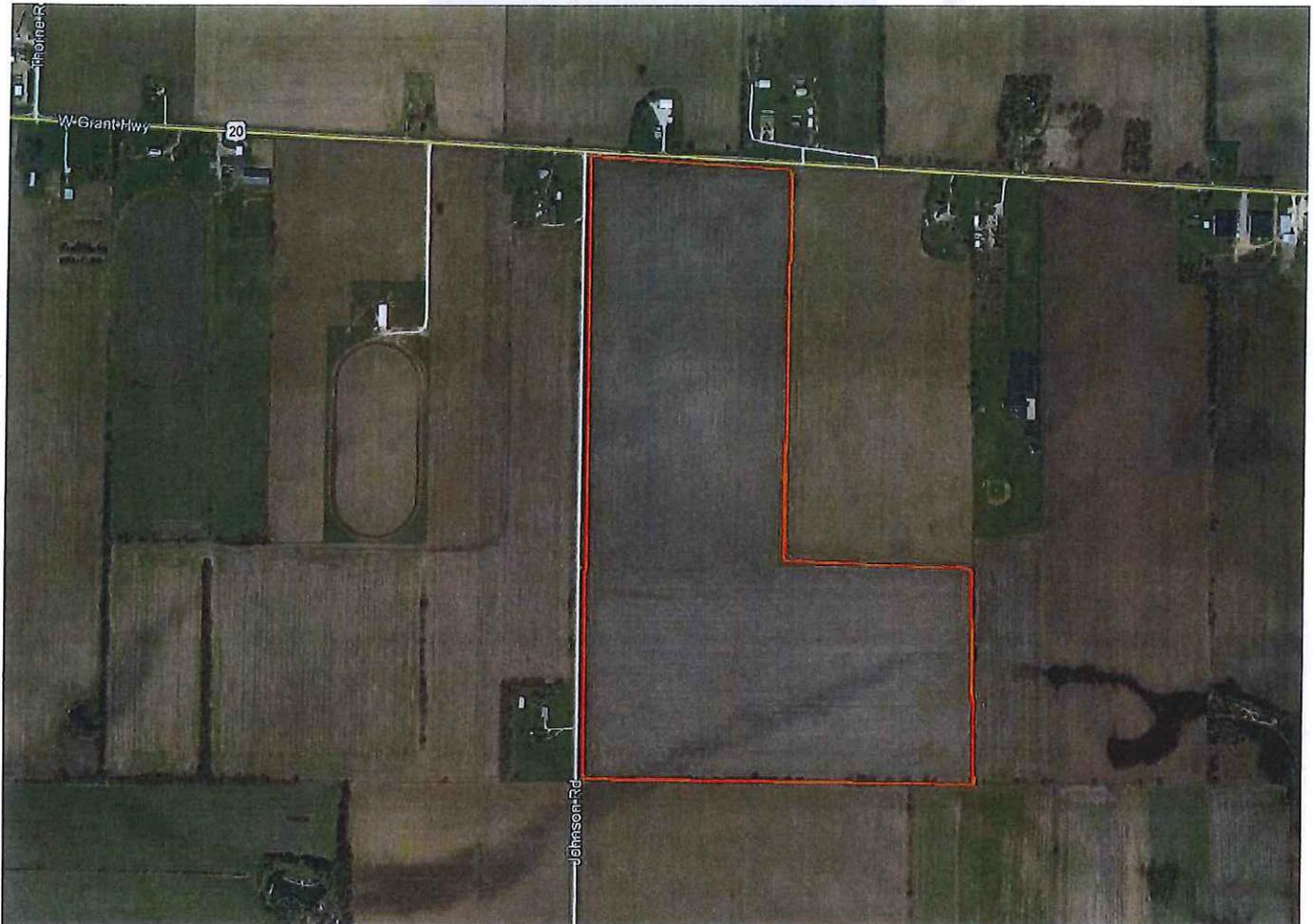


* The above aerial imagery for the proposed Marengo I Solar farm within the City of Marengo in McHenry County was extracted from a Google Earth .KML file provided by the client, Marengo Solar, LLC.

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COHN  **REZNICK**

PROPOSED MARENGO II SOLAR PROJECT



* The above aerial imagery for the proposed Marengo II Solar farm within the City of Marengo in McHenry County was extracted from a Google Earth .KML file provided by the client, Marengo Solar, LLC.

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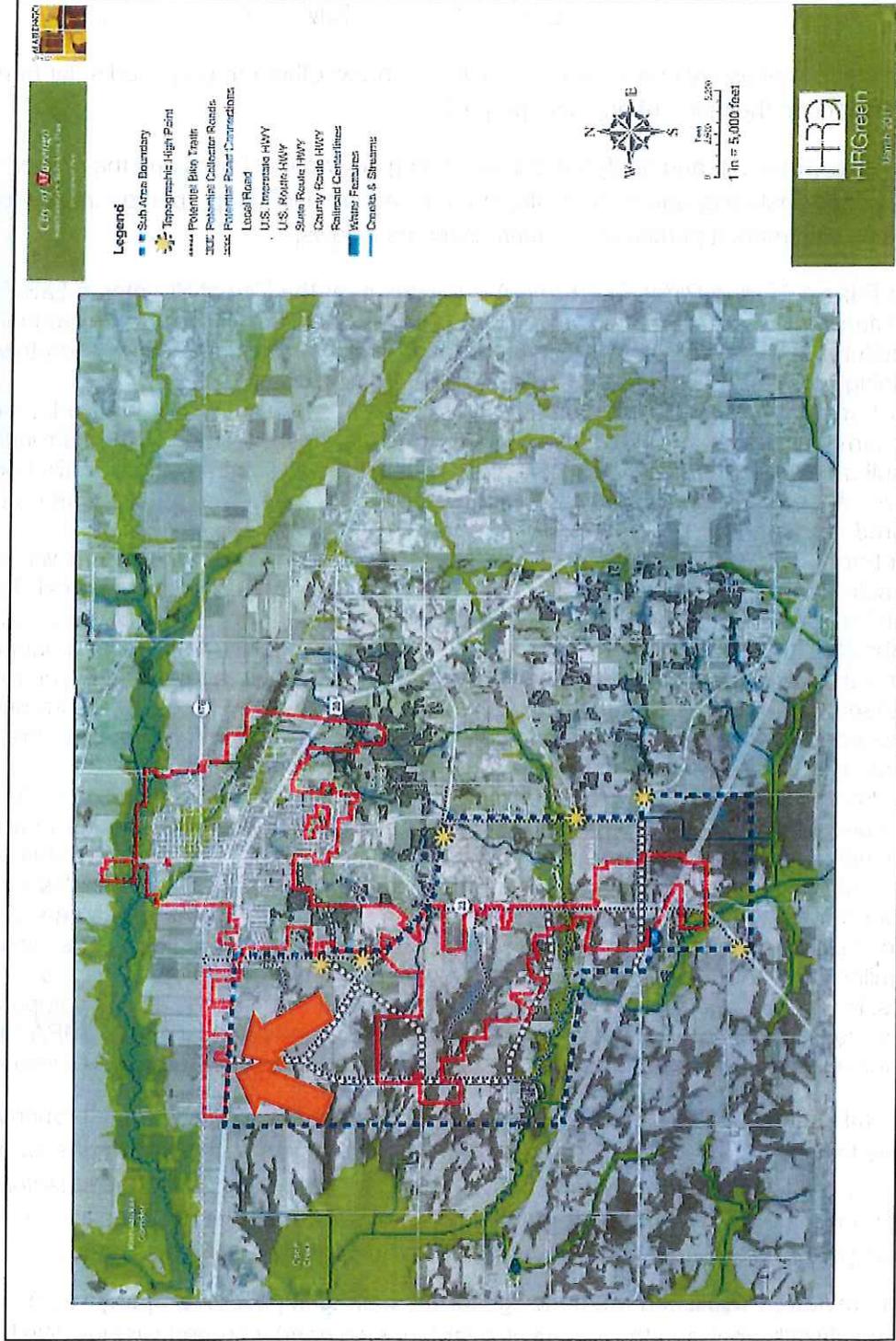
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SURROUNDING AREA



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CITY OF MARENGO SOUTHWEST SUB-AREA PLAN



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EXECUTIVE SUMMARY

The purpose of this real estate impact study is to determine whether the proposed solar farm uses will have any measurable impact on the value of adjacent properties.

Our study includes research and analyses of five existing solar panel farms and the property value trends of the adjacent land uses, including agricultural, single family and residential properties; review of published studies, and discussions with market participants, summarized as follows:

- Solar Farm 1 (*Grand Ridge Solar Farm*) is located near the City of Streator in LaSalle County, Illinois, in a primarily rural area, on two contiguous parcels totaling 160 acres. Surrounding uses consist of agricultural land, some with homesteads, and single family homes to the northwest. We found one adjoining property which qualified for a paired sales analysis.
- Solar Farm 2 (*Portage Solar Farm*) is located near the City of Portage, in Porter County, Indiana. This solar farm is situated in a residential area on a 56-acre parcel of land. The surrounding uses consist of agricultural land to the north and east, and residential uses such as single family homes to the west and northwest, and multifamily apartments to the south. We found two adjoining properties that qualified for a paired sales analysis.
- Solar Farm 3 (*IMPA Frankton Solar Farm*) is located in the Town of Frankton, in Madison County, Indiana. This solar farm is situated in a fairly rural area and is located on a 13-acre parcel. The surrounding uses consist of single family homes to the east, agricultural land to the south, west, and north, and some baseball fields as well. We found two adjoining properties which qualified for a paired sales analysis.
- Solar Farm 4 (*Dominion Indy Solar Farm III*) is located in a suburban, yet rural area outside of Indianapolis, in Marion County, Indiana, on a parcel totaling 134 acres. The surrounding uses consist of agricultural land to the east, west and south, and a single family subdivision to the north. We found six adjoining properties which qualified for a paired sales analysis.
- Solar Farm 5 (*Valparaiso Solar Farm*) is located near the City of Valparaiso, in Porter County, Indiana. This solar farm is situated in a fairly rural area on two contiguous parcels totaling 27.9 acres. The surrounding uses consist of vacant land to the north, and single family homes to the east, south and west. We considered two adjoining properties which qualified for a paired sales analysis.
- We performed a paired sale analysis for each property that fit the criteria for analysis that were adjacent to the solar farms we studied. The sales adjacent to solar farms, or Test Areas, were compared to sales of similar uses not adjacent to solar farms but in the same general area as the solar farms, or Control Areas. In total, we analyzed 13 adjoining property sales in Test Areas and 57 comparable sales in Control Areas, collectively, for the Grand Ridge Solar Farm, Portage Solar Farm, IMPA Frankton Solar Farm, Dominion Indy Solar Farm III, and the Valparaiso Solar Farm over the past six years.

The basic premise of this comparative analysis is that if there is any impact on the property values, by virtue of their proximity to a solar farm, it would be reflected by such factors as the range of sale prices, differences in unit sale prices, conditions of sale, and overall marketability. When comparing these factors for properties near the solar farm to properties locationally removed from the solar farm, we would expect to see some emerging and consistent pattern of substantial difference in these comparative elements – if, in fact, there was an effect.

We have also reviewed published methodology for measuring impact on property values as well as published studies that specifically analyzed the impact of solar farms on nearby property values. We have also interviewed market participants to give us additional insight as to how the market evaluates farm land and single family

homes with views of the solar farm. These studies found little to no measurable and consistent difference in value between the Test Area Sales and the Control Area Sales attributed to the proximity to solar farms and are generally considered a compatible use. Considering all of this information, we can conclude that since the Adjoining Property Sales (Test Area Sales) for the existing solar farms analyzed were not adversely affected by their proximity to solar farms, that properties surrounding other solar farms operating in compliance with all regulatory standards will similarly not be adversely affected, in either the short or long term periods.

April 10, 2018

Mr. Reed Wills
Marengo Solar, LLC
121 West Miner Street, Suite 1E
West Chester, PA 19382

SUBJECT: Property Value Impact Study
Two Proposed Solar Projects (Marengo I and Marengo II)
City of Marengo, McHenry County, Illinois

Dear Mr. Wills:

CohnReznick is pleased to submit the accompanying adjacent property values impact study of the above referenced proposed solar energy uses. Per the client's request, we have researched the proposed solar farm uses to be located in the City of Marengo in McHenry County, Illinois. The photovoltaic (PV) solar farm uses will each have a capacity of 20 MW AC (megawatts alternating current). The anticipated power output of the projects is approximately 38,000 mega-watt hours (MWh) annually, each, enough to power approximately 3,280 single-family homes. The power generated from the solar energy systems will be sold to the wholesale market to replace energy produced from a non-renewable source.

In forming this report, we have researched and visited the existing and proposed solar farms in Illinois and Indiana, researched articles and other published studies, and interviewed real estate professionals and Township Assessors, active in the market where solar farms are located, to gain an understanding of market perceptions.

The purpose of the assignment is to determine whether the proximity of the proposed renewable energy facility uses (solar farms) will result in any significant measurable and consistent impact on adjacent property values, given the existing uses and zoning of nearby property at the time of development. The intended use of our opinions and conclusions is to assist the client in addressing local concerns regarding a solar farm's potential impact on surrounding property values, in addition to addressing the required criteria for obtaining approvals for these proposed solar energy uses, such as minimizing the impact on adjacent property values. We have not been asked to value any specific property, and we have not done so. The client for the assignment is Marengo Solar, LLC. The report may be used only for the aforementioned purpose and may not be distributed without the written consent of CohnReznick LLP ("CohnReznick").

The assignment is intended to conform to the Uniform Standards of Professional Appraisal Practice (USPAP), the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute as well as applicable state appraisal regulations.

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COHN REZNICK

Based on the analysis in the accompanying report, and subject to the definitions, assumptions, and limiting conditions expressed in the report, our opinion is as follows below.

CONCLUSIONS

In total, we analyzed 13 adjoining property sales in Test Areas and 57 comparable sales in Control Areas, collectively, for the Grand Ridge Solar Farm, Portage Solar Farm, IMPA Frankton Solar Farm, Dominion Indy III Solar Farm, and the Valparaiso Solar Farm over the past six years. We note that proximity to the solar farms has not deterred sales of nearby agricultural land and residential single family homes, nor has it impacted the development of new homes.

No empirical evidence evolved that indicated a more favorable real estate impact on the Control Area Sales as compared to the adjoining, Test Area Sales with regard to such market elements as:

1. Range of sale prices
2. Differences in unit sale prices
3. Conditions of sale
4. Overall marketability

We have also reviewed published methodology for measuring impact on property values as well as published studies that specifically analyzed the impact of solar farms on nearby property values. We have also interviewed market participants including Township Assessors, to give us additional insight as to how the market evaluates farm land and single family homes with views of the solar farm. These studies found little to no measurable and consistent difference in value between the Test Area Sales and the Control Area Sales attributed to the proximity to solar farms and are generally considered a compatible use. Considering all of this information, we can conclude that since the Adjoining Property Sales (Test Area Sales) for the existing solar farms analyzed were not adversely affected by their proximity to solar farms, that properties surrounding other solar farms operating in compliance with all regulatory standards will similarly not be adversely affected, in either the short or long term periods.

If you have any questions or comments, please contact the undersigned. Thank you for the opportunity to be of service.

Very truly yours,

CohnReznick, LLP



Patricia L. McGarr, MAI, CRE, FRICS
National Director - Valuation Advisory Services
Certified General Real Estate Appraiser
Illinois License No. #553.000621
Expires 9/30/2019
Indiana License No. #CG49600131
Expires 6/30/2018



Martin D. Broerman, MAI
Senior Manager
Certified General Real Estate Appraiser
Illinois License No. #553.002252
Expires 9/30/2019
Indiana License No. #CG41400050
Expires 6/30/2018



Andrew R. Lines, MAI
Principal
Certified General Real Estate Appraiser
Illinois License No. #553.001841
Expires 9/30/2019
Indiana License No. #CG41500037
Expires 6/30/2018



Sonia K. Singh
Manager
Certified General Real Estate Appraiser
VA License No. #4001017615
Expires 3/31/2020

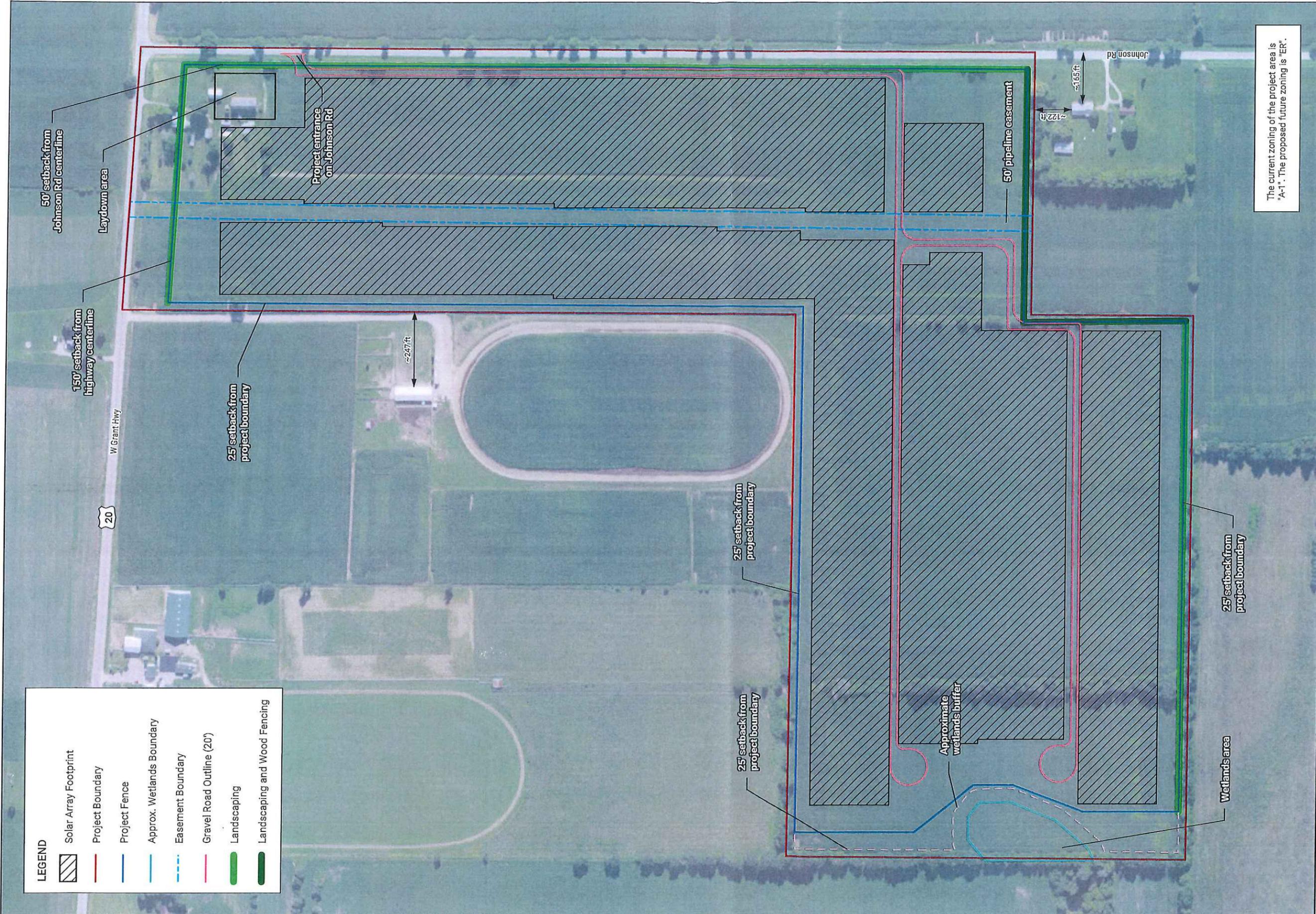
EXTRAORDINARY ASSUMPTIONS & HYPOTHETICAL CONDITIONS

Our impact study is subject to the following expressed extraordinary assumption and hypothetical condition.

1. Both sites are currently in the process of being annexed into the City of Marengo. It is an expressed Extraordinary Assumption that the annexation of both proposed solar farm sites into the City of Marengo will be completed in the near term, with the appropriate zoning classification to allow for the proposed use.
2. There are no hypothetical conditions for this study.

LEGEND

-  Solar Array Footprint
-  Project Boundary
-  Project Fence
-  Approx. Wetlands Boundary
-  Easement Boundary
-  Gravel Road Outline (20')
-  Landscaping
-  Landscaping and Wood Fencing



The current zoning of the project area is "A-1". The proposed future zoning is "ER".

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 Austin, Texas 78746 | 512-222-1125
www.energyrenewalpartners.com



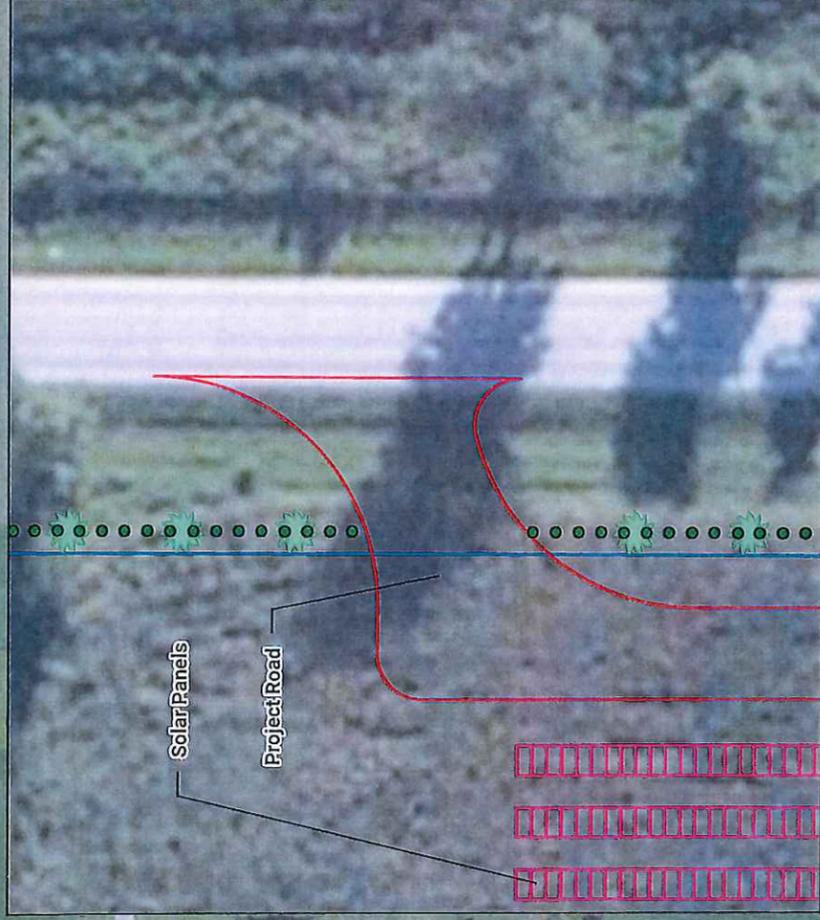
ENERGY RENEWAL PARTNERS, LLC

Marengo Solar, LLC
Marengo Solar I
 Site Plan Concept

Project Location: McHenry County, Illinois



FIGURE 1



Detail Inset



Plant Type	Count
Shrub	1,307
Evergreen Tree	261



LEGEND

- Project Fence
- Landscaping
- Landscaping and Wood Fencing
- Shrub (5' interval)
- Evergreen Tree (25' interval)

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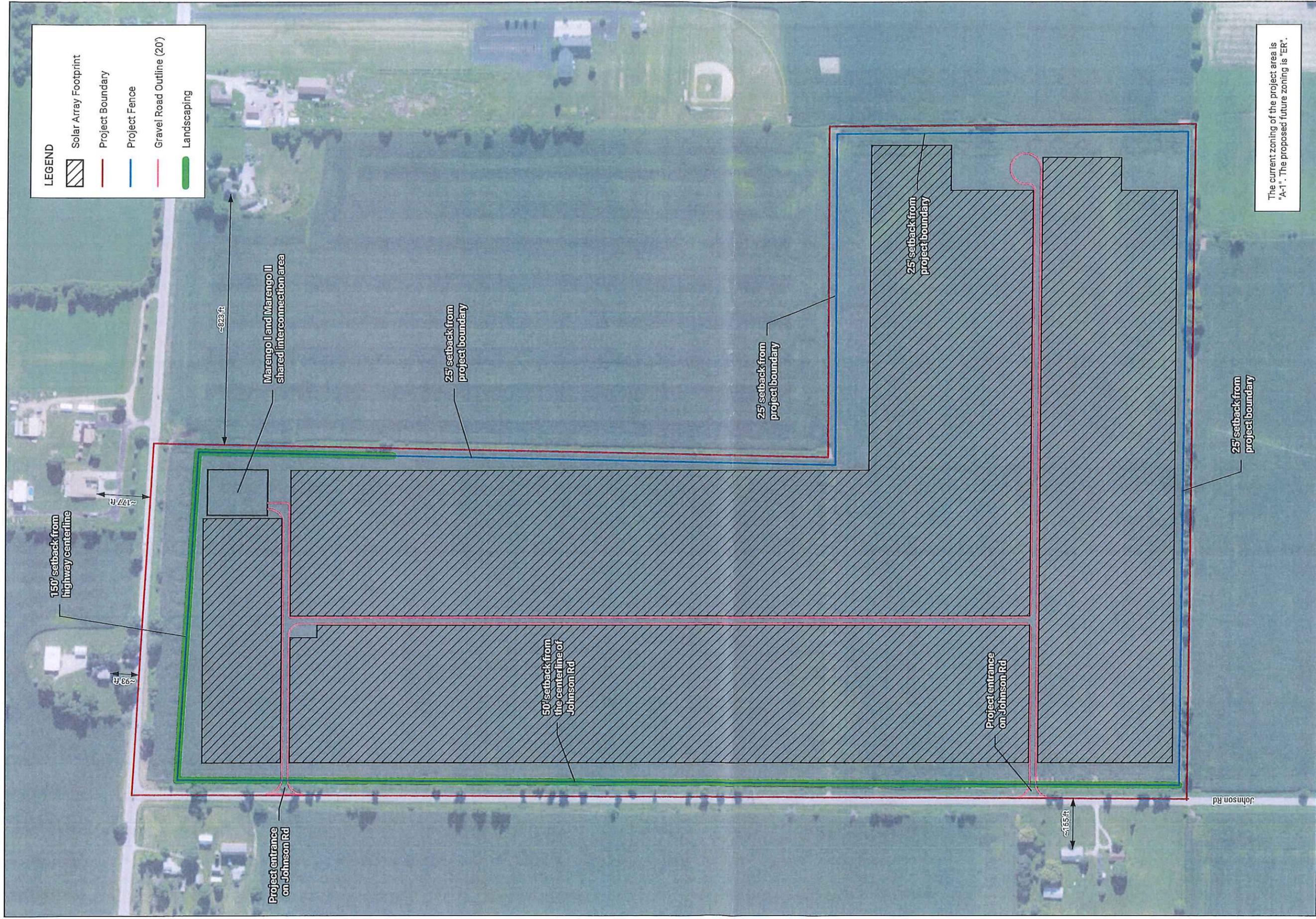
ERP
 ENERGY RENEWAL PARTNERS, LLC

Marengo Solar, LLC
Marengo Solar I
 Visual Screening Concept

Project Location: McHenry County, Illinois

FIGURE 1

Prepared by: J. Hobbs
 Date: 2018-04-10



LEGEND

- Solar Array Footprint
- Project Boundary
- Project Fence
- Gravel Road Outline (20')
- Landscaping

The current zoning of the project area is "A-1". The proposed future zoning is "ER".

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Marengo Solar II
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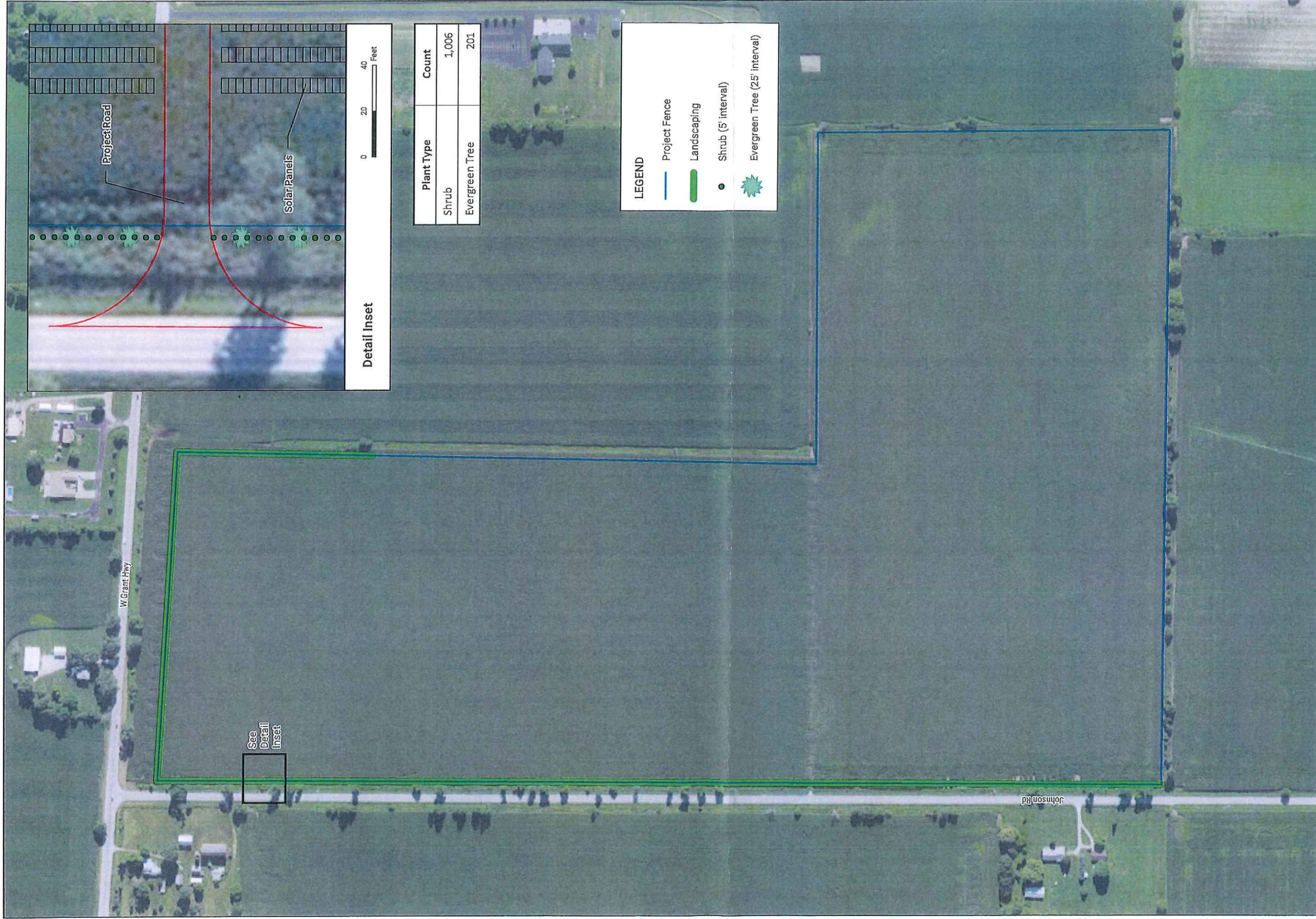
Project Location: McHenry County, Illinois

N

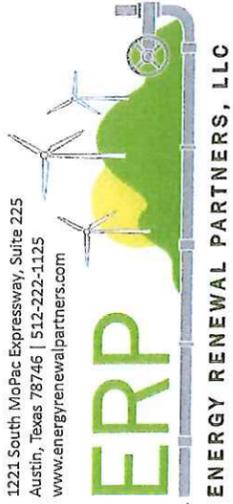
0 150 300 Feet

FIGURE 1

Prepared by: J. Hobbs Date: 2018-04-10



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 www.energyrenewalpartners.com



Marengo Solar, LLC
Marengo Solar II
 Visual Screening Concept

Project Location: McHenry County, Illinois

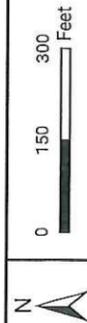


FIGURE 1

Prepared by: J. Hobbs

Date: 2018-04-10

Plant Type	Count
Shrub	1,006
Evergreen Tree	201

LEGEND

- Project Fence
- Landscaping
- Shrub (5' interval)
- Evergreen Tree (25' interval)



Position on Community Solar Farms

Environmental Defenders of McHenry County
110 S. Johnson Street, Suite 106, Woodstock IL 60098
EnviroDefMC@gmail.com
(815)338-0393

The Environmental Defenders of McHenry County recognize the need for society to embrace clean forms of energy and move away from energy that produces pollution, contaminates water, and degrades the planet's environmental health. To this end, we welcome the opportunity for McHenry County to support community solar farms and hope to play a role in helping the projects provide the greatest environmental benefits. Just as agricultural crops convert energy from the sun into energy we consume as food, solar farms convert the sun's energy into a clean form of electrical energy we use to power our daily lives. Local community solar farms provide opportunities for residents and businesses to access clean renewable energy without having to install solar power infrastructure on their own.

Having spent the past year researching the subject and meeting with industry professionals, the Environmental Defenders strongly believe that community solar farms can include native plants and other practices that would provide positive environmental, social, and economic benefits for the county. To ensure that community solar farms provide the greatest benefits over their lifespan, we ask that county and municipal governments include the following requirements for future projects:

1. Solar farms on agricultural land must be installed using driven piles or similar mounting system to minimize disturbance of soils. To minimize soil compaction during construction, installations should be carried out using vehicles with tracks or low-pressure tires and under weather conditions that will result in the least amount of disturbance. The solar company must be responsible for repairing drain tiles broken during the period of their lease.
2. Access roads and inverter buildings shall be sited to minimize soil compaction on the property and kept to the minimum length and width necessary for safe travel. On agricultural properties, the use of gravel shall be limited to the access road and inverter building or for use as stormwater best management practices such as "rock check dams" to control erosion.
3. The solar farm must be stabilized with vegetation and employ stormwater best management practices to prevent erosion from occurring on-site, or causing erosion downstream of the development. Erosion must be controlled throughout the life of the project.
4. To the maximum extent possible, the entire area of the solar farm, except for the access road and the inverter building, shall be planted with "low-profile" native prairie species, using a mix appropriate for the region and soil conditions.
5. All solar farms must have a landscape monitoring and management plan to help ensure proper establishment and continuing care of the site's plant communities throughout the entire life of the project. The solar company must control nuisance and invasive species on-site to help maintain healthy native plant communities for the entire duration of the project. Particular attention will be required during the first five years after installation to ensure the establishment of the native plants. After the native plant community has been established, only limited mowing should be allowed to prevent growth of woody or invasive species. Any mowing must be timed to prevent the disturbance of ground nesting birds.
6. Fencing that will allow viewing of the prairie plants and solar panels is suggested rather than a solid fence. Solid fencing is unnecessary and reduces the benefits of the solar farm's unobstructed viewshed. If a solid fence is required, then preference should be given to native plant species to be planted around the outside of the fence to create a more aesthetically pleasing view and environmentally-friendly habitat. One example would be planting a border that includes milkweed species to provide habitat for monarch butterflies.

If these minimum standards are implemented, we believe community solar farms will provide the following benefits:

Support local economies: Community solar farms will provide higher contributions to the local tax base than agricultural land use without raising population levels, increasing traffic, requiring new streets, or adding costs to schools and other public services.

Provide healthy restorative habitat: Native plants support local pollinators and have deep root systems that help to reduce stormwater runoff, prevent erosion, promote groundwater recharge, and restore soil health. When planted and maintained with appropriate low profile native plant species, community solar farms can provide healthy habitat, without the use of chemical inputs, that supports clean water and pollinators while rewarding the landowner with a positive revenue stream. Also, according to a multistate economic analysis on solar projects conducted by the National Renewable Energy Lab, increased yields for 10 major crops were reported as a result of nearby pollinator habitat.

Reduce pollution: The conventional energy we currently rely on produces a variety of contaminants including sulfur dioxide, airborne particulates, coal ash and slurry, greenhouse gasses and nuclear waste that will burden generations for 1000's of years. The mining and transport of the raw materials or waste products also come with extreme costs to the public health and the environment. Solar power harvests the sun's radiation that is naturally abundant without depleting resources or passing cleanup costs on to future generations.

Serve as clean, quiet neighbors: For the duration of the lease, community solar farms do not create dust, noise, or pollution. When stabilized and maintained with native plants, solar farms will also provide habitat for birds, small mammals, and pollinator species.

Produce electricity locally: Community solar produces clean local energy and empowers residents to meet their electricity needs within a more balanced energy budget, while reducing their carbon footprint.

Reduce electrical bills: Community solar subscribers save approximately 5% - 15% on their electricity bills without having to pay the upfront costs of installing solar panels on their own homes or businesses.

Provide temporary land use on agricultural properties: Community solar farms are typically sited on land that is predominantly flat and therefore does not require grading or land modification. Such projects cause minimal land disturbance and maintain the land and soils in a healthy condition throughout the life of the solar farm. In fact, the soil's health will likely be improved during the lifetime of the solar farm, especially when native plants are properly established and maintained. At the end of the lease, the solar arrays can be removed, and the land can easily be converted back to an agricultural use if desired or retained as wildlife habitat.

Help preserve our farming heritage: Community solar farms placed on farmer-owned land generate a steady income for the landowner. Income from the solar farm, in the form of a lease, can provide a reliable and stable source of income to buffer against the uncertainties of agricultural markets. Solar farms can help farming continue to thrive in McHenry County.

Increase McHenry County's energy sustainability: By producing clean, renewable energy here, residents are less dependent on energy that is subject to market price fluctuations or power plant disruptions. As a county we can be proud that through these community solar farms we are moving toward a more sustainable energy future.

In summary, properly designed community solar farms in McHenry County will provide a stackable set of benefits to our community. These include a local, clean energy source, habitat for declining pollinators and other wildlife, the rebuilding of our soil, infiltration areas to recharge our vital groundwater reserves, reductions in runoff from plowed fields, and improvements in downstream water quality. Prairie solar farms will also be peaceful, quiet, odorless neighbors.

Community Solar Farms in McHenry County Bibliography

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#loc

PUBLIC HEARING

TO: Planning and Zoning Commission

FROM: Joshua Blakemore, City Administrator

FOR: April 16, 2018 Planning and Zoning Commission Meeting

RE: Application for Zoning Text Amendment to Add Indoor Shooting as a Special Use in the B1 Central Business District & Issuance of Special Use Permit for said use, with a variation for parking requirements as per the Zoning Ordinance – 131 East Prairie Street

Issue Statement: The petitioner, L.B. Marengo, LLC, is seeking a zoning text amendment to add an indoor shooting range as a special use in the B1 Central Business District. The applicant is seeking the issuance of a special use permit for said use concurrently with the zoning text amendment and a variation for the required parking per the Marengo Zoning Ordinance. The applicant will be in attendance Monday and has prepared a brief presentation on the proposed project. The applicant will also be able answer any questions the PZC may have about the proposed operations of an indoor shooting range.

A zoning text amendment and special use permit with a variation requires a public hearing. In accordance with the Marengo Zoning Ordinance, a public hearing to consider the petition has been scheduled for 7:00 p.m. on April 16, 2018.

Neighboring Uses: The adjacent properties on all sides of the property in question are zoned B1 Central Business District.

Staff Review and Recommendation: The proposed text amendment is being requested to allow for the redevelopment of 131 East Prairie Street (the old McGill building) into an indoor shooting range. The petitioner is concurrently seeking issuance of a special use permit to allow for the indoor shooting range and a variation from the required parking per the Marengo Zoning Ordinance.

Staff has reviewed what conditions other communities have placed on shooting ranges. Attached for your reference is the Crystal Lake zoning regulations on shooting ranges, and a copy of a special use permit issued by the City of McHenry in 2012 for a similar type of use. The PZC could place any/all of these conditions as part of a potential recommendation to the City Council. Of particular importance would be the sound barrier, the number of shooters being limited to the number of firing points or stations and of course compliance with all state and federal laws regarding the discharge of a firearm. One concern raised by the City Council was the proximity to the bars in the downtown area. The petitioner has stated he would be willing to put in a breathalyzer at the range in order to assure that no range customers have consumed alcohol prior to shooting. This could also be a provision to the special use permit.

Mr. Linder, the applicant and owner of the building, will be in attendance during Monday's Council meeting to answer any questions the PZC may have and review his proposal. As per Mr. Linder, D5 Ranges builds shooting ranges throughout the country and while the proposed range at 131 East Prairie

would be an active range, he would like to use it as sort of a showcase for the type of ranges he manufactures. D5 has contracts with each branch of the military to build ranges and would like to be able to show his product and have an active range in Marengo. Mr. Linder has already begun to clean out the interior of the building, not necessarily for this specific use, but to begin to rehab the building. Mr. Linder also intends to remove the existing paint off of the exterior walls and leave it unpainted with the existing bricks. You may also wish to visit their website at d5ranges.com for more information.

Section 8 of the Zoning Ordinance lays out the requirements for parking. The lot itself on which the building sits does not have available parking. The Methodist Church owns the lot immediately east of the building and has submitted plans to the City to pave that area as a parking lot. The petitioner could discuss potentially sharing that lot with the church, or has also suggested use of the public lot behind City Hall.

Attached from the applicant is the following:

- Introductory letter with general information on the proposal
- Rendering of the site
- Memo from Mr. Linder's Attorney, including information on a license to sell a firearm with a sample license application
- A rough draft of a parking study of the area and impact of the proposal – this is a draft at this point and the applicant indicated they would do a presentation on the matter during Monday's meeting. If any additional information is received before the meeting on the parking study, it will be sent under separate cover.

As always, the PZC should carefully consider the public comments and objections, if any, and potential impacts on the surrounding properties in their consideration of this application.

Please review the attached proposed finding of facts (outlining the criteria for a zoning text amendment, and special use permit) and modify them accordingly based on the evidence and testimony presented at the public hearing.

If the PZC feels that the standards for these requests have been satisfied, then adoption of the attached finding of facts and a recommendation that the City Council approve the requested zoning text amendment and special use application with a variation on parking would be in order.

Zoning Text Amendment & Special Use Process: The purpose of the zoning text amendment is to allow for altering to the regulations imposed by the Zoning Ordinance to promote public health, safety, comfort, and general welfare. The standards upon which a zoning text amendment is to be considered are outlined in Section 17.08 of the Zoning Ordinance. The standards upon which a special use permit is to be considered are outlined in Section 15.03 of the Zoning Ordinance. Both standards are below as part of the finding of facts.

Motion to Recommend: *Motion to adopt the finding of facts as presented and recommend that the City Council approve a text amendment to the Marengo Zoning Ordinance to allow for an indoor shooting range use as a special use in the B1 Central Business District, with a recommendation for issuance of a special use permit for said use with a variation from parking requirements as requested.*

Finding of Facts

131 East Prairie Street

Application for Zoning Text Amendment (Section 17.08)

Based on the evidence presented at the March 19, 2018 Public Hearing regarding the above case, the Planning and Zoning Commission make the following findings:

Marengo Zoning Ordinance Section 17.08 "Text Amendments and Standards for Text Amendments" states the City Council may amend zoning regulations provided the following findings:

1. That the proposed amendment is beneficial to the orderly development of the City;
2. That the proposed amendment will benefit the public health, safety, comfort and general welfare of the community;
3. That the proposed amendment promotes the public interest and not solely the interest of the petitioner or applicant.

Finding of Facts

131 East Prairie Street

Standards for Special Uses (Section 15.03)

Marengo Zoning Ordinance Section 15.03, "Standards for Special Uses," states that the City Council may authorize a special use permit upon determining and finding as fact, the following:

1. That the proposed use will not be detrimental to the public health, safety, comfort or general welfare, nor substantially diminish or impair the value of other properties or improvements in the vicinity.
2. That the proposed use will comply with the regulations of the zoning district in which it is located and this Zoning Code generally, including but not limited to all applicable yard and bulk regulations, parking and loading regulations, sign control regulations, wetlands and flood plain regulations, building and fire codes, and all other applicable City ordinances, or if exceptions are requested, that such exceptions are justified.
3. That the proposed use will not negatively impact the existing off-site traffic circulation; will adequately address on-site traffic circulation; will provide adequate on-site parking facilities; and if appropriate or required, will contribute financially, in proportion to its impact, to upgrading roadway systems.
4. That the proposed use will not negatively impact existing public utilities, facilities and municipal service delivery systems without due consideration for adequate means of upgrading such utilities, facilities and systems.
5. That the proposed use will not negatively impact the environment by creating air, noise or water pollution, ground contamination, or unsightly views without due consideration for adequate means of controlling, mitigating or buffering such impacts.

6. That the proposed use will maintain, where possible, existing mature vegetation; provide adequate screening to residential properties; and provide appropriate landscaping.
7. That the proposed use will meet standards and requirements established by jurisdictions other than the City, such as federal, state, county or other governmental units or agencies requiring licensing, permitting or health/safety inspections, and submit written evidence thereof.
8. That the proposed use shall conform to the regulations established for specific special uses as provided in this Section 15 [of the Marengo Zoning Code].

Crystal Lake

- c. Access roads: All points of vehicular access must be from a major or minor arterial street. The access points shall be located to minimize vehicular traffic to and through local streets in residential areas.
 - d. Frontage: The property or assemblies of properties where the entertainment venue is located shall have a minimum 400 feet frontage at the point of primary access.
 - e. Lighting: All lighting shall be designed and installed in accordance with the requirements of Section 4-800, Exterior lighting standards.
 - f. Screening: Large-scale entertainment venues located adjacent to residential property shall provide an six-foot-tall solid screen consisting of a solid wooden fence, in accordance with the provisions of Article 7, Fences, Walls and Screening.
31. Shooting range. Shooting ranges must comply with the following standards:
- a. General: Shooting ranges shall be permitted only as indoor facilities. It is required that all shooters must complete an orientation safety program or show a valid firearm owners identification (FOID) card, before they are allowed to discharge firearms.
 - b. Sound barrier: All shooting ranges shall provide ceiling and in-wall sound barriers to prevent sound from traveling beyond the property lines of the subject property.
 - c. Number of shooters: The number of shooters shall be limited to the number of firing points or stations identified on the plans.
 - d. Storage of ammunition: The storage of ammunition on site shall be limited to that utilized on the property within 48 hours. The storage of live ammunition must occur in an approved safe.
 - e. Other applicable regulations: The shooting range must comply with all applicable local and state laws, rules and regulations regarding the discharge of a firearm.
 - f. Incidental sales of fire arms are permitted, provided they meet all applicable federal, state and local regulations.
32. Squash/racquetball/handball/tennis club/facility. Squash, racquetball, handball and/or tennis club facilities must comply with the following standards:
- a. Screening: All property lines adjoining residential property shall provide a six-foot tall solid screen consisting of a solid fence in accordance with the provisions of Section 4-700, Fences, walls and screening, or landscaping along the side and rear perimeters of the property in accordance with the provisions of Section 4-400, Landscaping and screening standards.
 - b. Lighting: All exterior lighting shall be designed to meet the requirements of Section 4-800, Exterior lighting standards.

ORDINANCE NO. ORD-12-1601

AN ORDINANCE GRANTING A USE VARIANCE TO ALLOW SHOOTING INSTRUCTION AND TRAINING RANGE IN CONJUNCTION WITH A RETAIL SPORTING GOODS STORE AT 3705 W ELM STREET IN THE CITY OF MCHENRY, MCHENRY COUNTY, ILLINOIS

WHEREAS, the City of McHenry, McHenry County, Illinois, is a home rule municipality as contemplated under Article VII, Section 6, of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the City's home rule powers and functions as granted in the Constitution of the State of Illinois; and

WHEREAS, a petition has been filed with the City by Dr. Bertam P. Irslinger and Thomas & Linda Sullivan co-applicants, requesting a use variance to allow a shooting instruction and training range on the SUBJECT PROPERTY, legally described on Exhibit A, attached hereto and incorporated herein, and

WHEREAS, a public hearing on said petition was held before the Planning and Zoning Commission on August 16, 2012 in the manner prescribed by ordinance and statute; and

WHEREAS, as a result of said hearing, the Planning and Zoning Commission recommended approval of a use variance; and

WHEREAS, the City Council has considered the evidence and recommendations from the Planning and Zoning Commission; however, the City Council finds that the approval of the requested use variance is consistent with the objectives of the City of McHenry Zoning Ordinance to protect the public health, safety, morals and general welfare of its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCHENRY, MCHENRY COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: The SUBJECT PROPERTY is hereby granted a Use Variance to allow a shooting instruction and training range on the SUBJECT PROPERTY, subject to the following conditions:

1. Use Variance shall be null and void if the indoor tactical firearms range ceases operation for 90 consecutive days, but this does not include unforeseen circumstances which unexpectedly may occur and are not within the applicant's control, such as act of nature, flood, fire, etc.;
2. If the business is sold or another party, other than the applicant, assumes operations of the business in the future, staff must be notified and all conditions listed herein must be adhered to;
3. Parking for the retail and firearms range at any one time must be legally maintained on-site unless prior arrangements have been made and approved by staff;
4. Business operation shall not be permitted to open unless all building issues, including sound mitigation measures, are properly installed and tested for compliance with City ordinances prior to the issuance of a certificate of occupancy;

5. A Knox Box shall be installed allowing 24/7 emergency access, by either of the McHenry Police Department and/or the McHenry Township Fire Protection District;
6. Indoor and outdoor surveillance cameras shall be installed to allow monitoring of the entire facility inside and outside and surveillance video/tapes shall be maintained, allowing use by law enforcement personnel solely if there is a need to do so, such as a criminal investigation;
7. The number of shooters shall be limited to the number of firing points or stations identified on the building plans;
8. A burglary alarm system shall be installed prior to obtaining an occupancy permit, to detect break-ins or unauthorized access inside the building;
9. The applicant is required to obtain an amendment to the use variance if and when the shooting range is physically altered from the originally approved building and engineering plans submitted to the City and constitutes a substantial deviation from the approved plans;
10. The storage of ammunition and firearms on-site shall comply with all applicable city, state and federal ordinances; and
11. The proposed shooting range must comply with all applicable local, state and federal laws, rules and regulations regarding the design, construction and operation.

SECTION 2: In granting said Use Variance, the City Council finds that the requirements of Table 32(A) of the Zoning Ordinance have been met in that:

- 1) For reasons fully set forth in the written findings, the strict application of the provisions of the Zoning Ordinance relating to the use of the buildings or structures, or the use of the land, would result in unnecessary and undue hardship upon the applicant, as distinguished from mere inconvenience.
- 2) The property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the Zoning Ordinance for the pertinent zoning district.
- 3) Special circumstances, fully described in the written findings, exist that are peculiar to the property for which the use variance is sought and that they do not apply generally to other properties in the same zoning district.
- 4) The granting of the use variance will not alter the essential character of the locality nor substantially impair environmental quality, property values, or public safety or welfare in the vicinity.
- 5) The granting of a use variance will be in harmony with the general purpose and intent of the Zoning Ordinance and of the City's Comprehensive Plan.

SECTION 3: All Ordinances or parts thereof in conflict with the terms and provisions hereof are hereby repealed to the extent of such conflict.

SECTION 4: This Ordinance shall be published in pamphlet form by and under the authority of the corporate authorities of the City of McHenry, McHenry County, Illinois.

SECTION 5: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Passed and approved this 24th day of September, 2012

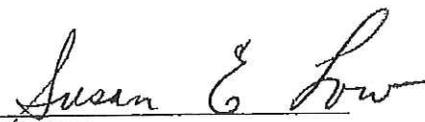
AYES: Santi, Blake, Wimmer, Peterson, Condon

NAYS: Glab

ABSTAINED: None

ABSENT: Schaefer

NOT VOTING: None


MAYOR

ATTEST:

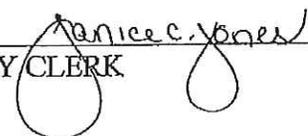

CITY CLERK

Exhibit A

Legal Description of the SUBJECT PROPERTY

The property consists of 1.18 acres more or less, and is located at 3705 W. Elm Street, McHenry, Illinois 60050 which is legally described as follows:

PT LT 9, S1/2
MCHENRY PLAT NO 8
PT LT 9, SE ¼, SW ¼
MCHENRY PLAT NO 8

PIN: 09-26-380-001 and 09-26-380-015



March 26, 2018

D5 Ranges, Inc.
Potential New Location Marengo, IL.

I would like to introduce D5 Ranges to you. D5 Ranges Produces and Designs state of the art Gun Ranges held to the Military's highest **Current** standards. D5 Ranges produces Gun Ranges for a wide array of clientele. The following is an example list of clients that we have worked for and continue to work for: U.S. Marine Corps, U.S. Army, U.S. Air Force, U.S. Navy, U.S. Department of Home Land Security, U.S. Department of Fish And Wildlife, U.S. Federal Bureau of Investigation, U.S. Department of Justice, Police Departments, Private Range owners. D5 Ranges prides our company on quality products that stand the test of time.

D5 Ranges is proposing to open a Showcase Range in your town of Marengo, IL. Located at 131 East Prairie Street, This range will consist of multiple different components that will make it a Gun Range like no other in the Chicago Land Area. The Range will be composed of the best: Air ventilation /filtration System, target retrievers, Bullet Containment System and Sound diminishing Acoustics (The acoustics will be below the national standard DBA).

The proposed Range in Marengo will be open to the public and will also cater to police departments (Marengo police officers will be able to use the range and the amenities at discounted rates). There will be a wide variety of educational classes held: Gun Safety, Concealed Carry, gun maintenance etc. There will also be a retail store where you can purchase everything needed for shooting sports.

D5 Ranges hopes to become a vibrant member of you community in Marengo, IL. Thank you for your consideration.

Sincerely,

Rich Lindner
President



March 26, 2018
D5 Ranges, Inc.
Potential New Location Marengo, IL.

Potential Economic Impact.

The new range will be a great economic stimulant for the town of Marengo. The following is a rough outline.

D5 Ranges Marengo will consist of approximately 30 lanes for shooting and a full retail store. We plan on having the range open 7 days a week for public use. Each lane is rented out on an hourly rate and we expect to be at full capacity 75% of the time.

30 lanes x 10 hours a day = 300 customers per day
300 customers x 355 (- 10 days for holidays) = 106,500 shooting customers per year
106,500 customers @ 75% capacity = 79,875
Typically 50% of the time the shooter will bring a shooting buddy.
79,875 Divided in half 39,938 = 79,875 + 39,938 = 119,813
Potential influx of new customers that will use the towns amenities= 119,813

Please note this just for range usage this does not include: Police departments, Retail customers, Informational Class attendees, Shooting Competitions, Range Clients.

Sincerely,

Rich Lindner
President



March 26, 2018
D5 Ranges, Inc.
Potential New Location Marengo, IL.

General information.

- D5 Ranges Marengo will be open 7 days a week, hours of operation will be M-S 8AM – 8 PM.
- D5 Ranges Marengo will employ approximately 10 full time employees and part time as needed.
- Noise volume outside the building will be at or below the national standard DBA.
- DBA Definition (A-weighted decibels, abbreviated **dB**A, or **dB**a, or dB(a), are an expression of the relative loudness of sounds in air as perceived by the human ear. In the A-weighted system, the decibel values of sounds at low frequencies are reduced, compared with unweighted decibels, in which no correction is made for audio frequency)
- A-weighted decibels, abbreviated dBA, or dBa, or dB(a), are an expression of the relative loudness of sounds in air as perceived by the human ear. In the A-weighted system, the decibel values of sounds at low frequencies are reduced, compared with unweighted decibels, in which no correction is made for audio frequency.
- The ventilation system for the range will be the best the industry has to offer! The containment of lead will be at 99.7 percent. The air quality inside and outside the range will be clean and safe (HEPA Filtration).

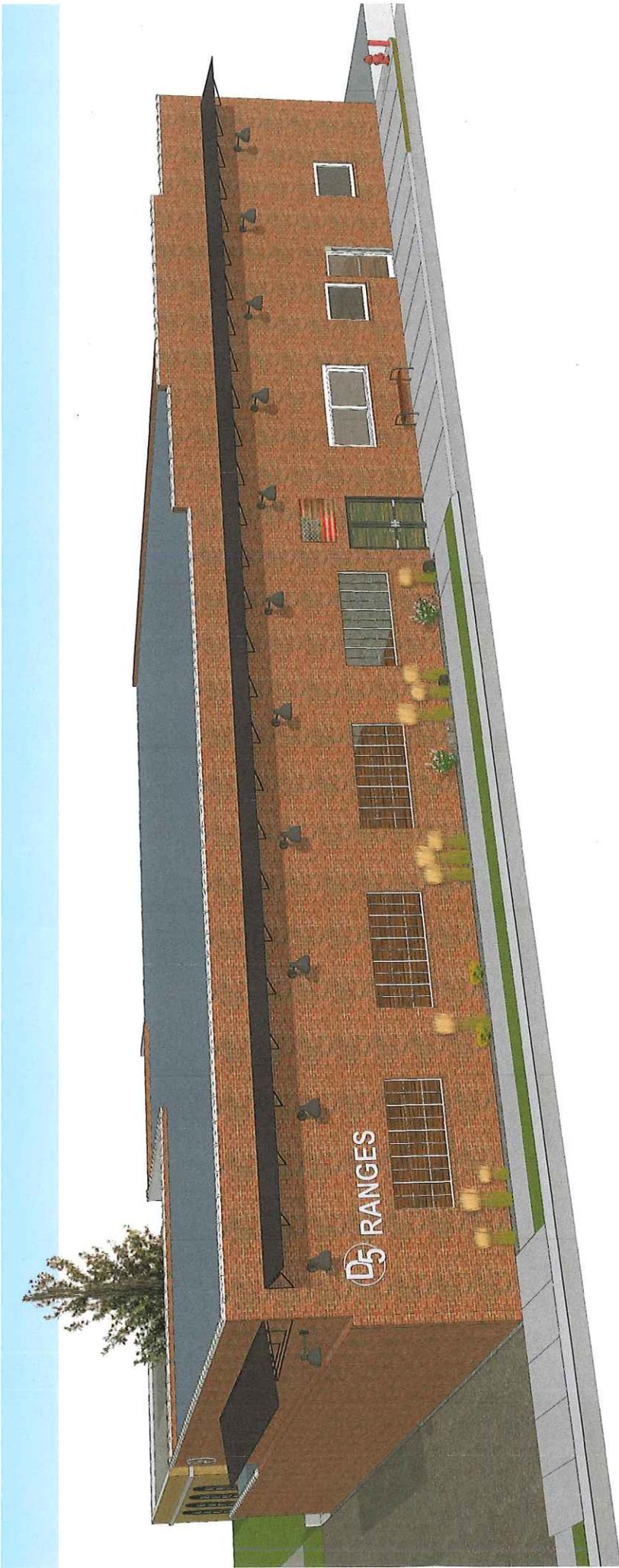
Sincerely,

Rich Lindner
President



Potential Classes

1. Illinois Concealed Carry Class
2. Handgun Classes
 - Women's Handgun Beginner Class
 - Men's Handgun Beginner Class
 - Teen Handgun Beginners Class (ages 13-18)
 - Handgun Intermediate Co-Ed Class
 - Handgun Advanced Class
 - Handgun Skills
 - Speed & Accuracy
 - Movement & Cover
 - Shooting Challenges
3. Rifle Classes
 - Beginner Class
 - Intermediate Class
 - Advanced Class
 - Teen Rifle Beginners Class (ages 13-18)
 - Complete Rifleman Skills Course
4. Intro to Shotguns
5. Youth Firearm Safety Course (ages 7-12)
6. Couples Beginner Class
7. Private Classes
 - 1 on 1 Classes
 - Family Classes
 - Friends Class (5 max)





ZANCK, COEN, WRIGHT & SALADIN, P.C.

ATTORNEYS AT LAW

Thomas C. Zanck*
Patrick D. Coen
James L. Wright
Mark S. Saladin
Tamara A. Marshall
Jennifer L. Johnson
Heather B. Kroencke*
*Also licensed in Wisconsin

Carolina A. Schottland
Michael T. Wurster*

Of Counsel
Thomas R. Burney

April 11, 2018

Joshua Blakemore
City Administrator
City of Marengo
jblakemore@cityofmarengo.com

Re: L.B. Marengo, LLC Indoor Shooting Range

Dear Josh:

We enclose a Memorandum that you can use, if you so desire, for purposes of the packet for the Planning and Zoning Commission meeting on April 16, 2018.

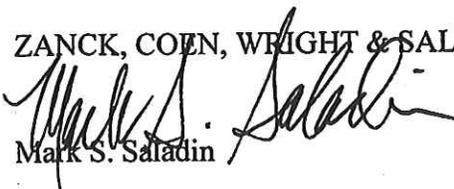
Our client will also be submitting directly to you some additional information for your use.

We will also finalize the Affidavit of Compliance with the notice requirements and submit that to you by the end of this week, provided we receive the Certificate of Publication from the Northwest Herald.

If you have any questions, please call.

Very truly yours,

ZANCK, COEN, WRIGHT & SALADIN, P.C.


Mark S. Saladin

MSS:mb

Enclosure

To: Joshua Blakemore
City Administrator
City of Marengo

Date: April 11, 2018

Re: L.B. Marengo Gun Range

ILLINOIS STATUTES

105 ILCS 5/1 through 105 ILCS 560/99 deals with Schools. I have reviewed the Statutes and search for information regarding guns, ranges, and shooting. There is no reference on a limitation regarding proximity of a gun range to a school.

MARENGO CITY CODE

A review of the City Code for Marengo shows that there is no direct mention of any requirements for an indoor gun range. Both the B-1 Central Business District and the B-2 General Business District allow for the special uses for recreational facilities, public and private.

"Recreation" is defined as "the act of recreating or the state of being recreated: refreshment of the strength and spirits after toil: DIVERSION, PLAY" or a "means of getting diversion or entertainment" or "one that provides recreations or amusement." Webster's Third New International Dictionary 1899 (1993). *Platform I Shore, LLC v. Village of Lincolnwood*, 2014 IL App (1st) 133923, ¶ 13, 17 N.E.3d 214

Shooting ranges for pistol and rifle shooting and target practice have been held to constitute a recreational activity, even though not specifically enumerated in the statute at issue (*McNames v. Rockford Park District*, 185 Ill. App. 3d 291, 295, 540 N.E.2d 1119, 133 Ill. Dec. 253 (1989)). *Platform I Shore, LLC v. Village of Lincolnwood*, 2014 IL App (1st) 133923, ¶ 13, 17 N.E.3d 214

DCFS-SCHOOLS

The Administrative Code for DCFS has been reviewed. A review of both 89 Ill. Admin. Code 407 and 408 makes no mention of any limitation on gun ranges being within a certain distance of the daycare facility. The only mention of guns is regulations regarding police officers and requirements to being allowed to have weapons on the premises.

It should be noted that an indoor gun range was put in in Elgin across the street from the Easter Seals building on McLean Boulevard. The Easter Seals building does contain a daycare facility.

FEDERAL FIREARMS LICENSE

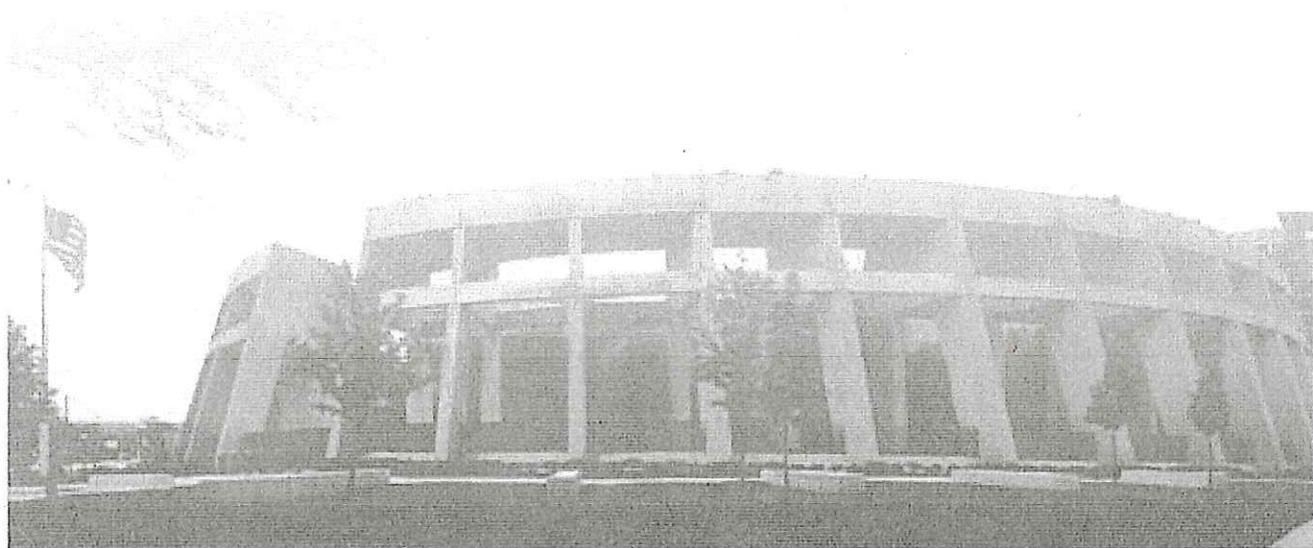
A license is required for the buying and selling of firearms and attached is literature from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) on when someone needs a license to buy and sell firearms. Also attached is a copy of an Application for Federal Firearms License (FFL).

The Illinois State Police, Firearms Service Bureau (ISP FSB) was contacted to find out if there were any requirements or licenses required by that agency. The ISP FSB does not have any additional licenses.



DO I NEED A LICENSE TO BUY AND SELL FIREARMS?

Guidance to help you understand when a Federal Firearms License is required under federal law.



The guidance set forth herein has no regulatory effect and is not intended to create or confer any rights, privileges, or benefits in any matter, case, or proceeding, see *United States v. Caceres*, 440 U.S. 741 (1979).

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Questions & Answers on Getting a Federal Firearms License	9

Introduction

The federal Gun Control Act (GCA) requires that persons who are engaged in the business of dealing in firearms be licensed by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). Federal firearms licensees (FFL) are critical partners in promoting public safety because—among other things—they help keep firearms out of the hands of prohibited persons by running background checks on potential firearms purchasers, ensure that crime guns can be traced back to their first retail purchaser by keeping records of transactions, and facilitate safe storage of firearms by providing child safety locks with every transferred handgun and having secure gun storage or safety locks available any place where they sell firearms. A person who willfully engages in the business of dealing in firearms without the required license is subject to criminal prosecution, and can be sentenced to up to five years in prison, fined up to \$250,000, or both.

Determining whether your firearm-related activities require a license is a fact-specific inquiry that involves application of factors set by federal statute. This guidance is intended to help you determine whether you need to be licensed under federal law.

Note that some states have more stringent laws with respect to when a state-issued license is required for selling a firearm. Please consult the laws of the state to ensure compliance.

In addition, this guidance focuses on the question whether your firearm-related activities require you to obtain a license. There are other laws and regulations that govern the transfer of firearms—both between unlicensed individuals and from licensed dealers (e.g., unlicensed sellers may only lawfully sell to persons within their own state, and it is unlawful for either licensed or unlicensed sellers to sell firearms to persons they know or have reasonable cause to believe cannot lawfully possess them). **All persons who transfer firearms, regardless of whether they are engaged in the business of dealing in firearms, must ensure that any transfers are in compliance with federal, state and local laws.**

Key Points

- Federal law requires that persons who are engaged in the business of dealing in firearms be licensed by ATF. The penalty for dealing in firearms without a license is up to five years in prison, a fine up to \$250,000, or both.
- A person can be engaged in the business of dealing in firearms regardless of the location in which firearm transactions are conducted. For example, a person can be engaged in the business of dealing in firearms even if the person only conducts firearm transactions at gun shows or through the internet.
- Determining whether you are “engaged in the business” of dealing in firearms requires looking at the specific facts and circumstances of your activities.
- As a general rule, you will need a license if you repetitively buy and sell firearms with the principal motive of making a profit. In contrast, if you only make occasional sales of firearms from your personal collection, you do not need to be licensed.
- Courts have identified several factors relevant to determining on which side of that line your activities may fall, including: whether you represent yourself as a dealer in firearms; whether you are repetitively buying and selling firearms; the circumstances under which you are selling firearms; and whether you are looking to make a profit. Note that while quantity and frequency of sales are relevant indicators, courts have upheld convictions for dealing without a license when as few as two firearms were sold, or when only one or two transactions took place, when other factors were also present.

If you have any questions about whether you need a license under federal law, we recommend that you contact your local ATF office (<https://www.atf.gov/contact/atf-field-divisions>) to evaluate the facts and circumstances of your particular case.

Legal Framework

Q

Who needs a Federal license to deal in firearms?

A

Under federal law, any person who engages in the business of dealing in firearms must be licensed.

Q

What does it mean to be “engaged in the business of dealing in firearms”?

A

Under federal law, a person engaged in the business of dealing in firearms is a person who “devotes time, attention and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms.”

Under federal law, conducting business “with the principal objective of livelihood and profit” means that “the intent underlying the sale or disposition of firearms is predominantly one of obtaining livelihood and pecuniary gain, as opposed to other intents, such as improving or liquidating a personal firearms collection.”

Consistent with this approach, federal law explicitly exempts persons “who make occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his personal collection of firearms.”

Q

Has ATF defined what it means to be “engaged in the business” of dealing in firearms?

A

ATF has published regulatory definitions for the terms “engaged in the business” and “principal objective of livelihood and profit.” ATF’s regulation defining when a person is “engaged in the business” of dealing in firearms is identical to the language of the statute, though in the definition of “dealer,” ATF clarified that the term includes “any person who engages in such business or occupation on a part-time basis.”

Gun Shows, Flea Markets, and Internet Sales

Q

What if I only sell firearms at flea markets, gun shows or over the internet?

A

A person can be engaged in the business of dealing in firearms regardless of the location in which firearm transactions are conducted. A person can be engaged in the business of dealing in firearms even if the person only conducts firearm transactions from a location other than a traditional brick and mortar store. Many licensed gun dealers conduct business at temporary locations such as qualified gun shows or events, and utilize the internet to facilitate firearm transactions. The question under federal law is not where firearm transactions are conducted, but rather is whether—under a totality of the circumstances—the person conducting those transactions is engaged in the business of dealing in firearms. The factors listed below apply to that determination regardless of where the firearm transactions occur.

The growth of new communications technologies and e-commerce allows sellers of firearms to advertise to an expansive market at minimal cost, and complete sales with minimal effort. While a collector or hobbyist may use the internet and other communication technology to sell a firearm without a license (provided that they comply with all other federal and state laws and regulations), those engaged in the business of dealing in firearms who utilize the internet or other technologies must obtain a license, just as a traditional dealer whose business is run out of a traditional brick and mortar store.

Guidance

A. Overview

What activities require a dealer's license?

Federal law does not establish a “bright-line” rule for when a federal firearms license is required. As a result, there is no specific threshold number or frequency of sales, quantity of firearms, or amount of profit or time invested that triggers the licensure requirement. Instead, **determining whether you are “engaged in the business” of dealing in firearms requires looking at the specific facts and circumstances of your activities.**

As a general rule, you will need a license if you repetitively buy and sell firearms with the principal motive of making a profit. In contrast, if you only make occasional sales of firearms from your personal collection, you do not need to be licensed. In either case, all of your firearms transactions are relevant, regardless of their location; it does not matter if sales are conducted out of your home, at gun shows, flea markets, through the internet, or by other means.

As a general rule, you will need a license if you repetitively buy and sell firearms with the principal motive of making a profit. In contrast, if you only make occasional sales of firearms from your personal collection, you do not need to be licensed.

B. Factors Identified by Federal Courts

Federal courts have identified several factors that can help you determine on what side of that line your activities fall. They include: whether you represent yourself as a dealer in firearms; whether you are repetitively buying and selling firearms; the circumstances under which you are selling firearms; and whether you are looking to make a profit. It is important to note that no single factor is determinative, and that the relative importance of any of the factors will vary depending on the facts and circumstances applicable to the individual seller.

Relevant factors: whether you represent yourself as a dealer in firearms; whether you are repetitively buying and selling firearms; the circumstances under which you are selling firearms; and whether you are looking to make a profit.

- *Are you representing yourself as a dealer in firearms?*

Perhaps the clearest indication of whether a person is “engaged in the business” of dealing in firearms can be found in what he or she represents to others. Some factors that may demonstrate that you intend to engage in the business of dealing in firearms include: representing yourself as a source of firearms for customers, taking orders, and offering to buy firearms to immediately resell. Your intent to engage in the business of

Guidance *(continued)*

dealing in firearms can also be reflected by undertaking activities that are typically associated only with businesses—for example, creating a business entity or trade name for your firearms business, securing State and local business licenses to sell items that may include firearms, purchasing a business insurance policy or rider to cover a firearms inventory, commercial advertising, printing business cards, and accepting credit card payments.

- *Are you repetitively buying and selling firearms?*

As noted above, there is no specific threshold number of firearms purchased or sold that triggers the licensure requirement. Similarly, there is no “magic number” related to the frequency of transactions that indicates whether a person is “engaged in the business” of dealing in firearms. It is important to note, however, that even a few firearms transactions, when combined with other evidence, can be sufficient to establish that a person is “engaged in the business” of dealing in firearms. For example, courts have upheld convictions for dealing without a license when as few as two firearms were sold, or when only one or two transactions took place.

That said, courts have looked at both the quantity of firearms sold, as well as the frequency of sales, as relevant indicators. When combined with other factors, selling large numbers of firearms or engaging in frequent transactions may be highly indicative of business activity.

- *What are the circumstances under which you are selling firearms? Are you selling shortly after acquiring them? Repeatedly selling the same type of firearm? Or repetitively selling new firearms?*

In addition to the volume and frequency of firearms transactions, the timing and circumstances surrounding firearm transactions are also significant indicators of whether a person is engaged in the business. Repetitively selling or offering to sell firearms shortly after they are acquired; “restocking” inventory; repetitively acquiring the same type of firearm or a large quantity of the same type of firearm, and then reselling or offering to sell those firearms; and/or repetitively acquiring and reselling or offering to sell firearms in unopened or original packaging (or in new condition), are all factors which individually or combined may indicate a person is engaged in the business.

- *Are you looking to make a profit?*

As noted above, if you are repetitively buying and selling firearms “with the principal objective of livelihood and profit,” you must be licensed. Because the key is *intent* or *objective*, the courts have made clear that a person can be “engaged in the business” of dealing in firearms without actually making a profit. In determining that intent or objective, courts have looked to prices that an unlicensed seller charges for firearms to determine if the principal objective of the seller is livelihood and profit. In some cases, prices reflect appreciation in actual market value resulting from having held a

Guidance *(continued)*

firearm as part of a collection, or reflect a profit intended to be used to acquire another firearm as part of a collection. As a result, the fact that a transaction results in a profit for the seller is not always determinative.

Finally, it is important to note that courts have found that you can buy and sell firearms “with the principal objective of livelihood and profit” even if your firearm-related activities are not your primary business. In other words, you can still be “engaged in the business of dealing in firearms with the principal objective of livelihood and profit” if you have a full time job, and are buying and selling firearms to supplement your income. ATF regulations specifically note that the term “dealer” includes a person who engages in such a business or occupation on a part-time basis.

Does a Curio and Relics Collector’s license (C&R license) allow me to be engaged in the business of dealing in firearms?

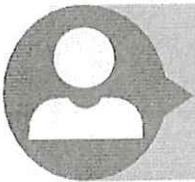
The C&R license does not allow for the licensee to repetitively buy and sell firearms with the principal motive of making a profit. It does not matter if the firearms being bought and sold are curios or relics, or newer firearms. If a C&R licensee wishes to engage in the business of dealing in firearms, he or she must apply for a different type of license that allows this activity.

Do I need a license if I’m an auctioneer and simply auction guns for my customers?

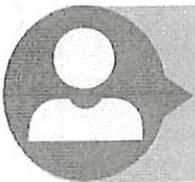
If you repeatedly conduct auctions for firearms that are first consigned to you for sale, and you intend to make money from those sales, you need a license. If, however, you simply offer auctioneer services without having the firearms transferred to you (for example, you are hired by the representative of an estate to travel to the location of the estate, assist the estate in conducting an auction, and the firearms remain the property of the estate until transfer to the buyer), you need not be licensed.

Examples

While the determination of whether a person requires a federal firearms license is highly fact-specific, the following examples are provided to show how the factors identified by federal courts apply to common fact patterns. **Of course, the existence or absence of other facts not included in the examples may change the conclusion as to whether a person is engaged in the business and therefore must be licensed; hence, these examples are provided solely as general guidance.** For the purposes of these examples, assume that the sellers comply with all other relevant federal and state laws and regulations (for example, any unlicensed person makes only lawful sales to persons who reside in the same state).



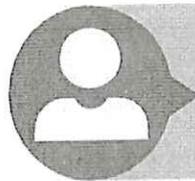
Bob inherits a collection of firearms from his grandfather. He would rather have cash than the firearms, so he posts them all online for sale. He makes no purchases, but over the course of the next year he sells all of the firearms he inherited in a series of different transactions. Bob does not need a license because he is liquidating a personal collection.



Joe recently lost his job, and to finance his living expenses he has been buying firearms from friends and reselling them through an internet site. He has successfully sold a few firearms this way, and has several more listed for sale at any one time. Joe must be licensed because he is repetitively buying and selling firearms with the primary objective of profit.



Sharon travels to flea markets the first Saturday of every month, buying undervalued goods, including firearms. The last Saturday of every month Sharon rents a booth at the flea market and sells her items at market value for a profit. She hopes to make enough money from these sales to finance a trip to Italy next year. Sharon must get a license because she is repetitively buying and selling firearms with the primary objective of profit.



David enjoys hunting and has a large variety of hunting rifles. He likes to have the newest models with the most current features. To pay for his new rifles, a few times a year David sells his older weapons to fellow hunters for a profit. David does not need to be licensed because he is engaging in occasional sales for enhancement of his personal collection.



Lynn regularly travels to gun shows around her state, rents space, and sells firearms under a banner stating "liquidating personal collection." Most of the firearms Lynn offers for sale she purchased from a licensed dealer in the prior weeks. Lynn is retired and hopes to supplement her income with the money she makes on the sales, although she has yet to turn a profit. Lynn must get a license because she is repetitively buying and selling firearms with a primary objective of profit.

Examples (continued)



Scott has been collecting high-end firearms for years. In the six months before his son is about to enter college, Scott sells most of his collection in a series of transactions at gun shows, on the Internet, and to family and friends to provide funds to pay his son's college expenses. Scott does not have to be licensed, because he is liquidating part of a personal collection.



Debby has three handguns at home, and decides that she no longer wants two of them. She posts an advertisement in the local newspaper and sells the two handguns to a local collector. Debby does not need a license because she is not engaging in the repetitive purchase and resale of firearms as a regular course of trade or business.



Jessica enjoys shooting sports and frequently goes to shooting ranges and hunting clubs. To make some extra money, she buys firearms from a dealer who is willing to give her a discount, and resells them for a profit to acquaintances from the shooting ranges and hunting clubs. She has done this a few times a month for the last several months, and has been spreading the word that she has a source for other firearms. She passes out business cards with her name, phone number and email. Jessica must get a license because she is repetitively buying and selling of firearms with the primary objective of profit.



Doug regularly attends gun shows and rents a table to display firearms for sale. He gets firearms from a variety of sources, carefully logs each purchase into a book, and uses the purchase price to set a sales price that will realize him a net profit. Doug accepts credit card payments and typically sells multiple firearms at each of the gun shows he attends each year. He makes a substantial amount of money annually, and uses this money to live on. Doug must be licensed because he is repetitively buying and selling firearms with the primary objective of profit.

Questions & Answers On Getting A Federal Firearms License

Q

How do I become licensed?

A

The license application (called the ATF Form 7) is straightforward and can be found here: <https://www.atf.gov/firearms/apply-license>. In addition to the application itself, an applicant for a federal firearms license must also provide to ATF a photograph, fingerprints, and the license application fee, currently set at \$200 for the initial three-year period, and \$90 for each three-year renewal.

Q

What standards does ATF use to determine whether to give me a license?

A

ATF will approve an application for a federal firearms license if the applicant:

- Is 21 years of age or older;
- Is not prohibited from shipping, transporting, receiving or possessing firearms or ammunition;
- Has not willfully violated the GCA or its regulations;
- Has not willfully failed to disclose material information or willfully made false statements concerning material facts in connection with his application;
- Has a premises for conducting business; and
- The applicant certifies that:
 - the business to be conducted under the license is not prohibited by State or local law in the place where the licensed premises is located;
 - within 30 days after the application is approved the business will comply with the requirements of State and local law applicable to the conduct of the business;
 - the business will not be conducted under the license until the requirements of State and local law applicable to the business have been met;
 - the applicant has sent or delivered a form to the chief law enforcement officer where the premises is located notifying the officer that the applicant intends to apply for a license; and
 - secure gun storage or safety devices will be available at any place in which firearms are sold under the license to persons who are not licensees.

Q

What obligations will I have once I become licensed?

A

Licensed firearms dealers are subject to certain requirements under federal law, including running background checks on any non-licensed person prior to transferring a firearm (subject to narrow exceptions), keeping firearms transaction records so that crime guns can be traced to their first retail purchaser, and ensuring safety locks are provided with every handgun, and available in any location where firearms are sold.

Questions & Answers On Getting A Federal Firearms License *(continued)*

Licensees are also prohibited by law from knowingly transferring handguns to persons who do not reside in the State where the licensee's premises are located, and from knowingly transferring any firearm to underage persons and certain categories of "prohibited persons," including felons, persons who were involuntarily committed to mental institutions, and illegal aliens. Under federal law, licensees are subject to inspection and are also required to respond to requests for firearms tracing information within 24 hours.

This list is not all inclusive; more information about the requirements of having a federal firearms license can be found at www.ATF.gov and by contacting your local ATF Office. A list of local offices can be found at <https://www.atf.gov/contact/atf-field-divisions>.



What if I don't need to be licensed, but I want to make sure a background check is run on a potential purchaser of my gun?



Private, unlicensed sellers can help ensure that potential purchasers are not prohibited from possessing firearms by using a licensed dealer to facilitate the sale and transfer of a firearm. For a small fee, many licensed dealers will facilitate a sale of a firearm between two unlicensed individuals. This service provides both customers and the community assurance that individuals who want to purchase firearms undergo a comprehensive background check which helps to ensure the buyer is not prohibited from possessing a firearm, and can improve the ability of law enforcement to trace firearms if they are later recovered in a connection with a crime. In 2013, ATF published an open letter (<https://www.atf.gov/file/56331/download>) to licensed dealers educating them on how to facilitate private sales, and published ATF Procedure 2013-1 (<https://www.atf.gov/file/88181/download>), which provides further guidance. The decision to facilitate private sales is wholly voluntary on the part of the licensed dealer.

Additional information can be found at www.atf.gov.

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives
99 New York Avenue, NE
Washington, DC 20226



ATF Publication 5310.2
January 2016

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Application for Federal Firearms License

Part A

1. Applicant's Business/Activity is: Individual Owner (Sole Proprietor) Partnership Corporation LLC
 Collector (which can be an individual/partnership/corporation or LLC) Other (specify) _____
2. Applicant Name (Enter name of Owner/Sole Proprietor OR Partnership (include name of each partner) OR Corporation Name OR LLC Name)

3. Trade or Business Name(s), if any _____
4. Employer Identification Number (EIN), if any (see definition #17) _____
5. Name of County in which Business/Activity is Located _____

6. Business/Activity Address (RFD or Street Number, City, State, and ZIP Code) (NOTE: This address CANNOT be a P.O. Box.) _____
7. Mailing Address (if different from address in item #6) _____

8. Contact Numbers (Include Area Code)
Business/Activity Phone _____ Fax Number _____
Cell Phone _____ Business Email _____

9. Describe the specific activity applicant is engaged in or intends to engage in, which requires a Federal Firearms License (sale of ammunition alone does not require a Federal Firearms License).

10. Application is made for a license under 18 U.S.C. Chapter 44 as a: (Place an "X" in the appropriate box(es). Multiple license types may be selected- see instruction #8. Submit the fee noted next to the box(es) with the application. Licenses are issued for a 3-year period. See instruction #5 for payment information).

Type	Description of License Type	Fee
01	Dealer in Firearms Other than Destructive Devices (Includes: rifles, shotguns, pistols, revolvers, gunsmith activities, and National Firearms Act (NFA) weapons) (see instruction #10)	\$200 <input type="checkbox"/>
02	Pawnbroker in Firearms Other than Destructive Devices (Includes: rifles, shotguns, pistols, revolvers, gunsmith activities, and National Firearms Act (NFA) weapons) (see instruction #10)	\$200 <input type="checkbox"/>
03	Collector of Curios and Relics (NOTE: This is not a license to conduct business, see instruction #8)	\$30 <input type="checkbox"/>
06	Manufacturer of Ammunition for Firearms Other Than Ammunition for Destructive Devices or Armor Piercing Ammunition (see instruction #11)	\$30 <input type="checkbox"/>
07	Manufacturer of Firearms Other than Destructive Devices (see instruction #11)	\$150 <input type="checkbox"/>
08	Importer of Firearms Other than Destructive Devices or Ammunition for Firearms Other than Destructive Devices, or Ammunition Other than Armor Piercing Ammunition (NOTE: Importer of handguns and rifles, see instruction #9)	\$150 <input type="checkbox"/>
09	Dealer in Destructive Devices (see definition #20)	\$3000 <input type="checkbox"/>
10	Manufacturer of Destructive Devices, Ammunition for Destructive Devices, or Armor Piercing Ammunition (see instruction #11)	\$3000 <input type="checkbox"/>
11	Importer of Destructive Devices, Ammunition for Destructive Devices, or Armor Piercing Ammunition (see instruction #9)	\$3000 <input type="checkbox"/>
Total Fees		\$ 0

11. Method of Payment (Check one)
 Check (Enclosed) Cashier's Check or Money Order (Enclosed) Visa Mastercard American Express Discover Diner's Club

Credit/Debit Card Number (No dashes) _____ Name as Printed on Your Credit/Debit Card _____ Expiration Date (MM/YY) _____

Credit/Debit Card Address: _____
Billing Address: _____ City: _____ State: _____ ZIP Code: _____

Please complete to ensure payment is credited to the correct application:
I am paying the application fee for the following Person, Corporation, or Partnership: _____ Total Application Fees: \$ _____

I authorize ATF to charge my Credit/Debit Card the above amount. Your credit/debit card will be charged the above stated amount upon receipt of your application and a charge from "ATF Licensing Fee" will be reflected on your credit/debit card statement. In the event a license is NOT issued, the above amount will be credited to the credit/debit card noted above.

Signature of Cardholder
Date _____
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Revised May 2017
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12. Hours of Operation and/or Availability of Business/Activity (please provide at least one hour in which you can be contacted by ATF personnel)

Hour(s): Please indicate AM or PM	Sun	Mon	Tues	Wed	Thu	Fri	Sat

IF YOU ARE ONLY APPLYING FOR A TYPE 03 (COLLECTOR OF CURIOS AND RELICS) LICENSE, SKIP ITEMS 13-17 AND GO TO ITEM 18.
FOR ALL OTHER LICENSE TYPES, CONTINUE WITH ITEM 13.

<p>13. Was the business obtained from someone else? (If "Yes," please provide the name of the previous business and their FFL Number)</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>_____ Name of Previous Business</p> <p>_____ Federal Firearms License Number</p>	<p>14. Indicate type of business premises</p> <table border="0"> <tr> <td>Zoned Residential:</td> <td>Zoned Commercial:</td> </tr> <tr> <td><input type="checkbox"/> Single Family Dwelling</td> <td><input type="checkbox"/> Store Front</td> </tr> <tr> <td><input type="checkbox"/> Condominium/Apartment</td> <td><input type="checkbox"/> Office</td> </tr> <tr> <td><input type="checkbox"/> Hotel/Motel</td> <td><input type="checkbox"/> Rod & Gun Club</td> </tr> <tr> <td><input type="checkbox"/> Public Housing</td> <td><input type="checkbox"/> Military Installation (see instruction #13-additional information required)</td> </tr> <tr> <td></td> <td><input type="checkbox"/> Other (specify) _____</td> </tr> </table>	Zoned Residential:	Zoned Commercial:	<input type="checkbox"/> Single Family Dwelling	<input type="checkbox"/> Store Front	<input type="checkbox"/> Condominium/Apartment	<input type="checkbox"/> Office	<input type="checkbox"/> Hotel/Motel	<input type="checkbox"/> Rod & Gun Club	<input type="checkbox"/> Public Housing	<input type="checkbox"/> Military Installation (see instruction #13-additional information required)		<input type="checkbox"/> Other (specify) _____
Zoned Residential:	Zoned Commercial:												
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<input type="checkbox"/> Public Housing	<input type="checkbox"/> Military Installation (see instruction #13-additional information required)												
	<input type="checkbox"/> Other (specify) _____												

15. Applicant's business premises is:

<input type="checkbox"/> Owned Premises	<input type="checkbox"/> Rented/Leased Premises- provide name, telephone number, and address of the property owner:	
<input type="checkbox"/> Military Installation	_____ Name	_____ Street Address
	_____ Telephone Number (with area code)	_____ City, State, and ZIP Code

16. Do you intend to sell firearms at Gun Shows and/or conduct Internet sales? Yes No

17. Do you intend to use your license ONLY to acquire firearms to enhance your personal collection? Yes No

<p>18. Name of Chief Law Enforcement Officer (CLEO) (Please print the name of the CLEO to whom a copy of this application was provided. See instruction #4 and definition #1.)</p>	<p>19. Address of CLEO (Include Number, Street, City, County, State, and ZIP Code)</p> <p>_____ county:</p>
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ATTENTION Chief Law Enforcement Officer (CLEO): This form provides notification of a person's intent to apply for a Federal Firearms License (FFL). It requires no action on your part. However, should you have information that may disqualify the person from obtaining a Federal Firearms License, please contact the Federal Firearms Licensing Center toll free at 1-866-662-2750. Issuance of an FFL in no way guarantees the business or activity is not in violation of State and/or local law.

20. Applicant Certification (Please read AND INITIAL each box)

a. The business/activity to be conducted under the Federal Firearms License is not prohibited by State or local law at the premises shown in item 6. This includes compliance with zoning ordinances. (Please contact your local zoning department PRIOR TO submitting application)

b. Within 30 days after the application is approved, the business/activity will comply with the requirements of State and local law applicable to the conduct of the business/activity.

c. Business/activity will not be conducted under the license until the requirements of State and local law applicable to the business/activity have been met.

d. A completed copy of this application has been sent (mailed or delivered) to the Chief Law Enforcement Officer (CLEO) of the locality in which the premises listed in item 6 is located (see instruction #4 and definition #1).

e. As required by 18 U.S.C. 923 (d)(1)(G), I certify that secure gun storage or safety devices will be available at any place in which firearms are sold under this Federal Firearms License to persons who are not licensees. (See definition #4) (If applying for a Type 03, Collector of Curios and Relics License ONLY, write "N/A" instead of initialing this certification box.)

f. Part B of this application has been completed and will be submitted for EACH responsible person (RP) (See definition #3)

21. Certification: Under the penalties imposed by 18 U.S.C. 924, I declare that I have examined this application in its entirety and the documents submitted in support thereof and to the best of my knowledge and belief, they are true, correct, and complete. This signature, when presented by a duly authorized representative of the U.S. Department of Justice, will constitute consent and authority for the appropriate U.S. Department of Justice representative to examine and obtain copies and abstracts of records and to receive statements and information regarding the background of the applicant. Specifically, I hereby authorize the release of the following data or records to ATF: Military information/records, medical information/records, police and criminal records. This certification must be signed by a Responsible Person (see instruction #2 and definition #3).

_____ Print Applicant Name (First, Middle, Last)	_____ Applicant Signature	_____ Date
Check Application Status (For ATF Use Only) <input type="checkbox"/> Approved <input type="checkbox"/> Abandoned <input type="checkbox"/> Withdrawn <input type="checkbox"/> Denied Reason for Denial: _____		

Part B - Responsible Person Questionnaire

1. EACH RESPONSIBLE PERSON MUST COMPLETE AND SIGN A SEPARATE QUESTIONNAIRE/ATF Form 7/7CR Part B. In the future, if you need to add an additional Responsible Person (RP) to your FFL, the RP being added may complete this Part B-Responsible Person Questionnaire. If adding a RP to an existing license, be sure to include a signed written request from an existing RP on the license, giving permission to add the new Responsible Person (see instruction #7).
2. Issuance of your license or addition as a Responsible Person will be delayed if Part B is incomplete or otherwise improperly prepared.
3. IMPORTANT! All new responsible persons must submit a properly prepared FD-258 (Fingerprint Card) with this questionnaire. The fingerprints must be clear for accurate classification and taken by someone properly equipped to take them. The FD-258 should include "WVATF1100 ATF-FFLC, MARTINSBURG, WV" in the ORI block to facilitate processing of fingerprints.
4. List any given, married, and maiden names in Item 4, e.g., "Mary Alice (Smith) Jones," not "Mrs. John Jones." (If additional space is needed, attach a separate sheet. See instruction #1)

1. License or Applicant Name (From block 2 of Part A)			2. Federal Firearms License Number (If being added to an existing FFL)		
3. Name of Responsible Person (Last, First, Middle)		4. Aliases (Include given, married, maiden names)		5. Position/Title	
6. Social Security Number	7. Date of Birth (MM/DD/YYYY)	8. Place of Birth (City & State OR foreign country)			
9. Current Residence Address			10. Telephone Number (Personal Contact # with Area Code)		
			11. E-mail Address		
12. Previous Address(es) - Please provide every address you have had in the last five years and dates which you lived at the address(es) (If additional space is needed attach a separate sheet. See instruction #1)	13. Sex	14. Height	15. Weight	16. Eye Color	17. Hair Color
	<input type="checkbox"/> Male	_____ Feet		<input type="checkbox"/> Black	<input type="checkbox"/> Bald
	<input type="checkbox"/> Female	_____ Inches	(lbs)	<input type="checkbox"/> Blue	<input type="checkbox"/> Black
	18. Ethnicity	Hispanic or Latino <input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Brown	<input type="checkbox"/> Blond
19. Race (Please check one or more boxes)	<input type="checkbox"/> American Indian or Alaska Native		<input type="checkbox"/> Gray	<input type="checkbox"/> Brown	
	<input type="checkbox"/> Black or African American		<input type="checkbox"/> Green	<input type="checkbox"/> Gray	
	<input type="checkbox"/> Native Hawaiian or Other Pacific Islander		<input type="checkbox"/> Hazel	<input type="checkbox"/> Red	
	<input type="checkbox"/> Asian <input type="checkbox"/> White		<input type="checkbox"/> Maroon	<input type="checkbox"/> Sandy	
			<input type="checkbox"/> Multiple	<input type="checkbox"/> White	
			<input type="checkbox"/> Pink	<input type="checkbox"/> Other _____	
			<input type="checkbox"/> Other _____		

For the following questions give full details on a separate sheet for all "Yes" answers (see instruction #1)	Yes	No
20. Have you ever held a Federal Firearms License? (If so, please include FFL#) _____		
21. Have you ever been a Responsible Person on a Federal Firearms License? (If so, please include FFL#) _____		
22. Have you ever been an officer in a corporation holding a Federal Firearms License? (If so, please include FFL#) _____		
23. Have you ever been an employee of a Federal Firearms Licensee?		
24. Have you ever been denied a Federal Firearms License?		
25. Have you ever had a Federal Firearms License revoked?		
26. Are you under indictment or information in any court for a felony, or any other crime, for which the judge could imprison you for more than one year? (See definition #10)		
27. Have you ever been convicted in any court for a felony, or any other crime, for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation? (See definition #10)		
28. Are you a fugitive from justice? (See definition #11)		
29. Are you under 21 years of age?		
30. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance? Warning: The use or possession of marijuana remains unlawful under Federal law regardless of whether it has been legalized or decriminalized for medicinal or recreational purposes in the state where you reside.		
31. Have you ever been adjudicated as a mental defective OR have you ever been committed to a mental institution? (See definitions #12 and #13)		
32. Have you been discharged from the Armed Forces under dishonorable conditions?		
33. Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner? (See definition #5)		
34. Have you ever been convicted in any court of a misdemeanor crime of domestic violence? (See definition #7)		

Instructions/Definitions for ATF Form 7 (5310.12)/7CR (5310.16)
(Do not return this sheet when submitting your application)

Issuance of your license will be delayed if the fee is not included or incorrect, or if the application is incomplete or otherwise improperly prepared.

Instructions

1. **Completion of Application** - TYPE or PRINT with ball-point pen. Any attached sheets should:
 - a. be identified at the top of each page with your name and Employer Identification Number or Social Security Number.
 - b. refer to the item/question(s) being answered.
2. **Person Who Signs the Application** - The certification in Part A, item #21 must be signed by a Responsible Person (*see definition #3*).
3. **Release of Information** - This application package requires you to authorize the release of certain information to ATF such as medical information/ records (*see Part A, item #21*). This information is used to determine, for example, whether the applicant has ever been adjudicated as a mental defective or committed to any mental institution. This information is protected by the Privacy Act of 1974.
4. **Chief Law Enforcement Officer (CLEO)** - Applicants must submit a copy of the completed application to the Chief Law Enforcement Officer (CLEO) of the locality in which the premises sought to be licensed is located (*see definition #1*). Part A, item #20d requires certification that a completed copy of the application has been sent.
5. **Payment** - You may pay the application fee by credit/debit card, check, or money order, payable to ATF (*see instruction #14 on the following page for the address to send payment and completed application package*). Do not send cash. Postdated checks are not acceptable. Licenses are issued for a period of three years. No refund of any part of a license fee shall be made where the operations of the license are, for any reason, discontinued during the period.
6. **Fingerprint Cards & Photographs** - The following items must accompany this application. Failure to submit these items will delay processing and may result in denial of the application. **NOTE: A fingerprint card and photograph are NOT required if applying for a Type 03 license only.**
 - a. ATF Form 7/7CR Part B, Responsible Person Questionnaire, must be completed and submitted for ALL responsible persons (*see definition #3*).
 - b. A properly prepared fingerprint card (form FD-258) must be submitted for ALL responsible persons, unless they have previously submitted one as an RP for another FFL. The fingerprints must be clear for accurate classification and taken by someone properly equipped to take them. To facilitate processing of fingerprints, the FD-258 should list "WVATF1100 ATF-FFLC, MARTINSBURG, WV" in the ORI block.
 - c. A 2 inch by 2 inch photograph of EACH responsible person. The photograph should be attached to the back of their ATF Form 7/7CR Part B, Responsible Person Questionnaire. Please ensure that each photograph is clearly identified on the reverse with the full name of the responsible person to whom the photograph applies.
7. **Adding Additional Responsible Persons** - You can use Part B of this application to add a Responsible Person(s) to an existing FFL. You must include a signed written request from a current/existing RP already on the license, giving permission to add the new Responsible Person. We cannot process a form to add an additional RP to an existing license without the written consent from an existing RP on the license giving authorization for this action. If you are only submitting Part B for this purpose, send Part B, along with the Responsible Person's fingerprint card and photograph, to ATF-FFLC, 244 Needy Road, Martinsburg, WV 25405. Only send to this address if you are just adding a Responsible Person(s) to an existing license. Sending an application to obtain a new FFL to this address will result in delays in the processing of your application.
8. **License Types -**

A Type 03 license issued under 18 U.S.C. Chapter 44:

 - a. Is NOT a license to carry, use, or possess a firearm.
 - b. Confers NO right or privilege to conduct an activity contrary to State or other law.
 - c. Will entitle you to acquire firearms, classified as curios or relics, in interstate or foreign commerce. You may dispose of curios and relics to any person, not otherwise prohibited by the Gun Control Act of 1968, residing within your State, and to any other Federal firearms licensee in any State. It must be emphasized that the collector's license being applied for pertains exclusively to firearms classified as curios and relics, and its purpose is to facilitate a personal collection. You may NOT engage in the business of buying and selling any type of firearm with a type 03 license. Applicants intending to engage in the firearms business should apply for a license other than a Type 03, Collector of Curios and Relics, license.

Type 01, 02, 06, 07, 08, 09, 10, and 11 licenses issued under 18 U.S.C. Chapter 44:

 - a. Are NOT licenses to carry, use, or possess a firearm.
 - b. Confer NO right or privilege to conduct business or activity contrary to State or other law. State laws or local laws or ordinances may have requirements affecting your proposed firearms business. Contact your State and local authorities for specific information on their requirements.
 - c. Are business licenses, and will NOT be issued to an applicant solely intending to enhance a personal firearms collection.
 - d. Are NOT licenses to sell ammunition only.
9. **Imports** - Applicants intending to import firearms and/or ammunition may need to register with ATF under the provisions of the Arms Export Control Act. Contact the Firearms and Explosives Imports Branch at (304) 616-4550 for further information on registration.

NOTE: Multiple Licenses - You can apply for more than one license if the business is to be conducted at the same location, by checking more than one type of license in Part A, item #10. If business is to be conducted at multiple locations, a **separate application and license fee is required for each business location.**

10. **National Firearms Act (NFA)/Special Occupational Tax (SOT)** - Applicants intending to deal in, import, or manufacture weapons subject to the NFA (e.g., machine guns, short-barreled shotguns, silencers, destructive devices, etc.) are required to pay a SOT (see definition #18). Contact the NFA Branch at (304) 616-4500.
11. **Manufacturing** - Generally, persons holding a manufacturer's license (FFL Type 06, 07 or 10) must register as a manufacturer with the Department of State unless exempted by the Directorate of Defense Trade Control (DDTC), regardless of whether the manufacturer actually exports any of the items manufactured. Therefore, applicants intending to manufacture and/or export defense articles, as defined on the United States Munitions List (Part 121 of the ITAR), may need to register with Directorate of Defense Trade Controls (DDTC). Questions should be directed to the DDTC at 202-663-2980 or www.pmdtcc.state.gov.
12. **Denial of Application** - If you do not qualify for a license, you will be advised in writing of the reasons for denial and your application fee will be refunded.
13. **Military Installation** - If "Military Installation" was selected in Part A, item #14 as the type of business premises, you must attach a copy of written authorization from the Base Commander to conduct a firearms business on the military installation.
14. **Where to Send Application** - MAKE A COPY OF YOUR COMPLETED APPLICATION FOR YOUR RECORDS, THEN FORWARD THE APPLICATION WITH FEE, ONE ATF FORM 7/7CR PART B, RESPONSIBLE PERSON QUESTIONNAIRE, FOR EACH RESPONSIBLE PERSON (WITH PROPERLY IDENTIFIED PHOTO ATTACHED), AND FINGERPRINT CARD(S) TO:

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES
P.O. BOX 409567
ATLANTA, GA 30384-9567
15. **Contact Us** - If you have any questions relating to this application, please contact the ATF Federal Firearms Licensing Center, 244 Needy Road, Martinsburg, WV 25405, Toll free 1-866-662-2750, or your local ATF Industry Operations Office. Contact information for your local office can be found at WWW.ATF.GOV.

Definitions

1. **Chief Law Enforcement Officer** - The Chief of Police, Sheriff, or an equivalent designee of such individual, of the locality in which the premises sought to be licensed, is located.
2. **Licensed Collector** - A collector of curios and relics only and licensed under the provisions of 18 U.S.C. 923. You may not use the license to obtain firearms that are not classified as curios and relics. Collectors are not licensed to conduct any business.
3. **Responsible Person** - In addition to a Sole Proprietor, a Responsible Person is, in the case of a Corporation, Partnership, or Association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management, policies, and practices of the Corporation, Partnership, or Association, insofar as they pertain to firearms.
4. **Secure Gun Storage or Safety Device** - (A) a device that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device; (B) a device incorporated into the design of the firearm that is designed to prevent the operation of the firearm by anyone not having access to the device; or (C) a safe, gun safe, gun case, lock box, or other device that is designed to be or can be used to store a firearm and that is designed to be unlocked only by means of a key, a combination, or other similar means.
5. **Restraining Order** - Under 18 U.S.C. § 922(g)(8), firearms may not be possessed or received by persons subject to a court order that: (A) was issued after a hearing of which the person received actual notice and had an opportunity to participate in; (B) restrains such person from harassing, stalking, or threatening an intimate partner or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and (C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child, or (ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.
6. **Intimate Partner** - With respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, or an individual who cohabitates or has cohabitated with the person.
7. **Misdemeanor Crime of Domestic Violence** - A Federal, State, local, or tribal offense that is a misdemeanor under Federal, State, or tribal law and has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person cohabitating with, or has cohabitated with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim. The term includes all misdemeanors that have as an element the use or attempted use of physical force or the threatened use of a deadly weapon (e.g., assault and

battery), if the offense is committed by one of the defined parties. (See Exception in the definition of "Prohibited Person"). A person who has been convicted of a misdemeanor crime of domestic violence also is not prohibited unless; (1) the person was represented by a lawyer or gave up the right to a lawyer; or (2) if the person was entitled to a jury, was tried by a jury, or gave up the right to a jury trial. Persons subject to this exception should mark "no" in the applicable box.

8. **An Alien Admitted to the United States Under a Nonimmigrant Visa** - Includes, among others, persons visiting the United States temporarily for business or pleasure, persons studying in the United States who maintain a residence abroad, and certain temporary foreign workers. The definition does NOT include permanent resident aliens nor does it apply to nonimmigrant aliens admitted to the United States pursuant to either the Visa Waiver Program or to regulations otherwise exempting them from visa requirements.
9. **Exceptions to Prohibition on Aliens Admitted Under a Nonimmigrant Visa** - An alien admitted to the United States under a nonimmigrant visa is not prohibited from purchasing, receiving, or possessing a firearm if the alien: (1) is in possession of a hunting license or permit lawfully issued by the Federal Government, a State, or local government, or an Indian tribe federally recognized by the Bureau of Indian Affairs, which is valid and unexpired; (2) was admitted to the United States for lawful hunting or sporting purposes; (3) has received a waiver from the prohibition from the Attorney General of the United States; (4) is an official representative of a foreign government who is accredited to the United States Government or the Government's mission to an international organization having its headquarters in the United States; (5) is en route to or from another country to which that alien is accredited; (6) is an official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State; or (7) is a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.
10. **Prohibited Person** - Generally, 18 U.S.C. § 922 (g) prohibits the shipment, transportation, receipt, or possession in or affecting interstate commerce of a firearm by one who: has been convicted of a misdemeanor crime of domestic violence; has been convicted of a felony, or any other crime, punishable by imprisonment for a term exceeding one year (*this does not include State misdemeanors punishable by imprisonment of two years or less*); is a fugitive from justice, is an unlawful user of, or addicted to, marijuana or any depressant, stimulant, or narcotic drug, or any other controlled substance; has been adjudicated as a mental defective or has been committed to a mental institution; has been discharged from the Armed Forces under dishonorable conditions, has renounced his or her U.S. citizenship; is an alien illegally in the United States or an alien admitted to the United States under a nonimmigrant visa; or is subject to certain restraining orders. Furthermore, Section 922 (n) prohibits the shipment, transportation, or receipt in or affecting interstate commerce of a firearm by one who is under indictment or information for a felony in any Federal, State or local court, or any other crime, punishable by imprisonment for a term exceeding one year. An information is a formal accusation of a crime verified by a prosecutor.

EXCEPTION: A person who has been convicted of a felony, or any other crime, for which the judge could have imprisoned the person for more than one year, or who has been convicted of a misdemeanor crime of domestic violence, is not prohibited from purchasing, receiving, or possessing a firearm if: (1) under the law of the jurisdiction where the conviction occurred, the person has been pardoned, the conviction has been expunged or set aside, or the person has had their civil rights (*the right to vote, sit on a jury, and hold public office*) taken away and later restored AND (2) the person is not prohibited by the law of the jurisdiction where the conviction occurred from receiving or possessing firearms. Persons subject to this exception should mark "no" in the applicable box.

11. **Fugitive From Justice** - Any person who has fled from any State to avoid prosecution for a felony or a misdemeanor, or any person who leaves the State to avoid giving testimony in any criminal proceeding. The term also includes any person who knows that misdemeanor or felony charges are pending against such person and who leaves the State of prosecution.
12. **Adjudicated as a Mental Defective** - A determination by a court, board, commission, or other lawful authority that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease: (1) is a danger to himself or to others; or (2) lacks the mental capacity to contract or manage his own affairs. This term shall include: (1) a finding of insanity by a court in a criminal case; and (2) those persons found incompetent to stand trial or found not guilty by reason of lack of mental responsibility.
13. **Committed to a Mental Institution** - A formal commitment of a person to a mental institution by a court, board, commission, or other lawful authority. The term includes a commitment to a mental institution involuntarily. The term includes commitment for mental defectiveness or mental illness. It also includes commitments for other reasons, such as for drug use. The term does not include a person in a mental institution for observation or a voluntary admission to a mental institution.

EXCEPTION: Under the NICS Improvement Amendments Act of 2007, a person who has been adjudicated as a mental defective or committed to a mental institution in a State proceeding is not prohibited by the adjudication or commitment if the person has been granted relief by the adjudicating/committing State pursuant to a qualifying mental health relief from disabilities program. Also, a person who has been adjudicated as a mental defective or committed to a mental institution by a department or agency of the Federal Government is not prohibited by the adjudication or commitment if either: (a) the person's adjudication or commitment was set-aside or expunged by the adjudicating/committing agency; (b) the person has been fully released or discharged from all mandatory treatment, supervision, or monitoring by the agency; (c) the person was found by the agency to no longer suffer from the mental health condition that served as the basis of the initial adjudication/commitment; (d) the adjudication or commitment, respectively, is based solely on a medical finding of disability, without an opportunity for a hearing by a court, board, commission, or other lawful authority, and the person has not been adjudicated as a mental defective consistent with section 922(g)(4) of title 18, United States Code; or (e) the person was granted relief from the adjudicating/committing agency pursuant to a qualified mental health relief from disabilities program. Persons who fall within one of the above exceptions should mark "no" in the applicable box. This exception to an adjudication or commitment by a Federal department or agency does not apply to any person who was adjudicated to be not guilty by reason of insanity, or based on a lack of mental responsibility, or found incompetent to stand trial, in any criminal case or under the Uniform Code of Military Justice.

14. **Gun Control Act (GCA)** - Title 18, United States Code, Chapter 44. The implementing regulations are found in Title 27, Code of Federal Regulations, Part 478.
15. **Firearm** - The term "firearm" means: (A) any weapon (*including a starter gun*) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.
16. **Federal Firearms License (FFL)** - A license issued under the provisions of the GCA to manufacture, import, or deal in firearms.
17. **Employer Identification Number (EIN)** - An EIN is also known as a Federal Tax Identification Number, and is used to identify a business entity. Generally, businesses need an EIN. For more information on who needs an EIN and how to apply for one, go to www.IRS.gov or refer to 27 CFR § 179.35.
18. **Special (Occupational) Tax (SOT)** - Required by the National Firearms Act to be paid by a Federal firearms licensee engaged in the business of importing, manufacturing, or dealing in NFA firearms. Questions regarding SOT should be directed to the ATF NFA Branch at (304) 616-4500.

Privacy Act Information

The following information is provided pursuant to Section 3 of the Privacy Act of 1974 (5 U.S.C. § 552 a(e)(3)):

1. **Authority:** Solicitation of this information is authorized pursuant to 18 U.S.C. § 923(a) of the Gun Control Act of 1968. Disclosure of this information is mandatory if the applicant wishes to obtain a Federal Firearms License. System of Record Notice (SORN) Justice/ATF-008 Regulatory Enforcement Record System FR Vol. 68 No. 163558 dated January 24, 2003.
2. **Purpose:** To determine the identity and eligibility of the applicant to obtain a Federal Firearms License, the identity and eligibility of all responsible persons, the ownership of the business, the type of firearms or ammunition to be dealt in, the business hours, and the business history.
3. **Routine Uses:** The information will be used by ATF to make determinations set forth in paragraph 2. In addition, information may be disclosed to other Federal, State, foreign and local law enforcement and regulatory agency personnel to verify information on the application and to aid in the performance of their duties with respect to the enforcement and regulation of firearms and/or ammunition where such disclosure is not prohibited by law. The information may further be disclosed to the Justice Department if it appears that the furnishing of false information may constitute a violation of Federal law. Finally, the information may be disclosed to members of the public in order to verify the information on the application when such disclosure is not prohibited by law.
4. **Effects of Not Supplying Information Requested:** Failure to supply complete information will delay processing and may result in denial of the application.

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Application for Federal Firearms License

Part A

1. Applicant's Business/Activity is: Individual Owner (*Sole Proprietor*) Partnership Corporation LLC
 Collector (*which can be an individual/partnership/corporation or LLC*) Other (*specify*) _____
2. Applicant Name (*Enter name of Owner/Sole Proprietor OR Partnership (include name of each partner) OR Corporation Name OR LLC Name*) _____

3. Trade or Business Name(s), if any _____	4. Employer Identification Number (EIN), if any (<i>see definition #17</i>) _____	5. Name of County in which Business/Activity is Located _____
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6. Business/Activity Address (<i>RFD or Street Number, City, State, and ZIP Code</i>) (<i>NOTE: This address CANNOT be a P.O. Box.</i>) _____	7. Mailing Address (<i>if different from address in item #6</i>) _____
---	--

8. Contact Numbers (*Include Area Code*)

Business/Activity Phone _____ Fax Number _____
 Cell Phone _____ Business Email _____

9. Describe the specific activity applicant is engaged in or intends to engage in, which requires a Federal Firearms License (sale of ammunition alone does not require a Federal Firearms License).

10. Application is made for a license under 18 U.S.C. Chapter 44 as a: (*Place an "X" in the appropriate box(es). Multiple license types may be selected- see instruction #8. Submit the fee noted next to the box(es) with the application. Licenses are issued for a 3-year period. See instruction #5 for payment information.*)

Type	Description of License Type	Fee
01	Dealer in Firearms Other than Destructive Devices (<i>Includes: rifles, shotguns, pistols, revolvers, gunsmith activities, and National Firearms Act (NFA) weapons</i>) (<i>see instruction #10</i>)	\$200 <input type="checkbox"/>
02	Pawnbroker in Firearms Other than Destructive Devices (<i>Includes: rifles, shotguns, pistols, revolvers, gunsmith activities, and National Firearms Act (NFA) weapons</i>) (<i>see instruction #10</i>)	\$200 <input type="checkbox"/>
03	Collector of Curios and Relics (<i>NOTE: This is not a license to conduct business, see instruction #8</i>)	\$30 <input type="checkbox"/>
06	Manufacturer of Ammunition for Firearms Other Than Ammunition for Destructive Devices or Armor Piercing Ammunition (<i>see instruction #11</i>)	\$30 <input type="checkbox"/>
07	Manufacturer of Firearms Other than Destructive Devices (<i>see instruction #11</i>)	\$150 <input type="checkbox"/>
08	Importer of Firearms Other than Destructive Devices or Ammunition for Firearms Other than Destructive Devices, or Ammunition Other than Armor Piercing Ammunition (<i>NOTE: Importer of handguns and rifles, see instruction #9</i>)	\$150 <input type="checkbox"/>
09	Dealer in Destructive Devices (<i>see definition #20</i>)	\$3000 <input type="checkbox"/>
10	Manufacturer of Destructive Devices, Ammunition for Destructive Devices, or Armor Piercing Ammunition (<i>see instruction #11</i>)	\$3000 <input type="checkbox"/>
11	Importer of Destructive Devices, Ammunition for Destructive Devices, or Armor Piercing Ammunition (<i>see instruction #9</i>)	\$3000 <input type="checkbox"/>
Total Fees		\$ 0

12. Hours of Operation and/or Availability of Business/Activity (please provide at least one hour in which you can be contacted by ATF personnel)

Hour(s): Please indicate AM or PM	Sun	Mon	Tues	Wed	Thu	Fri	Sat

IF YOU ARE ONLY APPLYING FOR A TYPE 03 (COLLECTOR OF CURIOS AND RELICS) LICENSE, SKIP ITEMS 13-17 AND GO TO ITEM 18. FOR ALL OTHER LICENSE TYPES, CONTINUE WITH ITEM 13.

13. Was the business obtained from someone else? (If "Yes," please provide the name of the previous business and their FFL Number) Yes No

Name of Previous Business

Federal Firearms License Number

14. Indicate type of business premises

Zoned Residential:

- Single Family Dwelling
 Condominium/Apartment
 Hotel/Motel
 Public Housing

Zoned Commercial:

- Store Front
 Office
 Rod & Gun Club
 Military Installation (see instruction #13-additional information required)
 Other (specify) _____

15. Applicant's business premises is:

Owned Premises

Military Installation

Rented/Leased Premises- provide name, telephone number, and address **of the property owner:**

Name

Street Address

Telephone Number (with area code)

City, State, and ZIP Code

16. Do you intend to sell firearms at Gun Shows and/or conduct Internet sales? Yes No

17. Do you intend to use your license ONLY to acquire firearms to enhance your personal collection? Yes No

18. Name of Chief Law Enforcement Officer (CLEO) (Please print the name of the CLEO to whom a copy of this application was provided. See instruction #4 and definition #1.)

19. Address of CLEO (Include Number, Street, City, County, State, and ZIP Code)

county:

ATTENTION Chief Law Enforcement Officer (CLEO): This form provides notification of a person's intent to apply for a Federal Firearms License (FFL). It requires no action on your part. However, should you have information that may disqualify the person from obtaining a Federal Firearms License, please contact the Federal Firearms Licensing Center toll free at 1-866-662-2750. Issuance of an FFL in no way guarantees the business or activity is not in violation of State and/or local law.

20. Applicant Certification (Please read **AND INITIAL** each box)

- a. The business/activity to be conducted under the Federal Firearms License is not prohibited by State or local law at the premises shown in item 6. This includes compliance with zoning ordinances. (Please contact your local zoning department PRIOR TO submitting application)
- b. Within 30 days after the application is approved, the business/activity will comply with the requirements of State and local law applicable to the conduct of the business/activity.
- c. Business/activity will not be conducted under the license until the requirements of State and local law applicable to the business/activity have been met.
- d. A completed copy of this application has been sent (mailed or delivered) to the Chief Law Enforcement Officer (CLEO) of the locality in which the premises listed in item 6 is located (see instruction #4 and definition #1).
- e. As required by 18 U.S.C. 923 (d)(1)(G), I certify that secure gun storage or safety devices will be available at any place in which firearms are sold under this Federal Firearms License to persons who are not licensees. (See definition #4) (If applying for a Type 03, Collector of Curios and Relics License ONLY, write "N/A" instead of initialing this certification box.)
- f. Part B of this application has been completed and will be submitted for EACH responsible person (RP) (See definition #3)

21. Certification: Under the penalties imposed by 18 U.S.C. 924, I declare that I have examined this application in its entirety and the documents submitted in support thereof and to the best of my knowledge and belief, they are true, correct, and complete. This signature, when presented by a duly authorized representative of the U.S. Department of Justice, will constitute consent and authority for the appropriate U.S. Department of Justice representative to examine and obtain copies and abstracts of records and to receive statements and information regarding the background of the applicant. Specifically, I hereby authorize the release of the following data or records to ATF: Military information/records, medical information/records, police and criminal records. This certification must be signed by a Responsible Person (see instruction #2 and definition #3).

Print Applicant Name (First, Middle, Last)

Applicant Signature

Date

Check Application Status (For ATF Use Only) Approved Abandoned Withdrawn Denied Reason for Denial: _____

Signature of Licensing Official: _____

Date: _____

Part B - Responsible Person Questionnaire

1. **EACH RESPONSIBLE PERSON MUST COMPLETE AND SIGN A SEPARATE QUESTIONNAIRE/ATF Form 7/7CR Part B.** In the future, if you need to add an additional Responsible Person (RP) to your FFL, the RP being added may complete this Part B-Responsible Person Questionnaire. If adding a RP to an existing license, be sure to include a signed written request from an existing RP on the license, giving permission to add the new Responsible Person (see instruction #7).
2. Issuance of your license or addition as a Responsible Person will be delayed if Part B is incomplete or otherwise improperly prepared.
3. **IMPORTANT!** All new responsible persons must submit a properly prepared FD-258 (Fingerprint Card) with this questionnaire. The fingerprints must be clear for accurate classification and taken by someone properly equipped to take them. The FD-258 should include "WVATF1100 ATF-FFLC, MARTINSBURG, WV" in the ORI block to facilitate processing of fingerprints.
4. List any given, married, and maiden names in Item 4, e.g., "Mary Alice (Smith) Jones," not "Mrs. John Jones." (If additional space is needed, attach a separate sheet. See instruction #1)

1. License or Applicant Name (From block 2 of Part A)	2. Federal Firearms License Number (If being added to an existing FFL)
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3. Name of Responsible Person (Last, First, Middle)	4. Aliases (Include given, married, maiden names)	5. Position/Title
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6. Social Security Number	7. Date of Birth (MM/DD/YYYY)	8. Place of Birth (City & State OR foreign country)
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9. Current Residence Address	10. Telephone Number (Personal Contact # with Area Code)
11. E-mail Address	

12. Previous Address(es) - Please provide every address you have had in the last five years and dates which you lived at the address(es) (If additional space is needed attach a separate sheet. See instruction #1)	13. Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	14. Height _____ Feet _____ Inches	15. Weight (lbs)	16. Eye Color <input type="checkbox"/> Black <input type="checkbox"/> Blue <input type="checkbox"/> Brown <input type="checkbox"/> Gray <input type="checkbox"/> Green <input type="checkbox"/> Hazel <input type="checkbox"/> Maroon <input type="checkbox"/> Multiple <input type="checkbox"/> Pink <input type="checkbox"/> Other _____	17. Hair Color <input type="checkbox"/> Bald <input type="checkbox"/> Black <input type="checkbox"/> Blond <input type="checkbox"/> Brown <input type="checkbox"/> Gray <input type="checkbox"/> Red <input type="checkbox"/> Sandy <input type="checkbox"/> White <input type="checkbox"/> Other _____
18. Ethnicity Hispanic or Latino <input type="checkbox"/> Yes <input type="checkbox"/> No					
19. Race (Please check one or more boxes) <input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Black or African American <input type="checkbox"/> Native Hawaiian or Other Pacific Islander <input type="checkbox"/> Asian <input type="checkbox"/> White					

For the following questions give full details on a separate sheet for all "Yes" answers (see instruction #1)	Yes	No
20. Have you ever held a Federal Firearms License? (If so, please include FFL#) _____		
21. Have you ever been a Responsible Person on a Federal Firearms License? (If so, please include FFL#) _____		
22. Have you ever been an officer in a corporation holding a Federal Firearms License? (If so, please include FFL#) _____		
23. Have you ever been an employee of a Federal Firearms Licensee?		
24. Have you ever been denied a Federal Firearms License?		
25. Have you ever had a Federal Firearms License revoked?		
26. Are you under indictment or information in any court for a felony, or any other crime, for which the judge could imprison you for more than one year? (See definition #10)		
27. Have you ever been convicted in any court for a felony, or any other crime, for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation? (See definition #10)		
28. Are you a fugitive from justice? (See definition #11)		
29. Are you under 21 years of age?		
30. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance? Warning: The use or possession of marijuana remains unlawful under Federal law regardless of whether it has been legalized or decriminalized for medicinal or recreational purposes in the state where you reside.		
31. Have you ever been adjudicated as a mental defective OR have you ever been committed to a mental institution? (See definitions #12 and #13)		
32. Have you been discharged from the Armed Forces under dishonorable conditions?		
33. Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner? (See definition #5)		
34. Have you ever been convicted in any court of a misdemeanor crime of domestic violence? (See definition #7)		

35. Country of Citizenship: (Check/List more than one, if applicable. Nationals of the United States may check U.S.A.)

United States of America Other Country/Countries (specify): _____

	Yes	No
36. Have you ever renounced United States citizenship?		
37. Are you an alien illegally or unlawfully in the United States?		
38. a. Are you an alien who has been admitted to the United States under a nonimmigrant visa? (See definition #8)		
b. If "yes", do you fall within any of the exceptions stated in definition #9? Attach supporting documentation to the application. <input type="checkbox"/> N/A		

39. If you are an alien, record your U.S.-Issued Alien or Admission number (AR#, USCIS#, or I94#): _____

40. Under the penalties imposed by 18 U.S.C. § 924 and 1001, I declare that I have examined any related documents submitted in regard to this questionnaire/ATF Form 7/7CR Part B, and to the best of my knowledge and belief, they are true, correct and complete. This signature, when presented by a duly authorized representative of the U.S. Department of Justice, will constitute consent and authority for the appropriate U.S. Department of Justice representative to examine and obtain copies and abstracts of records and to receive statements and information regarding my background. Specifically, I hereby authorize the release of the following data or records to ATF: Military information/records, medical information/records, police and criminal records.

Signature

Printed Name

Date

EACH RESPONSIBLE PERSON MUST COMPLETE AND SIGN A SEPARATE QUESTIONNAIRE/ATF FORM 7/7CR PART B

**Attach a 2" X 2"
Photograph Here**

**If you are applying for a Type 03
ONLY a photograph is not required**

1. Photo must have been taken within the last six months.
2. Photo must have been taken in full face view without a hat or head covering that obscures the hair or hairline.
3. On back of photograph print full name, last 4 of SSN, and business address.

If applying for a NEW FFL:

Mail application, fingerprint cards, photographs, and application fees, including a separate questionnaire/Part B for **EACH** Responsible Person, to:

Bureau of Alcohol, Tobacco, Firearms and Explosives
P.O. Box 409567
Atlanta, GA 30384-9567

If only adding a RP to an existing FFL:

Each Responsible Person being added must complete a separate questionnaire/ATF Form 7/7CR Part B and mail it, along with their fingerprint card and photograph, to: ATF, Attn: FFLC, 244 Needy Rd, Martinsburg, WV 25405. Each questionnaire must be accompanied by a signed written request from a current/existing RP on the license, giving permission to add the Responsible Person.

Type 03 Applicants:

A photograph and fingerprint card are not required if you are applying for a Type 03 Collector of Curios and Relics license only.

Questions:

If you have any questions relating to this form, please contact the ATF Federal Firearms Licensing Center at 1-866-662-2750, or your local ATF Industry Operations Office.

Print Full Name

Paperwork Reduction Act Notice

This request is in accordance with the Paperwork Reduction Act of 1995. The information collection is used to determine the eligibility of the applicant to engage in certain operations, to determine the location and extent of operations, and to determine whether the operations will be in conformity with Federal laws and regulations. The information requested is required in order to obtain or retain a benefit and is mandatory by statute (18 U.S.C. § 923).

The estimated average burden associated with this collection of information is 60 minutes per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to Reports Management Officer, Resource Management Staff, Bureau of Alcohol, Tobacco, Firearms and Explosives, Washington, DC 20226.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.



Positive

As of: April 10, 2018 8:59 PM Z

Platform I Shore, LLC v. Vill. of Lincolnwood

Appellate Court of Illinois, First District, First Division

August 18, 2014, Filed

No. 1-13-3923

Reporter

2014 IL App (1st) 133923 *; 17 N.E.3d 214 **; 2014 Ill. App. LEXIS 596 ***; 384 Ill. Dec. 641 ****

PLATFORM I SHORE, LLC, and 3318 W. DEVON, LLC, Plaintiffs-Appellants, v. THE VILLAGE OF LINCOLNWOOD, THE VILLAGE OF LINCOLNWOOD ZONING BOARD OF APPEALS, SHERWIN J. MALKIN, Chairman of the Village of Lincolnwood Zoning Board of Appeals, and AARON COOK, Zoning Officer for the Village of Lincolnwood, Defendants-Appellees.

of the court, with opinion. Presiding Justice Connors and Justice Cunningham concurred in the judgment and opinion.

Opinion by: HOFFMAN

Opinion

Subsequent History: As Corrected.

Prior History: [****1] Appeal from the Circuit Court of Cook County. No. 13 CH 6635. Honorable Mary Mikva, Judge, Presiding.

Disposition: Reversed and remanded.

Core Terms

shooting range, recreation, zoning, ordinance, zoning ordinance, health club, plaintiffs', permitted use, circuit court, question of law, ambiguous, firearms, sporting

Syllabus

Defendant village's denial of plaintiffs' zoning application for the development and operation of a firearms shooting range on their property was reversed, since a shooting range was a permitted use under the plain and unambiguous language of the zoning ordinance in existence at the time of plaintiffs' application.

Counsel: FOR APPELLANT(s): Stewart T. Kusper, Paul C. Mallon, Jr., Kusper Law Group, Ltd., Chicago, IL.

FOR APPELLEE(s): Steven M. Elrod, Peter M. Friedman, Hart M. Passman, Holland and Knight, LLP, Chicago, IL.

Judges: JUSTICE HOFFMAN delivered the judgment

[*P1] [**214] [****641] The plaintiffs, Platform I Shore, LLC, and 3318 W. Devon, LLC, appeal from the circuit court judgment which affirmed the decision of the defendants, The [**215] [****642] Village of Lincolnwood (Village), the Village of Lincolnwood Zoning Board of Appeals, Sherwin J. Malkin¹, chairman of the Village of Lincolnwood Zoning Board of Appeals (collectively referred hereinafter as the Board), and Aaron Cook, zoning officer for the Village of Lincolnwood, denying their zoning application for the development and operation of a firearms shooting range on their existing property. For the reasons that follow, we reverse the judgment of the circuit court and remand the cause for further proceedings.

[*P2] On March 8, 2013, the plaintiffs filed a complaint for [***2] administrative review of the Board's decision in the circuit court, alleging the following facts. Platform I Shore, LLC (Platform), leased the second floor of a Lincolnwood property owned by 3318 W. Devon, LLC, in order to operate a shooting range above the existing firearms dealership operated on the first floor of the property. The property is located in a "B-2 zone district" according to the Village's zoning district map. Pursuant to the "health club and private recreation" permitted-use provision for B-2 zoned properties, Platform submitted its application for a business license on October 1,

¹After the plaintiffs filed their notice of appeal, Sherwin J. Malkin died, and Herbert Theisen was appointed as the new chairman of the Village of Lincolnwood Zoning Board of Appeals.

2014 IL App (1st) 133923, *133923; 17 N.E.3d 214, **215; 2014 Ill. App. LEXIS 596, ***2; 384 Ill. Dec. 641, ****642

2012, and on October 2, 2012, 3318 W. Devon, LLC, filed an application to obtain a building permit for Platform's intended renovations and planned shooting range. The plaintiffs, through counsel, sent a letter on October 24, 2012, demanding a decision on their zoning application as promised by the Village's website, which provides that decisions shall be rendered within 11 days of submission. A second demand letter was sent on October 29, 2012.

[*P3] On November 1, 2012, Zoning Officer Cook denied the plaintiffs' application, stating that a shooting range did not fall within the zoning ordinance's [***3] permitted-use provision for "health club or private recreation." In the letter, Cook referenced a prior decision made in May 2012 in which the plaintiffs were allegedly told that a shooting range did not fall within the permitted uses for the property. The plaintiffs appealed from Cook's denial to the Board.

[*P4] On December 19, 2012, the Board conducted a hearing on the plaintiffs' appeal at which the following evidence was adduced. The plaintiffs submitted evidence of the plain definitions of "recreation" and contended that Cook read into the ordinance a non-existent exception. They also pointed to another shooting range located within the Village, namely in an area designated as the more restrictive B-1 zone district. The plaintiffs further refuted that any decision on this issue had been rendered in May 2012, and the record is void of any documentation of an application or previous decision from that date. Scott Krone, an architect involved in the planning of the plaintiffs' proposed new firearms store, testified that the May 2012 decision concerned a different approval process for the construction of a different structure in a different zoning district. He denied that he was ever informed [***4] by the Village at that time that a shooting range was an impermissible use of a B-2 zoned property.

[*P5] Village Trustee Thomas Heidtke testified for the Board that, when the zoning ordinance was rewritten in 2008, the Village did not intend to reverse its policy opposing firearms dealers and shooting ranges in the B-2 zone district. Further, on November 9, 2012, the Village adopted [**216] [****643] Resolution No. R2012-1710, initiating amendments to the ordinance which would formally codify the Village's determination that the provision for "health club or private recreation" excluded shooting ranges. The Village also submitted evidence that the plaintiffs had applied for permits on three prior occasions. In 1989, the plaintiffs applied for a special use permit to operate a shooting range on the

second floor of its current location, and that application was denied. In 1993, the plaintiffs applied for a special use permit, but they withdrew that application before a decision was rendered. In 1997, the plaintiffs sought to relocate their firearms store to a location at 3310 West Devon, but that application was denied.

[*P6] On February 6, 2013, the Board affirmed Cook's denial of the plaintiffs' application, finding [***5] that a shooting range did not fall into the intended meaning of the ordinance's definition of "health club or private recreation." The Board, with one member dissenting, opined that the Village clearly showed its legislative intent to exclude shooting ranges within the definition of "private recreation" by virtue of its previous denials of the plaintiffs' applications for a shooting range and the testimony of Heidtke. The dissenting Board member stated that, under the plain language of the current ordinance, a shooting range fell within the definition of "private recreation" and was a permitted use. Acknowledging that the Board had denied the plaintiffs' application for a shooting range in the past under a different ordinance, the dissenting Board member noted that there was also no evidence refuting that another shooting range had been permitted in a more restrictive zoning area of the Village in the past.

[*P7] The plaintiffs thereafter sought judicial review of the Board's decision in the circuit court. See 735 ILCS 5/3-101 et seq. (West 2012) (providing for judicial review of administrative agency decisions). On November 18, 2013, the circuit court affirmed the Board's decision, stating that it deferred to [***6] the Board's expertise in interpreting its own ordinances and agreed that the "health club or private recreation" provision did not include a shooting range within its meaning. The court specifically stated that it did not need to determine whether the zoning ordinance was ambiguous in making its ruling. The plaintiffs timely appealed.

[*P8] At the outset, we note that this court reviews the decision of the administrative agency, not the decision of the trial court. Lombard Public Facilities Corp. v. Dep't of Revenue, 378 Ill. App. 3d 921, 927-28, 881 N.E.2d 598, 317 Ill. Dec. 430 (2008). When reviewing the administrative agency's decision, the applicable standard of review depends on whether the question presented on appeal is one of fact, of law, or of both. *Id.* Our review of an agency's factual findings is limited to determining whether such findings are against the manifest weight of the evidence, and our review of agency rulings on questions of law are reviewed *de*

2014 IL App (1st) 133923, *133923; 17 N.E.3d 214, **216; 2014 Ill. App. LEXIS 596, ***6; 384 Ill. Dec. 641, ****643

novo. Id. at 928. However, when the issue presented contains mixed questions of law and fact, the standard of review is whether the decision was clearly erroneous. *Id.* The clearly-erroneous standard applies to administrative cases involving mixed questions of law and fact, rather than a bifurcated standard, in part because of the deference given to the [***7] agency's experience and expertise in interpreting its statutes. *Id.* "A mixed question of law and fact is whether the facts satisfy a statutory standard or whether the rule of law, as applied to the established facts, is violated." *Id.* While the agency is awarded deference, a reviewing court will reverse the agency decision [**217] [****644] when there is evidence supporting reversal and the reviewing court is "left with the definite and firm conviction that a mistake has been committed." AFM Messenger Service, Inc. v. Department of Employment Security, 198 Ill.2d 380, 393, 763 N.E.2d 272, 261 Ill. Dec. 302 (quoting United States v. United States Gypsum Co., 333 U.S. 364, 395, 68 S. Ct. 525, 92 L. Ed. 746 (1948)). Here, the question of whether the proposed use of the plaintiffs' property as a shooting range comports with the language of the zoning ordinance is a mixed question of law and fact, triggering our application of the clearly-erroneous standard-of-review.

[*P9] On appeal, the plaintiffs contend that the zoning ordinance in effect at the time of their application unambiguously provided that a shooting range was permissible under the "health club or private recreation" permitted-use provision and that their zoning application should not have been denied. We agree.

[*P10] Municipal ordinances, such as the zoning ordinance at issue here, are interpreted under the general rules of statutory construction and interpretation. [***8] LeCompte v. Zoning Bd. of Appeals for Barrington Hills, 2011 IL App (1st) 100423, ¶ 22; Puss N Boots, Inc. v. Mayor's License Comm'n of City of Chicago, 232 Ill. App. 3d 984, 986, 597 N.E.2d 650, 173 Ill. Dec. 676 (1992). The aim of statutory interpretation is to determine the legislative intent, which is best indicated by the statutory language, given its plain and ordinary meaning. Nowak v. City of Country Club Hills, 2011 IL 111838, ¶ 11. Where the statutory language is clear and unambiguous, we enforce it as written without reading into it exceptions, conditions, or limitations not expressed by the legislature. Martin v. Office of the State's Atty., 2011 IL App (1st) 102718, ¶ 10. Where a statute is ambiguous, courts will give substantial weight and deference to an interpretation by the agency charged with the administration and enforcement of the statute." Commonwealth Edison Co.

v. Ill. Commerce Comm'n, 2014 IL App (1st) 132011, ¶ 20. However, a statute is not ambiguous simply because the parties disagree as to its meaning. Commonwealth Edison, 2014 IL App (1st) 132011, ¶ 21. "A statute is ambiguous if its meaning cannot be interpreted from its plain language or if it is capable of being understood by reasonably well-informed persons in more than one manner." *Id.* Where a statute is capable of more than one reasonable interpretation, the statute is ambiguous and we may consider extrinsic aids to construction, such as the legislative history. Martin, 2011 IL App (1st) 102718, ¶ 10.

[*P11] It is undisputed that the plaintiffs' property rests in the B-2 zoning district, which is defined by the ordinance in effect at the time of their application as follows:

"The B-2 District is established [***9] to provide areas for a wide variety of retail, services and commercial uses, and allows for the highest intensity of such uses. Unlike the B-1 Traditional Business District—where pedestrian travel to and from the commercial activity is encouraged—virtually all patrons will arrive by automobile." Lincolnwood Zoning Ordinance, art. 4.01 (adopted Nov. 6, 2008).

[*P12] One of the stated permitted uses of a B-2 zone property is for a "health club or recreation facility, private." Lincolnwood Zoning Ordinance art. 4.05 (adopted Nov. 6, 2008). A "permitted use" is defined as a use "permitted as of right" provided that uses comply with all other [**218] [****645] applicable standards of the ordinance. Lincolnwood Zoning Ordinance art. 4.04 (adopted November 6, 2008). The ordinance further defines "health club or private recreation" as:

"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." Lincolnwood Zoning Ordinance art. 2.02 (adopted Nov. 6, [***10] 2008).

[*P13] "Recreation" is defined as "the act of recreating or the state of being recreated: refreshment of the strength and spirits after toil: DIVERSION, PLAY" or a "means of getting diversion or entertainment" or "one that provides recreations or amusement." Webster's Third New International Dictionary 1899 (1993). Article 2.02 of the Lincolnwood Zoning Ordinance further

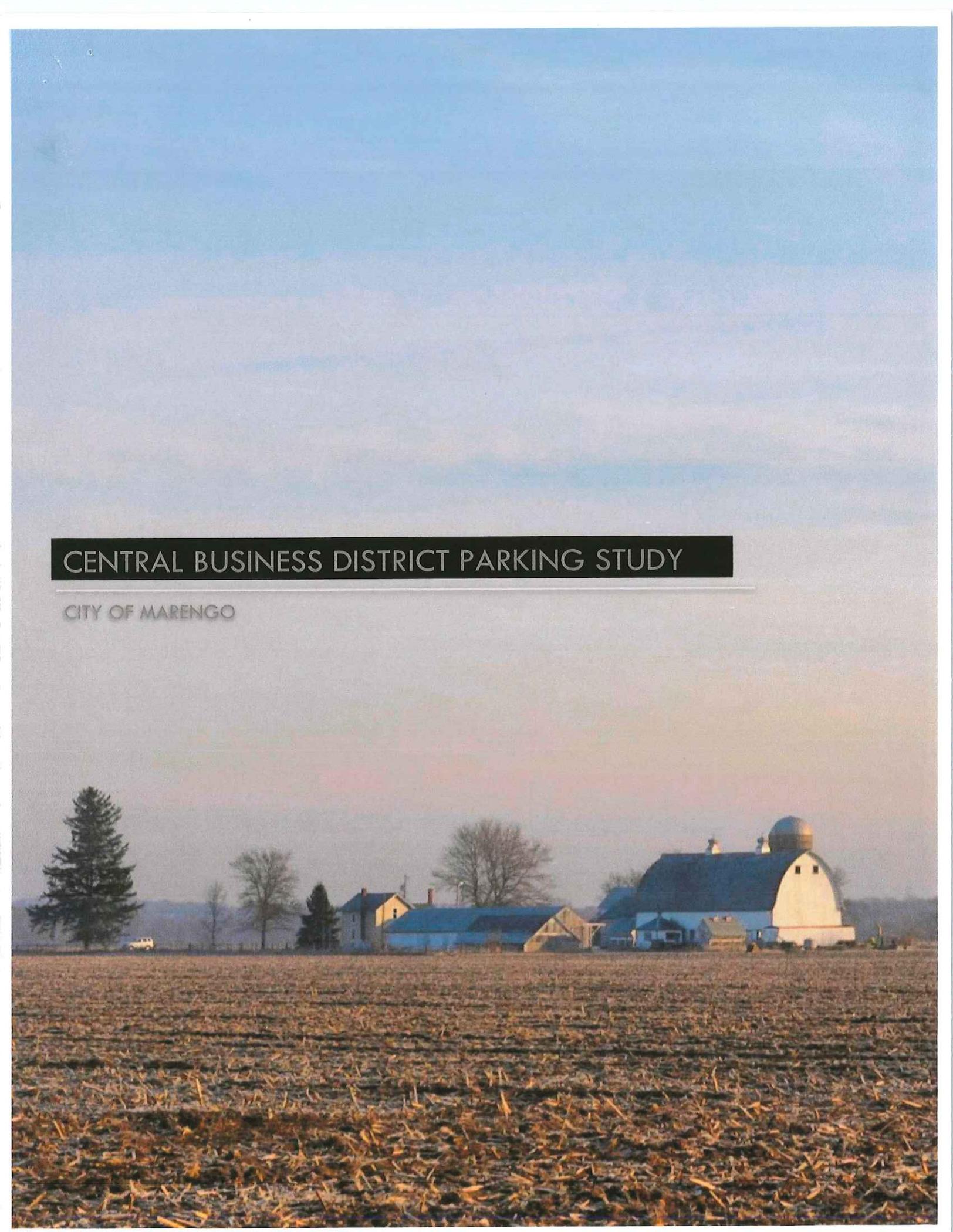
defines the phrase "health club or private recreation" to include a building designed for sports, exercise, leisure time activities, or other customary and usual recreational activities. Shooting ranges for pistol and rifle shooting and target practice have been held to constitute a recreational activity, even though not specifically enumerated in the statute at issue (*McNames v. Rockford Park District*, 185 Ill. App. 3d 291, 295, 540 N.E.2d 1119, 133 Ill. Dec. 253 (1989)).

[*P14] Here, we find that the plain language of the Lincolnwood Zoning Ordinance is unambiguous. We, therefore, need not consider the extrinsic evidence submitted at the Board's hearing on the plaintiffs' appeal, but rely solely on the plain language of the ordinance itself to conclude that the proposed shooting range is a permitted use as of right under the ordinance's provision related to "health club or private recreation. Like in *McNames*, in this case, [***11] we find that the proposed shooting range falls squarely within the broad language used in the ordinance, namely "recreation." Moreover, as the plaintiffs point out, common sense dictates that target shooting is also considered a sport as it is an Olympic sporting event and a recognized sporting activity within our national college associations and 4-H clubs. See *People v. Chicago Title & Trust Co.*, 75 Ill. 2d 479, 493, 389 N.E.2d 540, 27 Ill. Dec. 476 (1979) (stating that the words of a statute "must be read to reach a common-sense result").

[*P15] We acknowledge that the zoning ordinance has since been amended to specially address shooting ranges, but our duty here is only to interpret the statute in effect at the time of the plaintiffs' application, and we cannot read exceptions into the statute that simply are not there. Our decision further does not address whether the application for this permitted use complies with all other applicable standards of the ordinance as that issue is not present before us today. See Lincolnwood Zoning Ordinance art. 4.04 (adopted Nov. 6, 2008) (stating a permitted use is a use permitted as of right provided that uses comply with all other applicable standards of the ordinance).

[*P16] For the reasons stated, we reverse the judgment of the circuit court [***12] of Cook County and remand the cause for further proceedings consistent with this opinion.

[*P17] Reversed and remanded.



CENTRAL BUSINESS DISTRICT PARKING STUDY

CITY OF MARENGO



Overview & Background

1.1 Location & Background	X
1.2 Glossary of Definitions and Terms	X
1.3 Intent	X
1.4 Anticipated Impact	X
1.5 Method & Execution	X

Survey Information

2.1 Survey Map	X
2.2 Zone Identification Map	X
2.3 Data Collection Overview: Dates, Times	X

Collected Data & Analysis

3.1 Parking Supply Inventory/Map	X
3.2 Parking Accumulation/Supply Matrix	X
3.3 Parking Accumulation/Trends	X
3.4 Data Synopsis	X

Raw Data

4.1 Survey Sheets	X
4.2 Photos	X

OVERVIEW & BACKGROUND

1.1 Location & Background

Marengo, IL

1.2 Glossary of Definitions and Terms

CBD: Central Business District, typically ranging from an average size of 27 blocks (10,000-25,000 population cities) to over 200 blocks (cities over 1,000,000 population)

CBD Fringe: the area immediately surrounding the CBD, usually within 2-3 blocks

Change of Mode: the transfer from one form of transportation to another. A park and ride lot is an example of a change of mode, where an auto driver parks the vehicle and rides public transportation for the remainder of the trip

Duration: the length of time a vehicle remains in one parking space

Long Term Parking: parking with a duration of three hours or more

Outlying Business District: commercial area generally removed by a mile or more from a central CBD

Parking Accumulation: the total number of vehicles parked in a specific area (usually segregated by type of parking facility) at a specific time

Parking Demand: the number of vehicles with drivers desiring to park at a specific location or in a general area. It is usually expressed as the number of vehicles during the peak-parking hour

Parking Space or Stall: an area large enough to accommodate one parked vehicle with unrestricted access (no blockage by another parked vehicle)

Parking Supply: the number of spaces available for use, usually classified by on-street curb (metered and unmetered), lot and garage. Further differentiation of the types of parking is useful, such as those available to the general public, and private spaces earmarked for a specific purpose such as loading

Parking Volume: the total number of vehicles that park in a study area during a specific length of time

Short Term Parking: parking with a duration of three hours or less.

Time of Survey: the time of which the parking survey is started

Survey Period: the time during which the parking survey is conducted

Turnover: the number of different vehicles parked at a specific parking space or facility during the study period. Parking turnover measures utilization

1.3 Intent

This Parking Study intends to assess the current parking accumulation within the vicinity of the proposed range in order to evaluate the impact that D5 Range patrons would have on the existing parking supply.

D5 Ranges has purchased and is currently rehabbing the building located at 131 E. Prairie Street in Marengo, IL - known locally as the 'McGill' Building. D5 Ranges intends to convert the former manufacturing plant to a High-End public gun range and law enforcement training center.

1.4 Anticipated Impact

D5 Ranges has purchased and is currently rehabbing the building located at 131 E. Prairie Street in Marengo, IL - known locally as the 'McGill' Building. D5 Ranges intends to convert the former manufacturing plant to a High-End public Firearm Range and Law Enforcement Training Center. D5 Ranges intends to operate 7 days a week from 8:00am to 8:00pm.

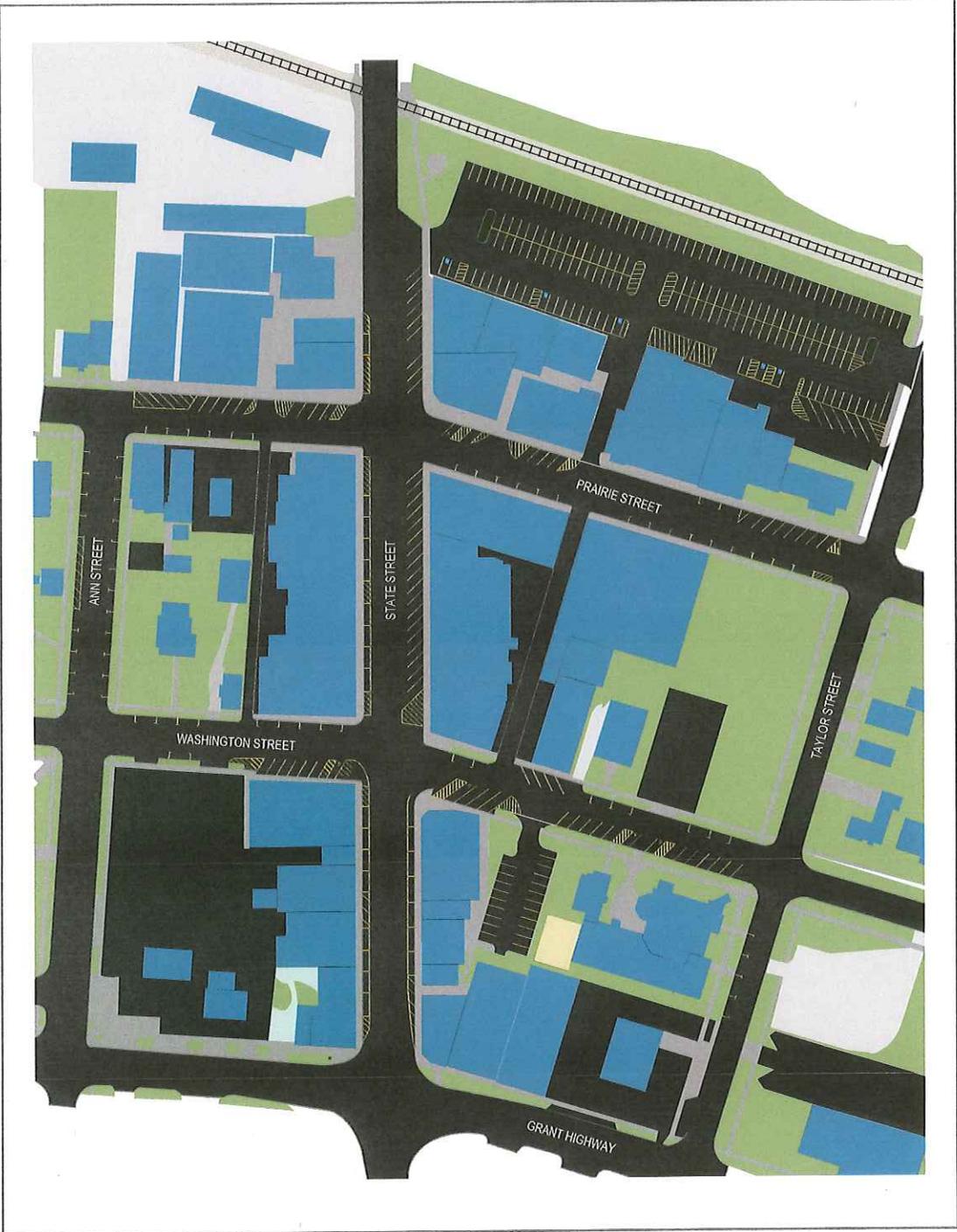
The anticipated impact on the existing Parking Supply (expressed as 'Parking Stalls Occupied' by those)

Weekdays (Monday- Friday)			
	Total	Employees	Customers
8:00 AM	X	X	X
9:00 AM	X	X	X
10:00 AM	X	X	X
11:00 AM	X	X	X
12:00 PM	X	X	X
1:00 PM	X	X	X
2:00 PM	X	X	X
3:00 PM	X	X	X
4:00 PM	X	X	X
5:00 PM	X	X	X
6:00 PM	X	X	X
7:00 PM	X	X	X
8:00 PM	X	X	X

Weekends (Saturday & Sunday)			
	Total	Employee	Customers
8:00 AM	X	X	X
9:00 AM	X	X	X
10:00 AM	X	X	X
11:00 AM	X	X	X
12:00 PM	X	X	X
1:00 PM	X	X	X
2:00 PM	X	X	X
3:00 PM	X	X	X
4:00 PM	X	X	X
5:00 PM	X	X	X
6:00 PM	X	X	X
7:00 PM	X	X	X
8:00 PM	X	X	X

SURVEY INFORMATION

2.1 Survey Map



2.2 Zone Identification Map



2.3 Data Collection Overview: Dates, Times

Date	Area	Time of Day
Sunday, April 1, 2018	Municipal Lot	12:00 PM
Sunday, April 1, 2018	Zones	12:00 PM
Sunday, April 1, 2018	Municipal Lot	3:00 PM
Sunday, April 1, 2018	Zones	3:00 PM
Sunday, April 1, 2018	Municipal Lot	6:00 PM
Sunday, April 1, 2018	Zones	6:00 PM
Sunday, April 1, 2018	Municipal Lot	8:00 AM
Sunday, April 1, 2018	Zones	8:00 AM
Monday, April 2, 2018	Municipal Lot	10:00 AM
Monday, April 2, 2018	Zones	10:00 AM
Monday, April 2, 2018	Municipal Lot	12:00 PM
Monday, April 2, 2018	Zones	12:00 PM
Monday, April 2, 2018	Municipal Lot	2:00 PM
Monday, April 2, 2018	Zones	2:00 PM

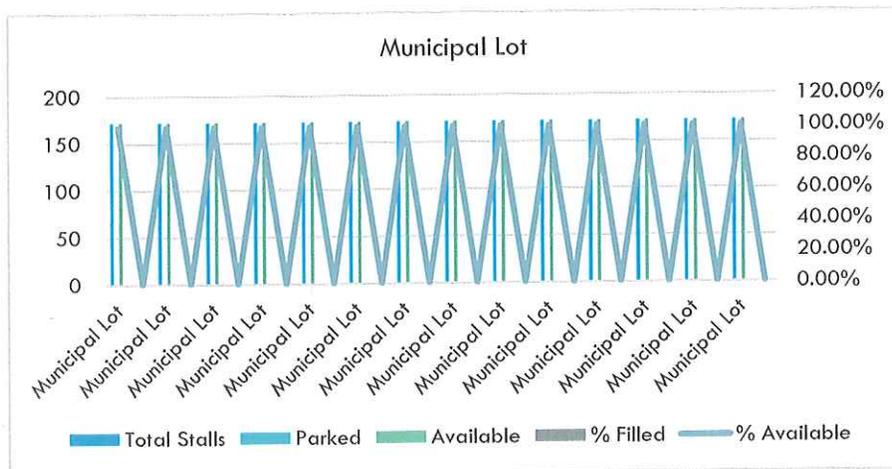
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COLLECTED DATA

3.1 Parking Supply Inventory/Map

3.2 Parking Accumulation/Supply Matrix

Date	Area	Time of Day	Total Stalls	Parked	Available	% Filled	% Available
Sunday, April 1, 2018	Municipal Lot	12:00 PM	172		172	0.00%	100.00%
Sunday, April 1, 2018	Zones	12:00 PM			0	#DIV/0!	#DIV/0!
Sunday, April 1, 2018	Municipal Lot	3:00 PM	172		172	0.00%	100.00%
Sunday, April 1, 2018	Zones	3:00 PM			0	#DIV/0!	#DIV/0!
Sunday, April 1, 2018	Municipal Lot	6:00 PM	172		172	0.00%	100.00%
Sunday, April 1, 2018	Zones	6:00 PM			0	#DIV/0!	#DIV/0!
Sunday, April 1, 2018	Municipal Lot	8:00 AM	172		172	0.00%	100.00%
Sunday, April 1, 2018	Zones	8:00 AM			0	#DIV/0!	#DIV/0!
Monday, April 2, 2018	Municipal Lot	10:00 AM	172		172	0.00%	100.00%
Monday, April 2, 2018	Zones	10:00 AM			0	#DIV/0!	#DIV/0!
Monday, April 2, 2018	Municipal Lot	12:00 PM	172		172	0.00%	100.00%
Monday, April 2, 2018	Zones	12:00 PM			0	#DIV/0!	#DIV/0!
Monday, April 2, 2018	Municipal Lot	2:00 PM	172		172	0.00%	100.00%
Monday, April 2, 2018	Zones	2:00 PM			0	#DIV/0!	#DIV/0!
Tuesday, April 3, 2018	Municipal Lot	12:00 PM	172		172	0.00%	100.00%
Tuesday, April 3, 2018	Zones	12:00 PM			0	#DIV/0!	#DIV/0!
Tuesday, April 3, 2018	Municipal Lot	3:00 PM	172		172	0.00%	100.00%
Tuesday, April 3, 2018	Zones	3:00 PM			0	#DIV/0!	#DIV/0!
Tuesday, April 3, 2018	Municipal Lot	6:00 PM	172		172	0.00%	100.00%
Tuesday, April 3, 2018	Zones	6:00 PM			0	#DIV/0!	#DIV/0!
Wednesday, April 4, 2018	Municipal Lot	8:00 AM	172		172	0.00%	100.00%
Wednesday, April 4, 2018	Zones	8:00 AM			0	#DIV/0!	#DIV/0!
Wednesday, April 4, 2018	Municipal Lot	10:00 AM	172		172	0.00%	100.00%
Wednesday, April 4, 2018	Zones	10:00 AM			0	#DIV/0!	#DIV/0!
Wednesday, April 4, 2018	Municipal Lot	12:00 PM	172		172	0.00%	100.00%
Wednesday, April 4, 2018	Zones	12:00 PM			0	#DIV/0!	#DIV/0!
Wednesday, April 4, 2018	Municipal Lot	2:00 PM	172		172	0.00%	100.00%
Wednesday, April 4, 2018	Zones	2:00 PM			0	#DIV/0!	#DIV/0!



3.3 Parking Accumulation/Trends

3.4 Data Synopsis

RAW DATA

4.1 Survey Sheets



4.2 Photos



Sunday April 1 2018 | 9:24 am

REQUEST FOR ZONING AMENDMENT

Instructions to applicant: To request a change in the Zoning Map, a Request for Zoning Amendment form must be completed and public hearing held. If the Applicant is requesting that his/her property be rezoned, a site plan must be included with the application showing the information listed on the attached sheet. Normally there are only two primary reasons for a change in zoning: (1) the original zoning was in error, (2) the character of the area has changed to such an extent as to warrant rezoning. The burden of providing substantiating evidence rests with the Applicant.

1. Applicant information:

Name L.B. Marengo, LLC Telephone # (847) 875-9090
Address 131 E. Prairie Street, Marengo, IL 60152
Street City Zip Code

2. Property interest of applicant:

Owner Contract purchaser
 Lessee Other _____

3. Name of owner (if other than applicant):
(Attach additional sheets if necessary).

Name N/A Telephone # _____
Address _____
Street City Zip Code

4. Location of property:

Street address 131 E. Prairie Street, Marengo, Illinois 60152
Legal description (Lot, Block, and Subdivision): See legal description attached hereto and made a part hereof as Exhibit A.
PIN 11-36-157-009; 11-36-157-010; 11-36-157-014 and part of 11-36-157-011

5. ^{Text} Amendment to Map:

It is requested that the property described below and shown on the attached site plan be ~~rezoned~~ granted a Text Amendment
See attached.

6. Present zoning classification of the area B-1

7. Present use of property (If any uses or buildings on the property are non-conforming, so state):
Vacant building

Attachment to Request for Zoning Amendment No. 5

To allow a text amendment to add "Indoor Shooting Range" as a special use in the B-1 Central Business District under Section 11.02 E of the Zoning Ordinance of the City of Marengo. Furthermore, applicant requests issuance of a special use permit to allow an "Indoor Shooting Range" at the address stated above. The applicant also requests a variation of the parking requirements of Article 8.04, 8.05 and 8.07 of the Zoning Ordinance of the City of Marengo to "zero" or "not applicable" since the property is an existing building that does not have separate off street parking; along with such other variations as may be necessary for the use requested.

Request for zoning amendment continued

8. Reason for amendment: The Petitioner desires to create a new use for a former industrial building in order to re-purpose the building.

9. I certify that all the above statements and the statements contained in any papers or plans submitted herewith are true and accurate. I consent to the entry in or upon the premises described in this application by any authorized official for the purpose of inspection as may be required by

L.B. Maringo, LLC

X By: [Signature]
Signature of applicant Its Manager

Date

Signature of owner (If different from applicant)

Date

DO NOT WRITE IN THIS SPACE--FOR OFFICE USE ONLY

Date of hearing _____ PIN _____

Notice published on _____ Zoning _____

Newspaper _____ Fee Paid _____ Check # _____

Action by Planning and Zoning Commission: _____ Date _____

Denied _____ Approved _____ Approved with modification by Commission _____

Comments: (Indicate other actions such as continuance) _____

EXHIBIT "A"

PARCEL 1:

ALL THAT PART OF LOTS 4 AND 5, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 4, AT THE INTERSECTION OF THE SOUTHERLY LINE OF PRAIRIE STREET WITH THE EASTERLY LINE OF SPENCER'S ALLEY; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID LOT 4 TO THE SOUTHWEST CORNER THEREOF; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID LOT 4, DISTANCE OF 22 FEET; THENCE SOUTHERLY ON A LINE PARALLEL WITH THE EASTERLY LINE OF SAID LOT 5, A DISTANCE OF 22 FEET; THENCE EASTERLY ON A LINE PARALLEL WITH THE NORTH LINE OF SAID LOT 5, A DISTANCE OF 44 FEET, MORE OR LESS, TO THE EASTERLY LINE THEREOF; THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID LOT 5, A DISTANCE OF 22 FEET, TO THE NORTHEAST CORNER OF SAID LOT 5; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID LOT 5, A DISTANCE OF 6 FEET; THENCE NORTHERLY ON A LINE PARALLEL WITH THE EASTERLY LINE OF SAID LOT 4 TO THE NORTH LINE THEREOF, AND THE SOUTH LINE OF PRAIRIE STREET; THENCE WESTERLY ALONG THE SAID SOUTH LINE OF PRAIRIE STREET AND THE NORTH LINE OF SAID LOT 4, A DISTANCE OF 60 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING, IN BLOCK 7 IN THE ORIGINAL PLAT OF THE TOWN OF MARENGO, A SUBDIVISION OF PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 44 NORTH, RANGE 5 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND PART OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 44 NORTH, RANGE 5 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 26, 1846, IN BOOK G OF DEEDS, PAGE 188, IN MCHENRY COUNTY, ILLINOIS. ALSO

PARCEL 2:

THE SOUTHERLY 17.25 FEET OF THE NORTHERLY 39.25 FEET OF SUB-LOT 3 OF LOT 5 IN BLOCK 7, ACCORDING TO THE COUNTY CLERK'S PLAT OF PART OF BLOCKS 7 AND 10 IN THE ORIGINAL PLAT OF MARENGO AS RECORDED IN THE RECORDER'S OFFICE OF MCHENRY COUNTY, ILLINOIS, IN BOOK 2 OF PLATS, PAGE 15, LOCATED IN AND BEING A PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 44, RANGE 5 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN MCHENRY COUNTY, ILLINOIS.

PARCEL 3:

LOT 3, PART OF SUB-LOT 1 OF LOT 4 AND PART OF LOT 2 IN BLOCK 7, OF THE COUNTY CLERK'S PLAT OF PART OF BLOCKS 7 AND 10 IN THE ORIGINAL PLAT OF MARENGO AS RECORDED IN THE RECORDER'S OFFICE OF MCHENRY COUNTY, ILLINOIS, IN BOOK 2 OF PLATS, PAGE 15, LOCATED IN AND BEING A PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 44 NORTH, RANGE 5 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SUB-LOT 1 OF LOT 4 IN SAID SUBDIVISION; THENCE SOUTH 78 DEGREES 57 MINUTES 55 SECONDS EAST ALONG THE NORTH LINE THEREOF, 60.0 FEET TO THE PLACE OF BEGINNING; THENCE CONTINUING SOUTH 78 DEGREES 57 MINUTES 55 SECONDS EAST, 73.60 FEET TO A

POINT 1.60 FEET EAST OF THE NORTHEAST CORNER OF SAID LOT 3; THENCE SOUTH 10 DEGREES 39 MINUTES 33 SECONDS WEST PARALLEL WITH THE EAST LINE OF SAID LOT 3 A DISTANCE OF, 120.99 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 2; THENCE. NORTH 78 DEGREES 39 MINUTES 57 SECONDS WEST ALONG THE SOUTH LINES OF SAID LOTS 2, 3 & SUB-LOT 1 OF LOT 4, A DISTANCE OF 73.61 FEET; THENCE NORTH 10 DEGREES 39 MINUTES 33 SECONDS EAST ALONG A LINE 6.0 FEET WEST OF AND PARALLEL WITH THE WEST LINE OF SAID LOT 3, A DISTANCE OF 120.60 FEET TO THE PLACE OF BEGINNING IN MCHENRY COUNTY ILLINOIS.

PARCEL 4:

SUB-LOT 2 OF LOT 5 IN BLOCK 7, ACCORDING TO THE COUNTY CLERK'S PLAT OF PART OF BLOCKS 7 AND 10 IN THE ORIGINAL PLAT OF MARENGO AS RECORDED IN THE RECORDER'S OFFICE IN MCHENRY COUNTY, ILLINOIS, IN BOOK 2 OF PLATS, PAGE 15, LOCATED IN AND BEING A PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 44 NORTH, RANGE 5 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN MCHENRY COUNTY, ILLINOIS.

PARCEL 5:

PART OF LOT 2 IN BLOCK 7, ACCORDING TO THE COUNTY CLERK'S PLAT OF PART OF BLOCKS 7 AND 10 IN THE ORIGINAL PLAT OF MARENGO AS RECORDED IN THE RECORDER'S OFFICE OF MCHENRY COUNTY, ILLINOIS, IN BOOK 2 OF PLATS, PAGE 15, LOCATED IN AND BEING A PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 44 NORTH, RANGE 5 EAST OF THE THIRD PRINCIPAL MERIDIAN, BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 2; THENCE SOUTH 78 DEGREES 57 MINUTES 55 SECONDS EAST ALONG THE NORTH LINE THEREOF, 1.60 FEET; THENCE SOUTH 10 DEGREES 39 MINUTES 33 SECONDS WEST PARALLEL WITH THE WEST LINE OF SAID LOT 2, A DISTANCE OF 37.00 FEET TO THE PLACE OF BEGINNING; THENCE SOUTH 79 DEGREES 20 MINUTES 27 SECONDS EAST, 19.00 FEET; THENCE SOUTH 10 DEGREES 39 MINUTES 33 SECONDS WEST PARALLEL WITH THE WEST LINE OF SAID LOT 2, A DISTANCE OF 18.00 FEET; THENCE NORTH 79 DEGREES 20 MINUTES 27 SECONDS WEST, 19.00 FEET TO THE WEST LINE THEREOF; THENCE NORTH 10 DEGREES 39 MINUTES 33 SECONDS EAST, 18.00 FEET TO THE PLACE OF BEGINNING, IN MCHENRY COUNTY, ILLINOIS.

PINS: 11-36-157-009, 11-36-157-010, 11-36-157-014 and 11-36-157-011 (includes other property)

Untitled Map

Write a description for your map.

Legend



PLAT OF SURVEY

Vanderstappen
Land Surveying, Inc.

1116 N. Madison St.
Woodstock, Illinois 60091
Ph. 815-337-8310 fax 815-337-8314
Always faithful to the property!

Parcel 1
All that part of Lots 4 and 5, bounded and described as follows: Commencing at the Northwest corner of said Lot 4, at the intersection of the Southern line of Prairie Street with the Eastern line of Spencers Alley, thence Southerly along said line to said Lot 4 to the Southwest corner thereof; thence Easterly along the Eastern line of said Lot 4 to a distance of 22 feet; thence Easterly on a line parallel with the North line of said Lot 4 to a distance of 44 feet, more or less, to the Eastern line thereof; thence Northerly along the Eastern line of said Lot 4, a distance of 22 feet to the Northeast corner of said Lot 4; thence Westerly along the Northern line of said Lot 4, a distance of 6 feet; thence Northerly on a line parallel with the Eastern line of said Lot 4, to the North line thereof, and the South line of Prairie Street, a distance of 80 feet, more or less, to the South line of Prairie Street; thence Southerly along said line to the Eastern line of said Lot 4, a distance of 80 feet, more or less, to the Eastern line of said Lot 4, to the place of beginning. In Block 7 in the Original Plat of the Town of Marengo, a Subdivision of part of the West Half of the Northwest Quarter of Section 38, Township 44 North, Range 5 East of the Third Principal Meridian, and part of the Northeast Quarter of Section 35, Township 44 North, Range 5 East of the Third Principal Meridian, according to the Plat thereof recorded September 25, 1846, in Book 6 of Deeds, page 188, in McHenry County, Illinois. Also,

Parcel 2
The Southery 17.25 feet of the Northernly 39.25 feet of Sub-Lot 3 of Lot 5 in Block 7, according to the County Clerk's Plat of part of Blocks 7 and 10 in the Original Plat of Marengo as recorded in the Recorder's Office of McHenry County, Illinois, in Book 2 of Plats, page 15, located in and being a part of the West Half of the Northwest Quarter of Section 36, Township 44 North, Range 5 East of the Third Principal Meridian, described as follows: Commencing at the Northwest corner of Sub-Lot 1 of Lot 4, North of said Sub-Lot 1, a distance of 80.0 feet to the Place of Beginning; thence South 78 degrees 57 minutes 55 seconds East, 73.60 feet to a point 1.80 feet East of the Northeast corner of said Lot 3; thence South 10 degrees 39 minutes 33 seconds West parallel with the East line of said Lot 3, 120.99 feet to a point on the South line of said Lot 2; thence North 78 degrees 39 minutes 57 seconds West along the South line of said Lot 2, 3 & Sub-Lot 1 of 4, a distance of 73.61 feet; thence North 10 degrees 39 minutes 33 seconds East along a line to the place of one parallel with the West line of said Lot 5, a distance of 120.60 feet to the place of beginning in McHenry County, Illinois.

Parcel 3
Part of Lot 4 and Part of Lot 2, in Block 7, according to the County Clerk's Plat of part of Blocks 7 and 10 in the Original Plat of Marengo as recorded in the Recorder's Office of McHenry County, Illinois, in Book 2 of Plats, page 15, located in and being a part of the West Half of the Northwest Quarter of Section 36, Township 44 North, Range 5 East of the Third Principal Meridian, described as follows: Commencing at the Northwest corner of Sub-Lot 1 of Lot 4, North of said Sub-Lot 1, a distance of 80.0 feet to the Place of Beginning; thence South 78 degrees 57 minutes 55 seconds East, 73.60 feet to a point 1.80 feet East of the Northeast corner of said Lot 3; thence South 10 degrees 39 minutes 33 seconds West parallel with the East line of said Lot 3, 120.99 feet to a point on the South line of said Lot 2; thence North 78 degrees 39 minutes 57 seconds West along the South line of said Lot 2, 3 & Sub-Lot 1 of 4, a distance of 73.61 feet; thence North 10 degrees 39 minutes 33 seconds East along a line to the place of one parallel with the West line of said Lot 5, a distance of 120.60 feet to the place of beginning in McHenry County, Illinois.

Parcel 4
Sub-Lot 2 of Lot 5 in Block 7, according to the County Clerk's Plat of part of Blocks 7 and 10 in the Original Plat of Marengo as recorded in the Recorder's Office of McHenry County, Illinois, in Book 2 of Plats, page 15, located in and being a part of the West Half of the Northwest Quarter of Section 36, Township 44 North, Range 5 East of the Third Principal Meridian, in McHenry County, Illinois.

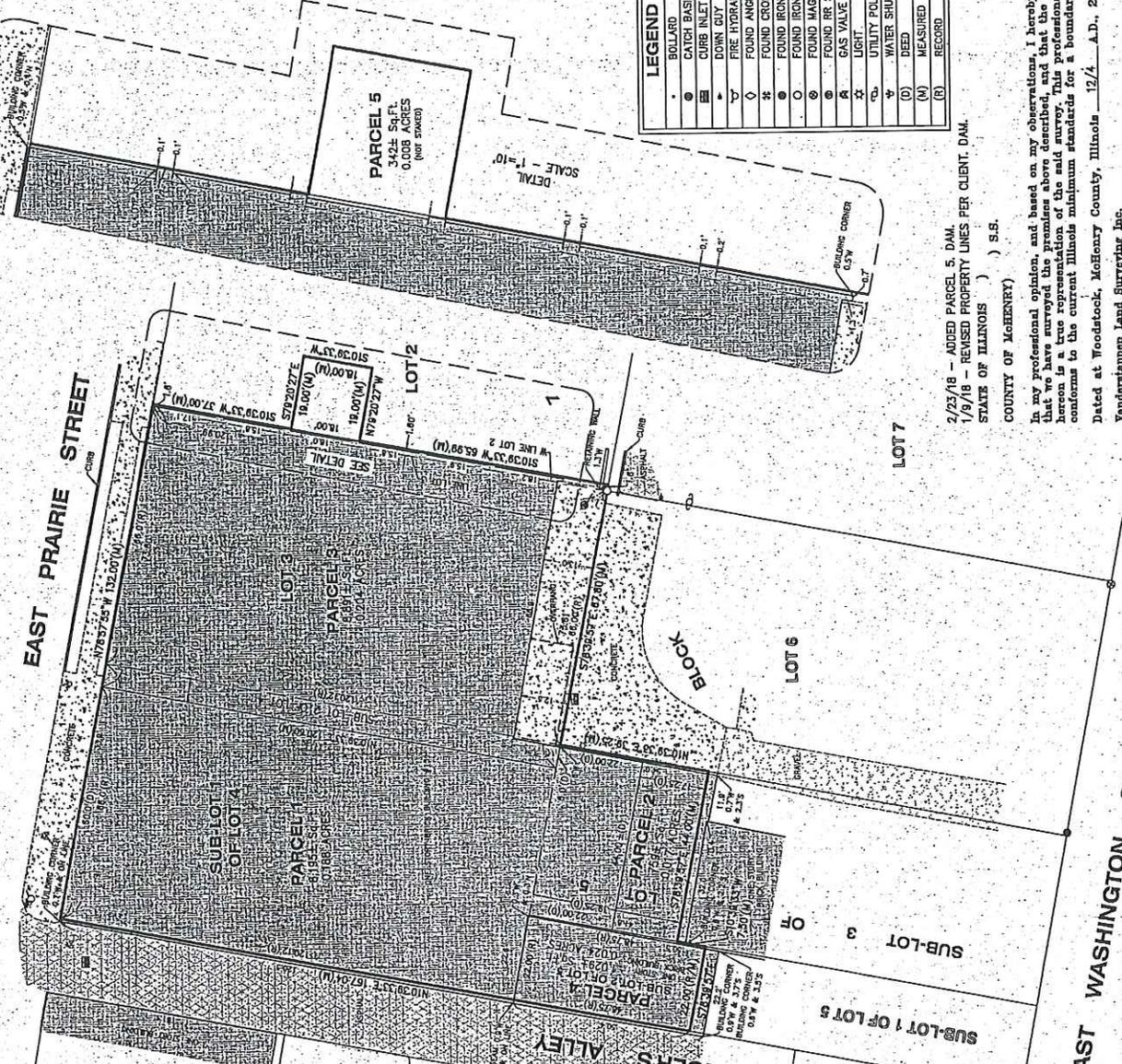
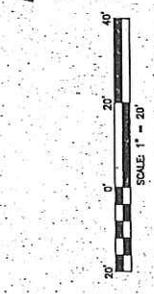
Parcel 5 (Not etched)
Part of Lot 2, in Block 7, according to the County Clerk's Plat of part of Blocks 7 and 10 in the Original Plat of Marengo as recorded in the Recorder's Office of McHenry County, Illinois, in Book 2 of Plats, page 15, located in and being a part of the West Half of the Northwest Quarter of Section 36, Township 44 North, Range 5 East of the Third Principal Meridian, being described as follows: Commencing at the Northwest corner of said Lot 2, thence South 78 degrees 57 minutes 55 seconds East, 73.60 feet to a point 1.80 feet East of the Northeast corner of said Lot 3; thence South 10 degrees 39 minutes 33 seconds West parallel with the East line of said Lot 3, 120.99 feet to a point on the South line of said Lot 2; thence North 78 degrees 39 minutes 57 seconds West along the South line of said Lot 2, 3 & Sub-Lot 1 of 4, a distance of 73.61 feet; thence North 10 degrees 39 minutes 33 seconds East along a line to the place of one parallel with the West line of said Lot 5, a distance of 120.60 feet to the place of beginning in McHenry County, Illinois.

Parcel 6
Sub-Lot 1 of Lot 5, according to the County Clerk's Plat of part of Blocks 7 and 10 in the Original Plat of Marengo as recorded in the Recorder's Office of McHenry County, Illinois, in Book 2 of Plats, page 15, located in and being a part of the West Half of the Northwest Quarter of Section 36, Township 44 North, Range 5 East of the Third Principal Meridian, being described as follows: Commencing at the Northwest corner of said Lot 2, thence South 78 degrees 57 minutes 55 seconds East, 73.60 feet to a point 1.80 feet East of the Northeast corner of said Lot 3; thence South 10 degrees 39 minutes 33 seconds West parallel with the East line of said Lot 3, 120.99 feet to a point on the South line of said Lot 2; thence North 78 degrees 39 minutes 57 seconds West along the South line of said Lot 2, 3 & Sub-Lot 1 of 4, a distance of 73.61 feet; thence North 10 degrees 39 minutes 33 seconds East along a line to the place of one parallel with the West line of said Lot 5, a distance of 120.60 feet to the place of beginning in McHenry County, Illinois.

Parcel 7
Sub-Lot 3 of Lot 5, according to the County Clerk's Plat of part of Blocks 7 and 10 in the Original Plat of Marengo as recorded in the Recorder's Office of McHenry County, Illinois, in Book 2 of Plats, page 15, located in and being a part of the West Half of the Northwest Quarter of Section 36, Township 44 North, Range 5 East of the Third Principal Meridian, being described as follows: Commencing at the Northwest corner of said Lot 2, thence South 78 degrees 57 minutes 55 seconds East, 73.60 feet to a point 1.80 feet East of the Northeast corner of said Lot 3; thence South 10 degrees 39 minutes 33 seconds West parallel with the East line of said Lot 3, 120.99 feet to a point on the South line of said Lot 2; thence North 78 degrees 39 minutes 57 seconds West along the South line of said Lot 2, 3 & Sub-Lot 1 of 4, a distance of 73.61 feet; thence North 10 degrees 39 minutes 33 seconds East along a line to the place of one parallel with the West line of said Lot 5, a distance of 120.60 feet to the place of beginning in McHenry County, Illinois.

Notes: Only those Building Line Restrictions or Easements shown on a Recorded Subdivision Plat are shown hereon unless the description ordered to be surveyed contains a proper description of the required building lines or easements.
* No distances should be assumed by scaling.
* No underground improvements have been located unless shown and noted.
* No representation as to ownership, use, or possession should be hereon implied.
* This Survey and Plat of Survey are void without original embossed or colored seal and signature of the Surveyor.
* Any discrepancies between this plat and AT ONCE report may be due to rounding and site markings which you may find.

CLIENT: RICH LINDER
DRAWN BY: DAM
CHECKED BY: WAV
SCALE: 1"=20'
BASIS OF BEARING: ASSUMED
JOB NO.: 170907
FIELDWORK COMP.: 11/29/17
DATE: 1/15/18
PLAT NO.: 170907
JOB NO.: 170907
DATE: 1/15/18
PLAT NO.: 170907



LEGEND	
●	BOLLARD
○	CATCH BASIN
□	CURB INLET
▽	DOWN GUY
◇	FIRE HYDRANT
○	FOUND ANGLE IRON
⊕	FOUND CROSS
⊙	FOUND IRON BAR
○	FOUND IRON PIPE
⊙	FOUND MAG NAIL
⊙	FOUND RR SPIKE
⊙	GAS VALVE
⊙	LIGHT
⊙	UTILITY POLE
⊙	WATER SHUT-OFF
⊙	DEED
(M)	MEASURED
(R)	RECORDED

2/23/18 - ADDED PARCEL 5, DAM
1/9/18 - REISED PROPERTY LINES PER CLIENT, DAM.
STATE OF ILLINOIS) S.S.
COUNTY OF McHENRY)
I, *[Signature]*, Illinois Professional Land Surveyor No. 2700
Dated at Woodstock, McHenry County, Illinois 12/4 A.D., 2017.
Vanderstappen Land Surveying, Inc.
Bozjan Firm No. 194-002792

TOTAL AREA = 0.413 ± ACRES

EXHIBIT "A"

PARCEL 1:

ALL THAT PART OF LOTS 4 AND 5, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 4, AT THE INTERSECTION OF THE SOUTHERLY LINE OF PRAIRIE STREET WITH THE EASTERLY LINE OF SPENCER'S ALLEY; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID LOT 4 TO THE SOUTHWEST CORNER THEREOF; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID LOT 4, DISTANCE OF 22 FEET; THENCE SOUTHERLY ON A LINE PARALLEL WITH THE EASTERLY LINE OF SAID LOT 5, A DISTANCE OF 22 FEET; THENCE EASTERLY ON A LINE PARALLEL WITH THE NORTH LINE OF SAID LOT 5, A DISTANCE OF 44 FEET, MORE OR LESS, TO THE EASTERLY LINE THEREOF; THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID LOT 5, A DISTANCE OF 22 FEET, TO THE NORTHEAST CORNER OF SAID LOT 5; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID LOT 5, A DISTANCE OF 6 FEET; THENCE NORTHERLY ON A LINE PARALLEL WITH THE EASTERLY LINE OF SAID LOT 4 TO THE NORTH LINE THEREOF, AND THE SOUTH LINE OF PRAIRIE STREET; THENCE WESTERLY ALONG THE SAID SOUTH LINE OF PRAIRIE STREET AND THE NORTH LINE OF SAID LOT 4, A DISTANCE OF 60 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING, IN BLOCK 7 IN THE ORIGINAL PLAT OF THE TOWN OF MARENGO, A SUBDIVISION OF PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 44 NORTH, RANGE 5 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND PART OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 44 NORTH, RANGE 5 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 26, 1846, IN BOOK G OF DEEDS, PAGE 188, IN MCHENRY COUNTY, ILLINOIS. ALSO

PARCEL 2:

THE SOUTHERLY 17.25 FEET OF THE NORTHERLY 39.25 FEET OF SUB-LOT 3 OF LOT 5 IN BLOCK 7, ACCORDING TO THE COUNTY CLERK'S PLAT OF PART OF BLOCKS 7 AND 10 IN THE ORIGINAL PLAT OF MARENGO AS RECORDED IN THE RECORDER'S OFFICE OF MCHENRY COUNTY, ILLINOIS, IN BOOK 2 OF PLATS, PAGE 15, LOCATED IN AND BEING A PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 44, RANGE 5 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN MCHENRY COUNTY, ILLINOIS.

PARCEL 3:

LOT 3, PART OF SUB-LOT 1 OF LOT 4 AND PART OF LOT 2 IN BLOCK 7, OF THE COUNTY CLERK'S PLAT OF PART OF BLOCKS 7 AND 10 IN THE ORIGINAL PLAT OF MARENGO AS RECORDED IN THE RECORDER'S OFFICE OF MCHENRY COUNTY, ILLINOIS, IN BOOK 2 OF PLATS, PAGE 15, LOCATED IN AND BEING A PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 44 NORTH, RANGE 5 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SUB-LOT 1 OF LOT 4 IN SAID SUBDIVISION; THENCE SOUTH 78 DEGREES 57 MINUTES 55 SECONDS EAST ALONG THE NORTH LINE THEREOF, 60.0 FEET TO THE PLACE OF BEGINNING; THENCE CONTINUING SOUTH 78 DEGREES 57 MINUTES 55 SECONDS EAST, 73.60 FEET TO A

POINT 1.60 FEET EAST OF THE NORTHEAST CORNER OF SAID LOT 3; THENCE SOUTH 10 DEGREES 39 MINUTES 33 SECONDS WEST PARALLEL WITH THE EAST LINE OF SAID LOT 3 A DISTANCE OF, 120.99 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 2; THENCE. NORTH 78 DEGREES 39 MINUTES 57 SECONDS WEST ALONG THE SOUTH LINES OF SAID LOTS 2, 3 & SUB-LOT 1 OF LOT 4, A DISTANCE OF 73.61 FEET; THENCE NORTH 10 DEGREES 39 MINUTES 33 SECONDS EAST ALONG A LINE 6.0 FEET WEST OF AND PARALLEL WITH THE WEST LINE OF SAID LOT 3, A DISTANCE OF 120.60 FEET TO THE PLACE OF BEGINNING IN MCHENRY COUNTY ILLINOIS.

PARCEL 4:

SUB-LOT 2 OF LOT 5 IN BLOCK 7, ACCORDING TO THE COUNTY CLERK'S PLAT OF PART OF BLOCKS 7 AND 10 IN THE ORIGINAL PLAT OF MARENGO AS RECORDED IN THE RECORDER'S OFFICE IN MCHENRY COUNTY, ILLINOIS, IN BOOK 2 OF PLATS, PAGE 15, LOCATED IN AND BEING A PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 44 NORTH, RANGE 5 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN MCHENRY COUNTY, ILLINOIS.

PARCEL 5:

PART OF LOT 2 IN BLOCK 7, ACCORDING TO THE COUNTY CLERK'S PLAT OF PART OF BLOCKS 7 AND 10 IN THE ORIGINAL PLAT OF MARENGO AS RECORDED IN THE RECORDER'S OFFICE OF MCHENRY COUNTY, ILLINOIS, IN BOOK 2 OF PLATS, PAGE 15, LOCATED IN AND BEING A PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 44 NORTH, RANGE 5 EAST OF THE THIRD PRINCIPAL MERIDIAN, BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 2; THENCE SOUTH 78 DEGREES 57 MINUTES 55 SECONDS EAST ALONG THE NORTH LINE THEREOF, 1.60 FEET; THENCE SOUTH 10 DEGREES 39 MINUTES 33 SECONDS WEST PARALLEL WITH THE WEST LINE OF SAID LOT 2, A DISTANCE OF 37.00 FEET TO THE PLACE OF BEGINNING; THENCE SOUTH 79 DEGREES 20 MINUTES 27 SECONDS EAST, 19.00 FEET; THENCE SOUTH 10 DEGREES 39 MINUTES 33 SECONDS WEST PARALLEL WITH THE WEST LINE OF SAID LOT 2, A DISTANCE OF 18.00 FEET; THENCE NORTH 79 DEGREES 20 MINUTES 27 SECONDS WEST, 19.00 FEET TO THE WEST LINE THEREOF; THENCE NORTH 10 DEGREES 39 MINUTES 33 SECONDS EAST, 18.00 FEET TO THE PLACE OF BEGINNING, IN MCHENRY COUNTY, ILLINOIS.

PINS: 11-36-157-009, 11-36-157-010, 11-36-157-014 and 11-36-157-011 (includes other property)

ADJOINING PROPERTY OWNERS

Our Number(s)	PIN Number(s)	Address
1, 2, 6, 8, 14, 15, 37, 39, 51	11-36-154-021 11-36-154-022 11-36-154-018 11-36-154-020 11-36-154-012 11-36-161-008 11-36-161-019 11-35-283-017	City of Marengo 132 E. Prairie St. Marengo, Illinois 60152
3	11-36-154-002	Larry and Jane Long Trustees of Trust No. 101 PO Box 44 Marengo, Illinois 60152
4, 5	11-36-154-003 11-36-154-004	Woodstock Harris Bank Trust 9179 c/o Chicago Title Land Trust Co. CTLTC HTWO 9179 10 S. LaSalle St., Suite 2750 Chicago, Illinois 60603
7	11-36-154-007	Irene Bajacaliev PO Box 56746 Chicago, Illinois 60656
9, 10, 11, 12	11-36-154-017 11-36-154-005 11-36-154-016	Steve and Lana Gibbons 3014 Deerpas Rd. Marengo, Illinois 60152
13	11-36-154-024	Marengo Fire Protection District 120 E. Prairie St. Marengo, Illinois 60152
16	11-36-502-005	Union Pacific 1400 Douglass Street, Stop 1640 Omaha, Nebraska 68179
17	11-36-155-001	Marengo Madison LLC 2501 Parmenter St., Unit 100B Middleton, Wisconsin 53562
18	11-36-158-001	Connie Dennison Living Trust 103 S. Taylor St. Marengo, Illinois 60152
19	11-36-158-002	Kevin and Lisa Hillner 211 E. Prairie St. Marengo, Illinois 60152
20	11-36-158-005	Joseph Demarco PO Box 310 Poplar Grove, Illinois 61065
21	11-36-158-006	Donald and Gail Bruens 125 E. Forest St. Marengo, Illinois 60152

22	11-36-158-008	Jessica Johansen 210 E. Washington St. Marengo, Illinois 60152
23	11-36-158-007	Kim and Tami Beaulieu 204 E. Washington St. Marengo, Illinois 60152
24, 25, 26	11-36-162-002 11-36-162-005 11-36-162-001	Marengo Federal Savings Loan Association c/o Industry Consulting Group, Inc. PO Box 8265 Wichita Falls, TX 76307
27, 36, 38	11-36-161-010 11-36-161-009	Marengo Methodist Epis. Church ATTN: Trustees 119 E. Washington St. Marengo, Illinois 60152
28, 30, 31, 32	11-36-161-014 11-36-161-013 11-36-161-012 11-36-161-011	George K. Niemiec Trust 805 E. Main St. Cary, Illinois 60013
29	11-36-161-015	Hamza and Spomenka Turkic 150 E. Grant Highway Marengo, Illinois 60152
33	11-36-161-017	Thomas and Doris Mangano 2806 Parkview Dr. Marengo, Illinois 60152
34, 44, 47	11-36-161-006 11-35-283-014 11-35-283-009	Terra Management Co. 502 E. Washington St. Marengo, Illinois 60152
35	11-36-161-005	William Gordon 4210 Rigby Rd. Crystal Lake, Illinois 60012
40	11-36-161-018	Laurel Manning Glazer 225 Meridian St. Crystal Lake, Illinois 60014
41	11-36-161-003	Paul Marnul 211 S. State St. Marengo, Illinois 60152 Paul Marnul 1106 S. New Wilke Rd., Apt. 103 Arlington Heights, Illinois 60005
42	11-36-161-004	Harvey A. Meyers Trust No. 213 100 W. Washington St. Marengo, Illinois 60152

43	11-35-283-015	Woodstock Amcore Bank NA 1918 c/o Terra Management Co. 221 S. State St., Suite 200 Marengo, Illinois 60152
45	11-35-283-013	Terry M. Sandman Rev. Trust 1025 Jacquelyn Court Marengo, Illinois 60152
46	11-35-283-010	Woodstock 1 st National Bank c/o Terra Management Co. 221 S. State St., Suite 200 Marengo, Illinois 60152
48	11-35-283-008	Leslie and Pamela Boomgarden 21108 Anthony Rd. Marengo, Illinois 60152
49, 57, 65, 66	11-35-283-007 11-35-280-003 11-35-280-018 11-35-280-016	Joseph Lazar 40W495 Prairie Court Hampshire, Illinois 60140 Marengo Prop, LLC 40W495 Prairie Court Hampshire, Illinois 60140
50	11-35-283-006	Carrie Risse 1065 Briden Dr. Marengo, Illinois 60152
52	11-35-283-016	Marengo Public Library District Marengo-Union Library Dist.- Library Director 19714 E. Grant Highway Marengo, Illinois 60152
53	11-35-280-017	Marengo State Bank c/o Harris, NA CRE PO Box 755 Chicago, Illinois 60690
54	11-35-280-004	James P. Hall, Jr. 112 W. Washington St. Marengo, Illinois 60152
55	11-35-280-002	Patrick and Patricia Lawlor 24308 Tomlin Marengo, Illinois 60152
56	11-35-280-001	Timothy and Penny Karsten 21808 River Road Marengo, Illinois 60152
58	11-35-277-025	Michael and Anne Stempfele 20481 Parade Court Marengo, Illinois 60152

59	11-35-277-015	Kevin Yapp 3353 Orth Rd. Belvidere, Illinois 61008
60, 63	11-35-277-016 11-35-277-019	Denny and Jill Quick 17501 Johnson St. Union, Illinois 60180
61	11-35-277-017	Mark Finnan Revocable Living Trust 757 E. Washington St. Marengo, Illinois 60152
62	11-35-277-018	Woodstock Harris Bank TR 9569 c/o Chicago Title Land Trust Co. CTLTC HTWO 9569 10 S. LaSalle St., Suite 2750 Chicago, Illinois 60603
64	11-35-280-005	James Leuth 100 S. State St. Marengo, Illinois 60152
67	11-35-280-010	Estief and Senija Ljumanic 6909 Paulson Dr. Marengo, Illinois 60152
68	11-35-280-011	William and Geraldine Courier 616 Third Ave. Marengo, Illinois 60152
69	11-35-280-012	Yi Ni and Jin Rong Lin 114 S. State St. Marengo, Illinois 60152
70	11-35-280-013	Marengo Union Chamber 116 S. State St. Marengo, Illinois 60152
71	11-36-157-001	Lane Samuelson 322 E. Railroad St. Marengo, Illinois 60152
72	11-36-157-002	Pathin Inc. 633 Ironwood Dr. Elk Grove Village, Illinois 60007
73	11-36-157-003	Living My Dream, LLC 225 Meridian St. Crystal Lake, Illinois 60014
74, 75	11-36-157-004 11-36-157-005	Joseph and Ann Lazar 40W495 Prairie St. Hampshire, Illinois 60140
76	11-36-157-006	123 S. State St. LLC 322 E. Railroad St. Marengo, Illinois 60152

77	11-36-157-007	Cardunal Savings Bank FSB 98 268 c/o Rocco Gailloro 523 W. Prairie St. Marengo, Illinois 60152
78	11-36-157-008	Butzow Trust No. 2008 c/o Robert and Sally Butzow 222 W. Forest St. Marengo, Illinois 60152
79, 80	11-36-157-015 11-36-157-016	Dettman Basile Realty Vent, LLC c/o Gary Dettman DDS 10 E. Washington St. Marengo, Illinois 60152
81	11-36-157-017	Illinois Railway Museum, Inc. PO Box 427 Union, Illinois 60180
82, 83, 84, 85, 86	11-36-157-018 11-36-157-019 11-36-157-013 11-36-157-012 11-36-157-011	Marengo United Methodist Church 119 E. Washington St. Marengo, Illinois 60152

NOTICE OF PUBLIC HEARING TO SURROUNDING PROPERTY OWNERS

A request for a Zoning Text Amendment in the B-1 Central Business Zoning District; request for a special use permit to allow an indoor shooting range; and parking variations, has been filed with the City of Marengo Planning and Zoning Commission by L.B. Marengo, LLC.

The property in question is located at 113 E. Prairie Street, Marengo, IL 60152. Parcel Index Numbers: 11-36-157-009; 11-36-157-010; 11-36-157-014 and part of 11-36-157-011. See Legal description attached.

The request, if granted, will permit the applicant to use the property in the following manner:

To allow a text amendment to add "Indoor Shooting Range" as a special use in the B-1 Central Business District under Section 11.02 E of the Zoning Ordinance of the City of Marengo. Furthermore, applicant requests issuance of a special use permit to allow an "Indoor Shooting Range" at the address stated above. The applicant also requests a variation of the parking requirements of Article 8.04, 8.05 and 8.07 of the Zoning Ordinance of the City of Marengo to "zero" or "not applicable" since the property is an existing building that does not have separate off street parking; along with such other variations as may be necessary for the use requested.

This notice is sent to you as owner of property adjacent to or in the immediate vicinity of the property affected by this application.

The Planning and Zoning Commission will hold a Public Hearing on this application on April 16, 2018, at 7:00 p.m., in the City of Marengo Council Chambers, 132 East Prairie Street, Marengo, Illinois, at which time you may express your view in person or by writing.

Written comments should be sent to the City Administrator, 132 East Prairie Street, Marengo, Illinois 60152, prior to the public hearing.

This notice is sent to you, by the applicant, by order of the Chairman of the Planning and Zoning Commission.

Respectfully,
L.B. Marengo, LLC