

Approved

**Village of Gurnee
Planning and Zoning Board Minutes
June 16, 2021**

1. Call to Order and Roll Call

The meeting was called to order at 7:30 p.m.

Planning and Zoning Board Members Present: Brian Baugh, R. Todd Campbell, Tim Garrity, David Nordentoft, and Edwin Paff

Planning and Zoning Members Absent: Chairman James Sula and Josh Pejsach

Other Officials Present: David Ziegler, Community Development Director and Gretchen Neddenriep, Acting Village Attorney

Mr. Nordentoft announced that Chairman Sula is absent this evening, so they will need to elect a Chairman Pro Tem.

Mr. Paff motioned, seconded by Mr. Garrity, to appoint Mr. Nordentoft as Chairman Pro Tem.

Voice Vote:

All "Ayes," no "Nays," none abstaining

Motion Carried: 5-0-0

2. Pledge of Allegiance

After the Pledge, Mr. Nordentoft introduced the PZB's newest member, Mr. Todd Campbell, explaining that Mr. Campbell replaces Ms. Laura Reilly, who resigned last month. He added that Mr. Campbell is a 17-year-resident of the Village of Gurnee who also works in the Village. Mr. Nordentoft then welcomed Mr. Campbell to the PZB.

3. Approval of the following Planning & Zoning Board Meeting Minutes

a. May 5, 2021

Mr. Garrity motioned, seconded by Mr. Paff, to approve the May 5, 2021 meeting minutes as presented.

Voice Vote:

All "Ayes," no "Nays," none abstaining

Motion Carried: 5-0-0

b. May 19, 2021

Mr. Garrity motioned, seconded by Mr. Paff, to approve the May 19, 2021 meeting minutes as presented.

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Voice Vote:

All "Ayes," no "Nays," none abstaining

Motion Carried: 5-0-0

4. Public Hearing: Special Use Permit: UXO Elite Training (900 Tri-State Parkway)

Jacob Thompson (UXO Elite Training LTD) is seeking a Special Use Permit to allow the establishment and operation of a special sports instruction facility, specifically an indoor fitness training facility, on property located at 900 Tri-State Parkway. The property is zoned I-2 (O.I.P.), General Industrial with a Special Use Permit for an Office and Industrial Park. The O.I.P. standards requires a Special Use Permit for health/fitness clubs and special sports instruction facilities.

Mr. Ziegler introduced the item, and the Petitioner was in attendance to present his request.

As this was a Public Hearing, Mr. Nordentoft asked that anyone wishing to speak on this matter be sworn in.

Ms. Neddenriep, acting Village Attorney, conducted the swearing-in.

Mr. Nordentoft then invited the Applicant to add any additional information supporting the Petition.

Mr. Guy Snowden, identified himself as a partner with RRK, an engineering firm located in the same building (unit 800). He expressed concern over noise generated from the gym (music, heavy weights hitting the floor, etc.), and asked what the gym will be doing to address the potential for such noise.

Mr. Nordentoft indicated that he thought that Mr. Snowden was with the Applicant. Therefore, he then asked the Applicant to present first, and then would open the floor to the public. Mr. Nordentoft then asked that the Applicant, not sworn in previously, be sworn-in by the acting Village Attorney.

Mr. Jake Thompson introduced himself as the half-owner of UXO Elite Training, and his partner, Josh Amen, who owns the other half of the business. Mr. Thompson began their presentation by sharing that they have owned this gym since 2016 and currently operate in Tri-State Business Park (905 Lakeside). He continued, elaborating that they provide group fitness classes using body weight, kettlebells, barbells, etc. that provide safe and effective strength and conditioning exercises, and that the workouts are constantly varied to keep people's bodies responsive. He added that classes are one hour long, and typically consist of between 10 and 12 people. Noting their current location on a PowerPoint slide, Mr. Thompson pointed out that it is only about 500 feet away from their proposed new location. He reiterated that they have operated from that location since 2016, though a different gym had been operating from that location since 2013. He explained that that Josh has managed the gym since 2013. He stated

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that they intend to purchase the building, and indicated on an overhead where their space would be in proximity to RRK Engineering. He added that they would address RRK's concerns.

Describing the proposed facility, Mr. Thompson stated that it is an open-air workout room, meaning that it is a big open space. The gym has very limited traffic, generally 10-12 cars per class, which are rotated every hour. There is no other traffic, truck or deliveries. He offered that they would adhere to any zoning regulations/stipulations that are determined to be appropriate. The gym has 125 members--of which, about 100--are residents of Gurnee. Only one instructor is on site at a time, and each does blocks of classes, so that there is not a lot of transition of employees (they stay through the block). Many of their classes are scheduled during which other businesses are not open. Classes are held Monday through Friday--at 5:00, 6:00, and 9:30 in the mornings, and--4:00, 5:00, and 6:00 in the afternoon/evening (the 9:30 a.m. class being their lightest-attended). Additionally, they have three classes on Saturday (7:00, 8:30 and 9:30 in the morning) and one class on Sunday. Instructors work with blocks of classes, meaning that one instructor will lead the morning classes, and then another will come in to lead those in the afternoon.

The space that they are occupying is about 5,000 square feet, and has two separate bathroom facilities. A "cubby" is planned for the front of the space, at which patrons can change their shoes, leaving about 4,600 square feet of open space for exercising. Instructors covering the morning block of classes will clean the gym three times a week. In the five years they have owned the gym at its current location, they have held only three large events, and most were for charity (held on weekends, working with property owners in the area to utilize their parking lots). As for whether they will hold events at this facility, that is yet to be determined (likely dependent on the community's response as recovery from the pandemic progresses). Mr. Thompson stressed that they have not had any issues with the Fire or Police Department, nor any noise complaints at the existing location, which is just several buildings to the west of the proposed new location. In conclusion, Mr. Thompson noted the concerns over the wall adjacent to the other tenant, and offered that sound-proofing could be added to the shared wall. Mr. Amen added that rubber mats are used, and they will reduce the sounds, including those of weights hitting the floor.

Mr. Nordentoft then asked if there were any question/comments from members of the Board.

Mr. Garrity asked if the gentleman, Mr. Snowden with RRK Engineering, is or will be a tenant of the applicant.

Mr. Thompson clarified that the units are individually owned, as the building is a condo. They are just purchasing the 5,000 square feet shown on their plans. It was clarified that the gentleman with RRK Engineering owns the portion of the building that is associated with his own business.

Mr. Garrity asked if there is a condominium board that would mitigate any sound issues.

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Mr. Snowden answered that he himself is on the board, but that Wheels, Inc. is the majority owner.

Mr. Garrity said that he understands that the mats may dampen some of the sound associated with weights dropping, but he said that there is usually loud music playing in gyms. He asked if this would be so at this particular gym.

Mr. Thompson answered that they do have music during class, but noted that most of their classes are at hours other businesses in the building do not keep. He added that they may be installing sound proof drywall, which is a sheet of metal with gypsum on both sides and is about $\frac{3}{4}$ " thick.

Mr. Garrity stated that he believes that property owners should be able to use their property as they wish to conduct business, but expressed concerns when the use of the property could negatively impact another property owner. Therefore, just the "possibility" of sound proof drywall being installed does not provide him the comfort that it will happen. He stressed that this proposed use is a Special Use and therefore, the Board needs to determine whether this use is appropriate in the location proposed.

Mr. Amen noted that he has managed the gym at its current location since 2013, where they have three tenants abutting the gym—a medical facility on one side, another tenant on the other side, and yet another tenant to the rear, and that they have never had any complaints or issues with sound. He stated that they are familiar with all the surrounding tenants, and pointed out that their current facility does not have any soundproofing walls.

Mr. Paff asked why the business is moving.

Mr. Thompson answered that they currently rent, and that they are looking to buy in order to build equity into their business.

In regards to noise, Mr. Paff asked if they use barbells at the gym.

Mr. Thompson answered that that they use rubber plates, which make less noise than metal plates used with barbells. He explained that when metal barbells hit the floor and make that "clanking" sound, it actually damages the barbell. So that is another reason that they use rubber plates with a rubber floor. He elaborated that they use $\frac{1}{2}$ " to $\frac{3}{4}$ " rubber mats on their floors.

Mr. Campbell asked if they expect to increase their membership with the move.

Mr. Thompson answered that their membership currently stands at about 125 and that number fluctuates some; they tend to grow 5-10 members one month and then may lose 3-4 members during another month. Their hope is to get to 150 members. In the past they have been close to that number, but their industry was one of those hit hardest by the pandemic. He offered

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that if their membership did grow to 150, their class size would never exceed 15. Instead, they would add another instructor and classes, as their gym size is not large enough to accommodate more than 15 comfortably.

Mr. Campbell stated that another of his concerns is with the number of parking spaces should the membership increase.

Mr. Amen responded that, even if their membership increased, they would keep their class size the same so that there should be no more people at the gym at any one time. He explained that they have to cap class size due to equipment, space, and the fact that they have one instructor per class (instructor to participant ratio for safety and ensure proper exercise form). He added that not every person who comes to a class equates to one car in the lot, as there are spouses and families who attend classes.

Mr. Nordentoft asked if all the activity in the gym is class related or can people come throughout the day and work out individually.

Mr. Thompson answered that members can only attend the gym during class time. He stated that the gym can be used outside of class hours by their coaches to train. He noted that they have a total of 13 coaches/instructors and that they usually just stay and do their workouts after the block of classes that they've just coached. Mr. Thompson added that they try to encourage their coaches to do the classes that they are instructing so that they can be an example for the members.

As this was a Public Hearing, Mr. Nordentoft opened the floor to the public. After noting that they already had the testimony of a business owner and tenant of space adjacent to the proposed gym, he asked if there were any other comments. As there were none, he closed the floor to the public and asked if PZB members had any further questions or comments on the petition.

Mr. Garrity stated that his only concern is with standard #2 for a Special Use Permit, which states that "the proposed use is compatible with the general land use of adjacent properties and other property within the immediate vicinity." While it is his belief that that a property owner should be able to use his property as he wishes to conduct business, he stressed that it should not be at the detriment to an adjacent property owner. He then asked the other members whether they thought a sound wall was an appropriate condition to place on this SUP.

Mr. Ziegler added that because the building is a condo, the wall requirements would be greater (i.e., more substantive) than if this was not a condo. Generally, more substantive would translate into more sound attenuation. As such, sound travel should be no worse than their existing facility and, because of the additional wall requirements of a condo, it should provide additional sound reduction.

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Mr. Nordentoft stated that the applicant has indicated that they are proposing to install the sound wall and therefore, is unsure whether it needs to be provided as a condition. He indicated he was open to suggestions.

Mr. Ziegler suggested that it be conditioned similar to parking issues, which are indicated only once a parking problem develops. He explained that a condition could be placed on the SUP that the sound proof wall (i.e., metal wall sandwiched between gypsum board) be installed if complaints are received about noise from the facility.

Mr. Campbell asked if the sound issue would fall under the condo association regulations/enforcement (i.e., if a tenant is causing noise issues then the condo association would require action to remedy) or if it would be part of this approval's responsibility.

Mr. Nordentoft noted that, unfortunately, the Board does not have the condo association's covenants. He acknowledged that it is possible there are stipulations about noise, but noted that it is also possible that there are not. Therefore, he advised it would be prudent for the board to consider a condition regarding noise attenuation in any motion.

Mr. Baugh expressed concern over the potential burden on a complainant to initiate action, should noise become an issue, and the possibility of the Applicant having to retro-fit after the fact. He feels that the sound-proofing should simply be made a requirement of approval at this time. He added that conditions should be applied to "open gym."

In addressing the issue of open gym" Mr. Thompson asserted that such practice will only ever be allowed by employees, due to a variety of factors regarding safety that inhibit them from offering it otherwise (including their insurance coverage), adding that the very basis of their business is group fitness.

Mr. Nordentoft asked if any Board member was prepared to make a motion.

Mr. Baugh asked that, before a motion is made, the issue of overflow parking be addressed. He and Mr. Nordentoft concurred that it be land-banked in preparation for growth.

Mr. Baugh motioned, seconded by Mr. Garrity, to forward a favorable recommendation on the Petition of Jacob Thompson, with UXO Elite Training, for a Special Use Permit to allow the establishment and operation of a special sports instruction facility, specifically an indoor fitness training facility, on property located at 900 Tri-State Parkway (Suite 900) subject to the following conditions: 1) that upon notification by the Village that a parking problem exists, 6 parallel parking spaces shall be constructed along the west drive aisle and that this drive aisle will be converted to a one-way from north to south; 2) that the petition install appropriate sound-attenuation so as to not unreasonably disrupt the adjacent property owner's business; and 3) that the use of the gym outside of class times (open gym) will be restricted to employees only.

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Mr. Nordentoft asked if there was any discussion to be had on the motion. As there was not, a vote was taken.

Roll Call Vote:

Ayes: Baugh, Campbell, Garrity, Paff, and Nordentoft

Nays: None

Abstain: None

Motion Carried: 5-0-0

Mr. Nordentoft reminded that Applicant that this was only a recommendation, and advised to seek guidance from Village Staff in regards to further steps in the process.

5. Next Meeting Date: July 7, 2021

Mr. Ziegler confirmed that there is a Public Hearing scheduled for the next meeting.

6. Public Comment

There were no public comments at this meeting.

Mr. Nordentoft thanked Board members and Village Staff for the consideration shown to him, as it had been a while since he served, as he put it, "at the helm."

7. Adjournment

Mr. Garrity motioned, seconded by Mr. Baugh, to adjourn the meeting.

Voice Vote:

All "Ayes," no "Nays," none abstaining

Motion Carried: 5-0-0

The meeting was adjourned at 8:05 p.m.

Respectfully Submitted,

Joann Metzger,
Recording Secretary, Planning and Zoning Board