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Staff Report Memorandum March 16, 2023

To: Planning Commission
From: Community Development Department
Subject: EOS Fitness – Recreation Center, Extended Hours
10365 S. 1300 E.
[Willow Canyon, #17]

CUP02152023-006484
Planned Center – Community District
5.534 Acres

Meeting Notice: This item has been noticed to property owners within 500 feet of the subject area.

Request

With the permission from the property owners (Mike Stangl, Stowley LLC), the applicant, Hilery Hixon representing EOS Fitness, is requesting a conditional use permit for 24 hour operation and outdoor recreation use of Recreation Center at the property located at 10365 S. 1300 E. (applicant letter, Exhibit “A”)

Background

The subject property is located on the east side of 1300 E., a major arterial road. The property is a single tenant 21,217 square foot building that has been utilized as a Recreation Center by 24 Hour Fitness since January of 2000. 24 Hour Fitness operated 12 AM to 10 PM 7 days a week.

Prior to 24 Hour Fitness the building was occupied by an Ernst Home Center who utilized the covered parking area as a garden center. 24 Hour Fitness began utilizing the parking garage as a recreation area without obtaining permission through a Conditional Use Permit as required for recreation centers within 250 feet of a residential zone.

The property then began getting complaints regarding loitering, vandalism, and skateboarding inside the parking garage. The Sandy Police Department was involved in shutting down the criminal activities.



CUP02152023-006484
Conditional Use Permit
10365 S 1300 E
Community Development Department
Cartography Eleanor Means

Property Case History	
Case Number	Case Summary
SPR-82-27	Alpha Beta
SPR-93-10	Ernst Home Center

Properties directly north are commercial buildings zoned CC, to the east are single family homes zoned SD(PO/R [R5.7]), to the south is Dimple Dell Park zoned OS and to the west are single family homes zoned R-1-8.

Public Notice and Outreach

This item has been noticed to property owners within 500 feet of the subject area by mail. A neighborhood meeting was held on March 2nd and six neighbors attended. Neighbors raised the following concerns:

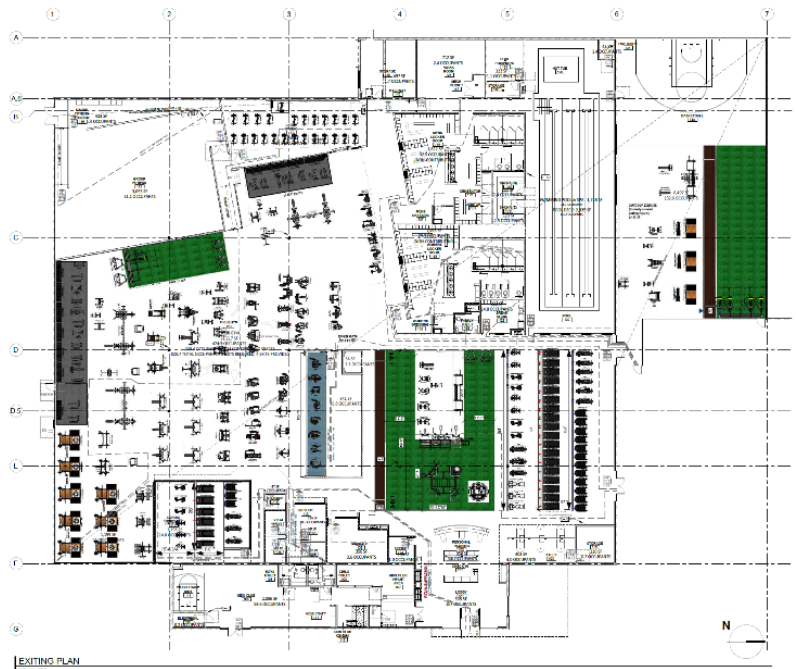
1. Noise generated from the roof equipment.
2. Noise generated from potential classes in the outdoor space.
3. Noise generated from music.
4. The outdoor space being utilized by neighborhood kids for skateboarding and other extracurricular activities.
5. The outdoor hours of operation generating noise late at night and early in the morning.
6. Light pollution generated from the exterior space.

The applicant acknowledged neighbor concerns and reported that in several other cities hours had been restricted for the exterior space in order to mitigate noise concerns and that EOS was willing to consider modified exterior hours.

Analysis

The applicant is proposing to operate a fitness center inside a 21,217 square foot space. The previous use of the space was a 24-Hour Fitness which had been in operation for approximately 20 years. The 24-Hour Fitness did not obtain a Conditional Use Permit to operate for 24 hours nor did they obtain a Conditional Use to utilize the outdoor space.

The interior space includes a group fitness studio, pool, cycle studio, open gym area, massage center, and kids club. (see plans, Exhibit “B”). The indoor fitness space is an allowed use in the CC zone. In addition to the interior space the applicant is proposing to use an existing exterior parking structure for basketball, athletic turf, and weights. This use of exterior space is a Conditional Use in the CC zone and requires Planning Commission review and approval.



Extended operating hours

Section 21-23-19 of the Sandy City Land Development Code states that any commercial use located within 250 feet of a residential district where such commercial use desires to operate after 10:00 p.m. and/or before 6:00 a.m. shall require a separate conditional use approval from the Planning Commission. The applicant is proposing to operate both the interior and exterior spaces of the gym 24 hours a day 7 days a week requiring Planning Commission review.

Outdoor Space

Section 21-37-19(6) of the Sandy City Land Development Code defines a recreation center as an establishment providing a variety of recreational activities, including activities that are enclosed within a structure along with outdoor recreational activities on the same premises. Activities may include those identified with indoor recreation passive or active exercises and related activities performed for the purpose of physical fitness, improved circulation or flexibility, and/or weight control as well as such outdoor activities as miniature golf, amusement rides, slides and swimming pools. A recreation center is a permitted use within the CC zone but requires Conditional Use approval when located within 250 feet of a residential zone. The indoor space was approved as a recreation center use in January of 2000 but no approval of the exterior space was considered. The applicants are proposing to operate the exterior space 24/7 along with the indoor space but have expressed that they have limited operating hours for their exterior spaces at other locations and are open to limiting the hours.



They are proposing that the exterior space contain a space for basketball and functional weight equipment. No music will be played outside of the gym and no classes are proposed outside of the group fitness spaces.

Screening

The covered parking area on the exterior of the building is currently enclosed on two sides with chain-link fencing. The applicants are proposing to enclose the third side with vinyl coated chain-link fencing in order to prevent people who are not patrons of the gym from utilizing the space. Section 21-23-8(a) of the Sandy City Land Development Code states that storage areas, including, but not limited to, areas containing vehicle storage, merchandise, or equipment, etc., shall be paved with hard surface paving (unless otherwise approved by the Director) and screened with decorative opaque fencing and landscaping. Each wall or fence shall be at least six feet in vertical height or equal in height to the material to be screened and shall be sufficient to screen facilities from view of a public street and neighboring lots. The proposed outdoor space contains equipment which requires screening in order to mitigate visual impacts as well as noise generated from the use.

Parking

Section 21-24-8 of the Sandy City Land Development Code requires that Recreation Center parking be reviewed by the Planning Commission. The parking lot contains 221 uncovered parking spaces and 22 covered parking spaces. The applicants are proposing to use the covered parking spaces for their outdoor recreation area which would decrease overall parking from 243 to 222. This would result in approximately one parking space per 86 square feet of floor space to one parking space per 96 square feet of floor space.

Conditional Use Standards

The City may impose conditions on a conditional use based on certain standards of review found in section 21-33-4 of Sandy City Land Development Code. The following items from that list are applicable to this particular request and merit discussion or additional consideration by the Planning Commission (staff analysis is found below in *italics*):

Sec. 21-33-4. Conditions.

In order to achieve compliance with the standards set forth herein, the City may impose conditions that address:

- (1) Size, configuration and location of the site and the proposed site plan layout.

That the size and configuration of the site meets the intent of the proposed use.

- (4) Design, location, and amount of off-street parking, loading areas and solid waste disposal and collection areas.

There are 243 parking spaces in total with 221 of them being uncovered spaces and 22 of them being covered spaces. The applicant is proposing to eliminate the covered parking area which would reduce the overall parking to 221 spaces.

(12) The regulation of operating hours for activities affecting normal schedules and functions.

That the proposed operating hours are 24 hours a day.

(15) Such other conditions determined reasonable and necessary by the City to allow the operation of the proposed conditional use, at the proposed location in compliance with the requirements of this title.

That the applicant complies with all Building & Safety, and Fire & Life Codes.

Staff Concerns

Staff is concerned about the noise impacts of the proposed outdoor use on neighboring property owners and proposes the following potential solutions:

1. Reduce the hours in the exterior space. Staff proposes reducing the hours for the outdoor space to 8 AM to 8 PM.
2. Enclose the entire east side and at least half of the south side. Residential properties are to the east and staff feels partially enclosing the rear and a portion of the side would aide in sound mitigation.
3. Enclose the covered outdoor area. Completely enclosing the area would eliminate the sound impact of the recreation use and mitigate all concerns with the use of the space. In addition to the noise mitigation, it would also allow for all the recreation space to be used 24 hours a day.

Staff is also concerned about screening of this area. They have erected a fence but it does not comply with code standards. They will need to propose alternatives to meet the code requirement and proceed through the site plan review process to make site modifications.

Recommendation

Staff recommends that the Planning Commission approve a Conditional Use Permit for a Recreation Center to operate in the CC zone as described in the staff report for the property located at 10365 S. 1300 E. based on the following findings and subject to the following conditions:

Findings:

1. That the site has been operating as a recreation center for approximately 20 years with no reported parking issues.
2. The proposed outdoor recreation space is within 60 feet of neighboring residential properties requiring noise mitigation measures.

Conditions:

1. That the applicant complies with all Building & Safety, and Fire & Life Codes.
2. That the Planning Commission determine whether the site has sufficient parking.
4. That the entire east side and at least half of the south side be enclosed to provide sound mitigation to the surrounding residential properties.
3. That any exterior activities be limited to the covered outdoor area and be limited to operating between 8 AM and 8 PM.
4. That the applicant be responsible for meeting all provisions of the Sandy City Development Code, and all conditions of approval imposed by the Planning Commission.
5. That the applicant or property owner proceed through the modified site plan review process to make site or exterior modifications.

6. That this Conditional Use Permit be reviewed upon legitimate complaint.

Planner:

Claire Hague

Claire Hague

Planner

S:\Users\PLN\STAFFRPT\2023\CUP02152023-6484 EOS Fitness Sandy

Exhibit "A"



February 15th, 2023

To Whom It May Concern:

As the former 24 Hr Fitness, now EOS Fitness, located at 10365 S 1300 E, we would like to extend the hours of operation to 24 hours a day to align with our other facilities as well as to offer the best member experience possible. All activities fall within the scope of a health and fitness club. There will be minimal overnight traffic impacts and no group fitness classes will be held during the extended hours. Our peak hours are between 6am-9am and 5pm-9pm.

Secondly, EOS Fitness would also like to utilize the covered outdoor area as an extension of the indoor space in an open-air outdoor environment, to include fitness activities such as functional and weight training. If absolutely necessary, we can explore the option to close the outdoor area to workouts during the nighttime hours. No music will be played outside the facility.

EOS Fitness is proud to become a part of the Sandy community. We look forward to your consideration, and please reach out with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Hilery Hixon".

Hilery Hixon

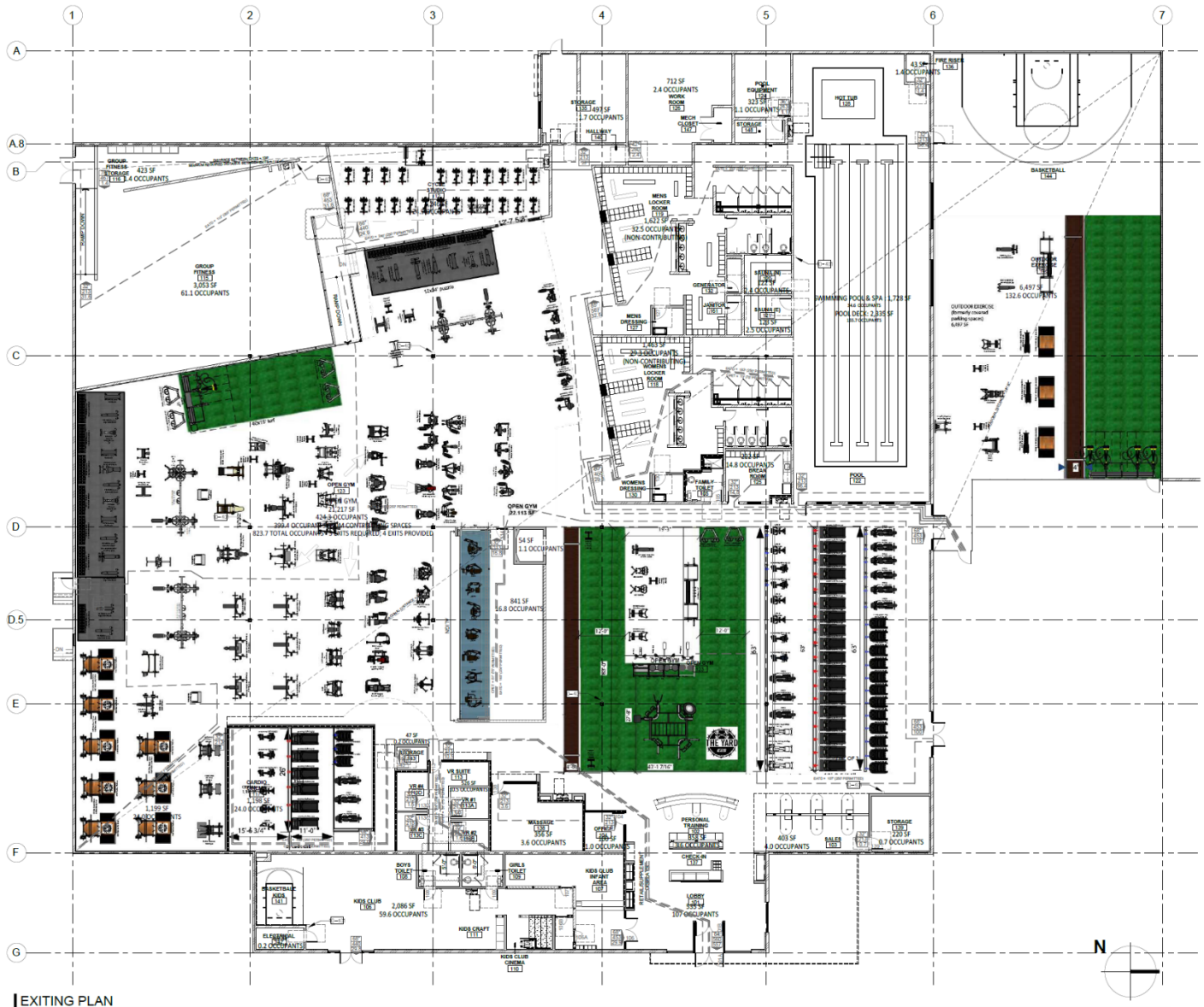
Construction and Development Coordinator

EOS Fitness

702-763-6833

hhixon@eosfitness.com

Exhibit "B"



EXITING PLAN
SCALE: 1" = 10'