

CrossFit facility draws protest from neighbors

A new exercise facility on Ballenger Road in Lake Ozark has the attention of several neighbors. At a recent board of aldermen meeting, Carol Denecke led the charge of residents who believe construction of Lake Ozark CrossFit, at 215 Ballenger Road, does not conform to City of Lake Ozark zoning regulations.

"I'm not against commercial business or the fact that we need them," she told the board of aldermen recently, "I'm against the rules not being followed."

She laid out her argument for the board and staff during the Public Comment portion of the meeting. Mayor Gerry Murawski told the group that individuals were limited to about three minutes to address the board based on long-established board meeting rules for individuals not on the agenda. Board protocol allows residents to share their concerns with the board taking the concerns under advisement.

Denecke argued that the health facility does not conform to her interpretation of zoning regulations.

Denecke and the others also presented a petition to the board. It advised city officials that it is their duty to uphold city ordinances that are established to preserve and protect the residential areas within the city. It also said that no variances should be issued/approved or enacted that would allow for any ordinance to circumvent or alter, or that would change the current city ordinances to allow a commercial business to be established in violation of current city ordinances.

"Property on Ballenger is only to be used for multi-family residential, hotels and motels, marine-related commercial operations, lakefront eating and drinking, and similar water related issues," she argued. "I don't see how a CrossFit gym meets that requirement."

Jeff Super, also a resident of Ballenger, said he was never notified of any proposed zoning changes when those changes were made several years ago. As did Denecke, Super said the exercise facility does not conform to the zoning regulations. He also told the board that the property was listed as residential when it was for sale, yet a commercial facility was built on the property. He also said a portion of the new driveway was built on city right-of-way.

"What we'd like to do, and I've talked to the neighbors, is to put this on hold until it's investigated for some type of resolution," he told the board.

Super said CrossFit owner Drake Schmid "did not do it by the book. He doesn't meet the frontage on the front, and it never should have been commercial. He doesn't meet the obligations."

While others who spoke share similar sentiments about wanting to keep the neighborhood safe, family oriented and peaceful, Schmid said he's been completely transparent with the city and public about his intentions.

"I've been very open," he told the board. "There's nothing I've done that isn't in compliance. From



This new CrossFit facility on Ballenger Road has drawn the ire of some Ballenger Road residents who shared their concerns at a recent Lake Ozark Board of Aldermen meeting.

City response

City officials have prepared extensive documentation explaining how the CrossFit facility does conform to Lake Ozark zoning regulations. That information, prepared by City Attorney Chris Rohrer, was mailed to residents along with a letter from Mayor Gerry Murawski.

Rohrer noted that the area in question is zoned as an LMU-1 Lakefront Mixed Use District, which allows for the use of the structure and property as a CrossFit facility. The city attorney conducted considerable research – at a cost to taxpayers – and he did not find any irregularity with the zoning adoption, and it appears required processes were followed, and notices given, according to his letter. The zoning's adoption and purpose do not appear to in any way be an offense to generally accepted planning and zoning laws, he said. In summary, he believes the LMU-1 District was validly created and lawfully exists.

The staff's recommendation to approve the business license application of Lake Ozark CrossFit to operate on Ballenger Road was carefully considered and formulated by Rohrer, City Administrator Dave Van Dee and the city's code enforcement officer, again according to the city attorney. In doing so, city officials considered legal principles and applied them to the city's applicable zoning ordinance, Lakefront Mixed Use District Section 405.180, of the Lake Ozark Municipal Code.

The city attorney said that if the city can fairly interpret the zoning ordinance to permit the requested use, the city must legally grant that request even if, as Ballenger road residents argued, other landowners in the area interpreted the ordinance to prohibit the use.

To put this legal principle in layman's terms, or perhaps in sports terminology, a tie goes to the landowner's desired use, Rohrer said.

For the complete text of both City Attorney Rohrer's explanation and Mayor Murawski's letter, go to cityoflakeozark.net then What's New.

our conversations, we've done everything by the book."

Schmid said he bought the property under a commercial sales contract and saw value in how the property was zoned.

"This community is ripe for development and this is a path to progress. I'm trying to make this a nice community, to make things better. I don't want to upset everyone, and I've been in full compliance."