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## Staff Report Memorandum September 5, 2024

To: Planning Commission  
From: Community Development Department  
Subject: The Refinery Gym (Conditional Use Permit)  
9507 S. 670 W.  
[Community #2, Civic Center]

CUP07172024-006799  
ID Zone  
5,500 sq. ft.

**Public Meeting Notice:** This item has been noticed to property owners within 500 feet of the subject area, on public websites, and at public locations.

### Request

The applicant, John Nelson, with permission from the property owner Walter Bleazard, is requesting approval of a conditional use permit to allow for 24-hour operations for a property located at 9507 S. 670 W. The applicant is proposing to have 24-hour business operations at this location of the Refinery Gym. See application materials in Exhibit A for full details.

### Background

The subject property is located in the Industrial zone (ID). The subject property is a 5,500 square foot leased space inside a 16,360 square foot multi-tenant building. To the north, east, and west, properties are zoned ID with industrial and commercial businesses. The property to the south is zoned R-1-40A.



CUP07172024-006799  
Conditional Use  
9507 S. 670 W.

Sandy City, UT  
Community Development Department

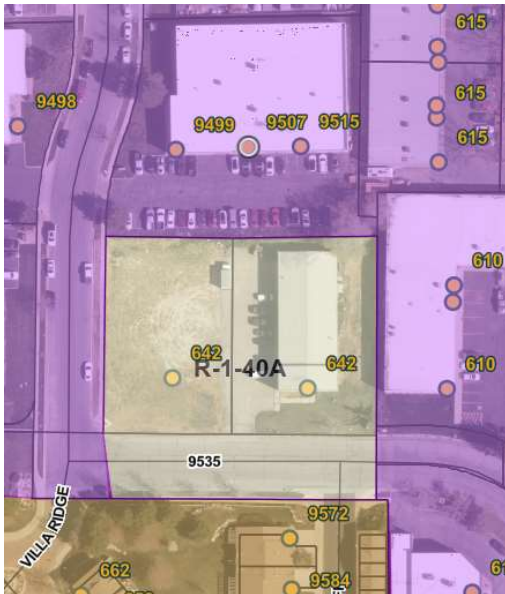
<b>Property Case History</b>	
<b>Case Number</b>	<b>Case Summary</b>
CUP06282022-006353	CUP to operate a gym (recreation center) in the ID zone

**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 August 21st and one neighbor attended and no comments were made.

**Analysis**

The applicant obtained a conditional use permit in 2022 to operate in the ID zone. A gym is categorized as a recreation center and is a conditional use in the ID zone. The gym has since began operating 24 hours a day. 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 the gym 24 hours a day 7 days a week requiring Planning Commission review. The property directly to the south of the gym is in the R-1-40 zone. The two parcels do not currently have residential uses. The business did not originally operate 24 hours a day when they received the CUP to operate the gym in 2022. They have since begun operating 24 hours a day and will bring the operations into compliance with the CUP.



The applicant is proposing to operate the gym 24 hours a day 7 days a week requiring Planning Commission review. The property directly to the south of the gym is in the R-1-40 zone. The two parcels do not currently have residential uses. The business did not originally operate 24 hours a day when they received the CUP to operate the gym in 2022. They have since begun operating 24 hours a day and will bring the operations into compliance with the CUP.

**Conditional Use Standards**

The City may impose conditions on a conditional use based on certain standards of review found in section 21-33-04 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:

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

*That the proposed operating hours are 24 hours a day, seven days a week.*

- (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 has no concerns regarding the request so long as all activities during the extended hours remain indoors.

**Recommendation**

Staff recommends that the Planning Commission approve a Conditional Use Permit for 24-hour operation and as described in the staff report for the property located at 9507 S. 670 W. based on the following findings and subject to the following conditions:

**Findings:**

1. There is a residential district (R-1-40A) to the south of the property.
2. The business has been operating 24 hours a day and would be coming into compliance.

**Conditions:**

1. That the gym be allowed to operate 24 hours a day, seven days a week.
2. That all activities during the extended hours remain indoors and that no outside activity between 10 p.m. and 6 a.m. that would create noise be allowed (including but not limited to lot sweeping, trash collection, and store deliveries).
3. That the applicant complies with all Building & Safety, and Fire & Life Codes.
4. That this Conditional Use Permit be reviewed upon legitimate complaint.

Planner:



Sarah Stringham  
Planner

File Name: S:\USERS\PLN\STAFFRPT\2024\CUP07172024-006799 - THE REFINERY GYM\THE REFINERY STAFF REPORT - CUP.DOCX

Exhibit "A"

The Refinery Gym

9507 south 670 west

Sandy Utah 84070

We would like to apply for an amendment to our conditional use permit. We are asking to revise our business hours to be open to our members and visitors 24 hours a day, 365 days a year.

Let me start by saying it was not our original intention to operate 24hrs. But we have been doing so for sometime now. After getting all of licenses in place we started a "soft opening". At that time members starting asking if we they could come after hours. Because of our type of clientele, the personal relationships we have with our members and our camera system, we let them do so. That evolved into letting everyone come whenever they want.

We have great relationships with the adjacent businesses and they love how we operate. Having a few of our members visiting late at night is literally like having free neighborhood watch. Having a few people coming and going help keep the whole area safer. Luckily the neighborhood is generally very quiet anyway.

The only security issues we have had at the gym is my tires slashed twice and our internet line cut twice. These issues we assume have all come from a disgruntled ex trainer former occupant of our building who lives literally across the street from us. Both Sandy City Officials and State investigators are all very familiar with him for multiple reasons. We now have a fairly comprehensive exterior camera system installed in addition to our interior system.

Currently I would estimate that between the hours of 10pm-4am we have approximately 1-8 members come. Some of whom are local Police and Firefighters. Because of our higher membership price (\$75 monthly) we cater to a higher end group than a traditional big box commercial gym. Our members are respectful and responsible. I'm very confident that our neighborhood is safer with us being open 24hrs.

It should be noted as well that there are a handful of small private gyms like ours across the valley and they are all also open 24hrs. Our entire sales model is giving people a premium escape from crowded big box budget gyms. Being open for access while they are closed is a very important feature for gyms like ours.

Thank you for your consideration! All Sandy City officials we have delt with have been so helpful and positive towards the success of our small family owned and operated business.