

**Minutes
Board of Appeals
Council Chambers
Tuesday, November 10, 2009, 8 a.m.**

Members Present

Trent Christiansen, Julian Pearson, Daryl Christensen, Tim Fonder and Keith Thompson

Members Absent

None

Guests Present

Jay Hammrich

New Business

Appeal 3-2009. Whereas the appellant was not present at the time of hearing, the Board decided to hear the case. The secretary specified that Dan Mullin of DK Architects 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. At issue is Section 1109.2.1 of the IBC which 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. The applicant documented his understanding of 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 based on a history of misconduct in a public place between members of the opposite sex, or for that matter, misconduct between same sex individuals in a uni-sex bathing 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- or opposite-sex assist can solve. The applicant requested an exemption from the provision because the facility is a private membership club with complete handicap accessible bathroom and bathing areas provided.

Mr. Christiansen specified that the plans indicate a level of privacy within the proposed locker areas. Mr. Pearson questioned the need for a family assisted bathing facility inasmuch as the policy of the club is to not allow children that are less than 13 years of age.

A motion was made by Mr. Pearson and a second was made by Mr. Thompson to eliminate the requirement for a unisex or family assisted bathing facility based on Planet Fitness's policy to not allow children less than 13 years of age. Yeses, 5. Noes, 0. The motion passed unanimously. It was the consensus of the Board to not require a local amendment to Section 1109.2.1 but to hear any similar appeals on a case by case basis.

Secretary