

The meeting was called to order at 7:00 p.m. by Chairman Knapp. The meeting was opened with the Pledge of Allegiance.

Present at roll call were: Chairman Knapp and members Alderman Sir, Kiefer, Holloway, Kee, Smith, Siebenman, Austermann and Scheer.

Also in attendance was City Administrator Craig Sabo.

A petition from Jon Sartors for an amended Special Use Permit for a fitness center with indoor and outdoor activities located at 1299 West Fifth Street.

Notice of the Public Hearing was published in The Countian on Monday, June 27, 2016 and The Current on Wednesday, July 6, 2016.

Speaking on behalf of the petitioner was Ms. Stacy Jackson an attorney representing the petitioner. Ms. Jackson stated that Mr. Sartors was seeking approval to amend his Special Use Permit to allow for outdoor activities in conjunction with his CrossFit business. She stated that he had been conducting some outside activities and was notified by the City that he did not have approval to do such. Ms. Jackson said that she had a conversation with the City's attorney and was informed that the City had concerns with using the portion of the property designated for parking and that holding activities along the I-44 and West Fifth Street corridor may pose a public safety issue as it may be a distraction to drivers. She stated that they had submitted an affidavit from the property owner which gave Mr. Sartors permission to utilize the parking lot for outdoor activities. She said that as it was a parking lot, the vehicles on the lot may shield the activities from the vehicles passing by on I-44 and West Fifth Street. Ms. Jackson stated that the activities would not be held outdoors at all times, but were in conjunction with the inside activities of various CrossFit workouts.

Mr. Scheer inquired as to the need for the outdoor activities.

Ms. Jackson stated that although most of the workout activities were performed indoors, there were some components of the workout that require being outdoors such as; running, warm up and cool down activities and some workouts using large tires. She stated that for Mr. Sartors' business to be true to the CrossFit business model, he needed to have access to the outside for those activities.

Mr. Scheer inquired as to why the participants could not run indoors.

Ms. Jackson stated that the portion of the facility that Mr. Sartors was utilizing was limited and was not conducive for running activities.

Mr. Scheer inquired as to where the participants would run outdoors.

Ms. Jackson stated that they could run from the front to the rear of the property which was depicted on the submitted site plan. She stated that another potential running path was to utilize Top Notch Lane.

Mr. Holloway inquired as to if Mr. Sartors could use the rear of the property for the outdoor portion of the workouts.

Ms. Jackson stated that ideally he would like to be able to utilize the entire outdoor portion of the property as the front parking lot was much wider, but if using the front was a concern, they would move the outdoor activities to the rear.

Mr. Holloway inquired as to if the running portion of the workout could be a path that would not be a distraction to vehicular traffic and have the rest of the activities in the rear lot.

Ms. Jackson stated that the ingress/egress to Mr. Sartors' space was in the front of the building, but the activities could be held in the rear and have participants use Top Notch Lane for their running activity.

Mr. Holloway inquired as to why Mr. Sartors didn't anticipate this problem months ago when he applied for the initial approval as these types of workout activities must be planned.

Ms. Jackson stated that although outside activities were a portion of a CrossFit workout, the primary portion of the workout was held indoors and outside activities would be limited.

Chairman Knapp inquired as to what Mr. Sartors was doing now to accommodate the outdoor portion of the workout.

Ms. Jackson stated that he had been limiting his workouts to inside the building.

Alderman Sir inquired as to if participants could not run before the workout and then return to the facility for the rest of the exercises.

Ms. Jackson stated that the run was part of the workout. She stated that exercises are broken up with some type of cardio activity including running between exercises.

Alderman Sir inquired as to if anyone had tried contacting the neighboring daycare facility to see if they had any concerns regarding the outdoor activities.

Ms. Jackson stated that no one had contacted anyone at the daycare facility, but that the back lot was below grade so it would be hard for anyone at the daycare center to see activities being held on the rear lot, and the daycare facility also had fencing.

Mr. Siebenman inquired as to the number of students per class.

Ms. Jackson stated that the largest number per class would be between fifteen (15) and twenty (20) students.

Mr. Siebenman inquired as to if there were scheduled times for classes.

Ms. Jackson stated that there were.

Mr. Siebenman inquired as to if each class had fifteen (15) to twenty (20) people.

Ms. Jackson stated that attendance varied per class, but there could be as many as twenty (20) participants per class.

Mr. Siebenman inquired as to how much time outdoors was required in a workout.

Ms. Jackson stated that it would typically be thirty (30) minutes or less.

Mr. Scheer inquired as to if there would be any shouting during the workout since there were fifteen (15) to twenty (20) people in a class.

Ms. Jackson stated that the indoor area had music playing and that no cadence was used during the outdoor portion of the activity. She stated that Mr. Sartors would be there to instruct a participant on form or to offer words of encouragement, but there would be no shouting or yelling.

Mr. Smith inquired as to if the instructor would shout corrections at a participant.

Ms. Jackson stated that Mr. Sartors was there to help a participant correct their form if needed or offer words of encouragement, but Mr. Sartors did not see a need to yell at people.

Mr. Kiefer inquired as to if the music could be heard outdoors because he had driven by and the doors of the facility had been raised during the class.

Ms. Jackson stated that the music was at a level that could not be heard outdoors.

Mr. Austermann stated that he resided in the area and had driven by on a number of occasions and had not noticed the music playing during classes.

Mr. Austermann inquired as to if Ms. Jackson had any safety concerns for participants who would utilize Top Notch Lane for running.

Ms. Jackson stated that she did not have any concerns. She stated that any time a person went for a jog on a public street they were taking a risk and that personal liability was assumed by the runner. She said the participants of the classes would have no more of a risk than any other runner.

No one spoke in support of or in opposition to the petition.

There being no further matters for discussion, the public hearing was adjourned at 7:28 p.m.

Respectfully submitted,

(Original with signature on file)

Barb Griffin, Acting Secretary

The meeting was called to order at 7:28 p.m. by Chairman Knapp.

Present at roll call were: Chairman Knapp and members Alderman Sir, Kiefer, Holloway, Kee, Smith, Siebenman, Austermann and Scheer.

Also in attendance was City Administrator Craig Sabo.

On motion by Mr. Scheer, seconded by Mr. Smith and passed with 7 "YES" votes and 2 "ABSTENTIONS" (cast by members Siebenman and Austermann), the Minutes of June 29, 2016 were approved.

GUESTS:

There were no guests present who wished to address the Commission.

OLD BUSINESS:

There was no old business to be discussed.

NEW BUSINESS:

A. Consideration of a petition from Jon Sartors for an amended Special Use Permit for a fitness center with indoor and outdoor activities located at 1299 West Fifth Street.

Chairman Knapp stated the business was good for the community and that noise did not seem to be an issue. He said his only concern was activities being held in the front parking lot as it may distract drivers.

Mr. Smith stated that he had a concern with a large number of joggers running at the same time.

Mr. Scheer stated that he had concerns that a large amount of runners would be a disruption for residents in the area and that he did not like City streets being utilized for commercial purposes.

Mr. Holloway stated that the running activity on public streets did not concern him as the high school had utilized public streets for cross country and track team running. He stated that he thinks the other activities should be limited to the rear of the property.

Chairman Knapp stated that he would approve the petition if the activities were limited to the rear of the property.

Mr. Kee stated that he believed all outdoor activities should be limited to the rear lot of the property.

Alderman Sir stated that he also had no issues with the activities being conducted in the rear lot of the property, but he would like someone to contact the daycare to see if they had any concerns with the activities. He said he had no problem with utilizing public streets for the running portion of the workout and it was no different than local clubs in the City who use public streets.

Mr. Siebenman stated that he was probably in the minority, but he had no problem with Mr. Sartors using the front portion of the property. He said that if it was a problem, the Special Use Permit was only good for twelve (12) months, so it could be addressed when the twelve (12) months expired.

City Administrator Sabo stated that the authority granted under a Special Use Permit is permanent and that a review was conducted every twelve (12) months. He said the Special Use Permit could be rescinded, but a public hearing for such would be required and a demonstrable cause would be needed.

Mr. Kee inquired as to how many tractor tires Mr. Sartors had.

Mr. Sartors stated that he only had two (2) tractor tires along with several smaller tires.

Chairman Knapp went over the six (6) points of factual determination as required in Municipal Code Section 23-182(d). The determination was as follows:

Item No. 1: regarding adversely affecting the character of the neighborhood, the roll call vote was as follows: Scheer - WILL NOT; Knapp - WILL NOT; Kiefer - WILL NOT; Kee - WILL NOT; Smith - WILL; Siebenman - WILL NOT; Austermann - WILL NOT; Sir - WILL NOT; Holloway - WILL NOT.

Item No. 2: regarding adversely affecting traffic conditions, the roll call vote was as follows: Scheer - WILL; Knapp - WILL NOT; Kiefer - WILL NOT; Kee - WILL NOT; Smith - WILL; Siebenman - WILL NOT; Austermann - WILL; Sir - WILL; Holloway - WILL NOT.

Item No. 3: The consensus was unanimous that it WILL NOT adversely affect public utilities.

Item No. 4: The consensus was unanimous that it WILL NOT create a fire hazard.

Item No. 5: The consensus was unanimous that it WILL NOT affect the general welfare of the community.

Item No. 6: regarding being the most appropriate and compatible use of the property, the roll call vote was as follows: Scheer - WILL NOT; Knapp - WILL; Kiefer - WILL; Kee - WILL; Smith - WILL NOT; Siebenman - WILL; Austermann - WILL; Sir - WILL; Holloway - WILL.

On motion by Alderman Sir, seconded by Mr. Kee and passed with seven (7) "YES" votes and two (2) "NO" votes (cast by Scheer and Smith), approval was recommended for a petition from Jon Sartors for an amended Special Use Permit for a fitness center with indoor and outdoor activities located at 1299 West Fifth Street with the condition that all outdoor activities be limited to the rear parking lot of the property.

B. Consideration of a petition from John Yaakub for a boundary adjustment located at 227 and 233 Deer Run Lane.

Mr. Yaakub stated that he was adjusting the boundary of his lot and the neighboring lot. He said they were both zoned Large Lot Residential and that after the adjustment his lot would be adjusted from thirteen (13) acres to eleven (11) acres and the neighboring lot would be adjusted from four (4) acres to six (6) acres.

Mr. Kee inquired as to where the neighboring lot was located.

Mr. Yaakub stated that it was the property to the west of his lot.

On motion by Mr. Scheer, seconded by Mr. Smith and unanimously passed, approval was granted for a petition from John Yaakub for a boundary adjustment located at 227 and 233 Deer Run Lane.

C. Consideration of a petition from Reverend Sally Weaver, representing St. Francis' Episcopal Church, for site plan approval of a church to be located at 602 Brewster Road.

Speaking on behalf of the petitioner was Mr. Mike Vorwerk of Civil Engineers Design Company. He stated that the petitioner was seeking approval of a site plan to construct a church at 602 Brewster Road. He stated the property was located in a Large Lot Residential Zoning District and was 2.65 acres. He stated the church would be 10,100 square feet and would seat 147 congregants. He stated that there will be fifty-one (51) parking spaces available on the lot and that seventy (70) percent of the lot had been designated for greenspace.

On motion by Mr. Scheer, seconded by Mr. Smith and unanimously passed, approval was granted for a petition from Reverend Sally Weaver, representing St. Francis' Episcopal Church, for a church to be located at 602 Brewster Road.

ADDITIONAL BUSINESS:

Chairman Knapp informed Commission members that the next Planning and Zoning Commission meeting would be held at the Timbers of Eureka instead of City Hall.

There being no further matters for discussion, on motion by Mr. Smith, seconded by Mr. Kiefer and unanimously passed, the meeting was adjourned at 7:42 p.m.

UPCOMING MEETINGS:

- July 27, 2016
- A. A petition from Lisa Riley and Mary Nelson for a Special Use Permit for the outdoor display of merchandise in connection with an antique and gift shop located at 120 N. Central Avenue.
- B. A petition from Phoenix Real Estate Services, LLC, for a Special Use Permit for a residential use and structures (Avonlea Senior Living) in a Commercial Zoning District located at 119 and 121 Hilltop Village Center Drive.
- August 10, 2016

Respectfully submitted,

(Original with signature on file)

Barb Griffin, Acting Secretary