

**Agenda
Board of Appeals
City Council Chambers
Tuesday, November 10th, 2009, 8 a.m.**

New Business

Appeal No. 3-2009. Dan Mullin of DK Architects has submitted plans for a Planet Fitness suite finish to be located at 1509 W 41st Street. The plans propose a suite finish for a 17000 square foot private recreational health club facility. Section 1109.2.1 of the IBC states:

***1109.2.1 Family or assisted-use toilet and bathing rooms.** In recreational facilities where separate-sex bathing rooms are provided, an accessible family or assisted-use bathing room shall be provided. Fixtures located within family or assisted-use toilet and bathing rooms shall be included in determining the number of fixtures provided in an occupancy.*

***Exception:** Where each separate-sex bathing room has only one shower or bathtub fixture, a family or assisted-use bathing room is not required.*

Members of Planet Fitness must be adult with no children or day care provided. This facility although lightly staffed, is a 24 hour facility that is mostly self serving and self regulating. The club does not allow children under the age of 13 and children over the age of 13 must be accompanied by an adult. Mr. Mullin understands the need for a unisex or family assisted bathing facility in city pools or gyms where exposure, security and hours of operation make the unisex or family assisted facility a safe and useful component. The Planet Fitness Corporate office does not want any unisex facilities in their clubs nor do they have any in the existing 260 clubs nationwide. The obvious fear is misconduct in a public place between members of the opposite sex, or for that matter, misconduct between same sex individuals in a uni-sex facility. This facility is a 24 hour facility (lightly manned) and all manner of people join these clubs and workout at all odd hours day and night. From the point of view and experience of the corporate office, this uni-sex requirement presents far more troubling problems than solving perhaps an isolated situation, which a same-sex assist can solve. Mr. Mullin will request an exemption from the provision because the facility is a private membership club with complete handicap accessible bathroom and bathing areas provided.

Adjournment

Accessibility. Upon request, accommodations for this hearing will be provided for persons with disabilities. Please contact the Planning and Building Services Department office at 367-8670, 48 hours in advance. **For questions concerning this hearing, please call (605) 367-8670 for assistance.**