



SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN
COMMUNITY DEVELOPMENT
DIRECTOR

KURT BRADBURN
MAYOR

MATTHEW HUISH
CHIEF ADMINISTRATIVE OFFICER

MEMORANDUM

November 1, 2018

To: Planning Commission
From: Community Development Department
Subject: Freedom Fitness, LLC
(Recreation Center and Extended Hours)
733/739 E. 9400 S.
[Community #7]

CUP-10-18-5496
Zone: CC

HEARING NOTICE: *This item has been noticed to property owners within 500 feet of the subject area.*

| PROPERTY CASE HISTORY | |
|-----------------------|--|
| Case Number | Case Summary |
| CUP-02-14-3460 | Brazilian Evangelical Church. Church in CC Zone. Approved by PC. |
| CUP#81-22 | Canyon View Cleaners, temporary trailer. Approved by PC. |

DESCRIPTION OF REQUEST AND BACKGROUND

The applicant, Donnavan Dolato for Freedom Fitness, LLC, is requesting that the Planning Commission consider a request for a conditional use permit (CUP) on the property located at 733/739 East 9400 South to allow for a recreation center to operate within 250 feet of a residential property, with extended hours (*See Exhibit #1 – Application Materials*).

Freedom Fitness, LLC is a personal training business that provides group fitness sessions, yoga classes, and boot camp workouts. In their current location, the applicant operates Monday through Friday running 30 minute workout sessions at multiple times in the day, with a membership of 150 people. The applicant has been operating the business in Sandy with a valid business license since January 2014. In 2017, the business won the Small Business of the Year award in the Sandy City Summit Awards.

The proposed recreation center will operate Monday – Sunday 5:30 AM to 12:00 AM. The applicant is requesting the extended operating hours to accommodate periodic events, and provide more flexibility to get more people involved in their program.

The business employs two full-time employees and five part-time employees. The business typically has no more than two employees on site at any given time. The applicant will play music during the training sessions, but has agreed to keep the volume at a reasonable level. The previous tenant was a fitness business that also played music, but received no complaints. There is adequate parking on site for employees and patrons of the business.

The subject property is bordered to the north, west, south, and east by commercial businesses zoned CC. Properties to the northeast are residential town homes zoned MU. There is a 230 foot distance between the commercial building and residential town homes, with a 6-foot cinderblock wall separating the two properties.

ANALYSIS

Per **Section 15A-08-02** of the Sandy City Land Development Code, recreation centers located within 250 feet of a residential district require a Conditional Use approval from the Planning Commission.

Per **Section 15A-23-19** of the Sandy City Land Development Code, any commercial uses located within 250 feet of a residential district where such commercial use desires to operate after 10:00 PM and/or before 6:00 AM shall require Conditional Use approval from the Planning Commission.

COMPLIANCE WITH SECTION 15A-33-04

Staff response in *italics*.

Conditions. In order to achieve compliance with the standards set forth herein, the City may impose conditions, which address standards 15A-33-03 "A" to "O", as contained in the Sandy City Development Code. This proposed conditional use meets or satisfies all of Conditions "A" through "O", except the following conditions, which merit discussion or additional consideration by the Planning Commission:

B. Proposed site ingress and egress existing and proposed roads and streets.
The ingress and egress to and from the site is existing and will not change via 9400 South or 700 East. Entrance to and from the commercial building will be through the front doors on the south side of the building.

E. Site circulation patterns for vehicular, pedestrian and other traffic.
Vehicular circulation will utilize the existing ingress/egress point of access to the south on to 9400 South and to the west on to 700 East.

I. Fencing, screening and landscape treatments, and other features designed to increase the attractiveness and safety of the site and protect adjoining owners from noise, visual and other impacts.
Separation from the commercial building to the nearest town home to the northeast is 230 feet, with a 6-foot cinderblock wall separating the properties.

O. 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 Code.

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

NOTICE

A neighborhood meeting was held on Thursday October 25, 2018 at 8:00 PM by the Community Development Department. Two neighbors attended the meeting, both were in support of the application. Notices were mailed to the property owners within a 500-foot radius of the subject parcels in advance of the Planning Commission meeting.

CONCERNS

Staff has no concerns.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve a Conditional Use Permit to allow for Freedom Fitness Boot Camp, LLC to operate a recreation center within 230 feet of a residential property with extended hours to operate Monday through Sunday from 5:30 AM to 12:00 AM. at 733/739 East 9400 South based on the findings listed below and the subject to the following conditions:

Finding

1. Based on the proposed use, staff finds that there is sufficient separation from the commercial building and the nearest residential properties of 230 feet, with a 6-foot cinderblock wall.

Conditions

1. That the proposed structure comply with all applicable Building & Safety, and Fire & Life Codes.
2. 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 to mitigate a reasonably anticipated detrimental effects of the proposed use prior to further expanding the business hours.
3. That the applicant obtain a business license from the Community Development Department.
4. That the proposed use and hours of operation be subject to review upon legitimate complaint.

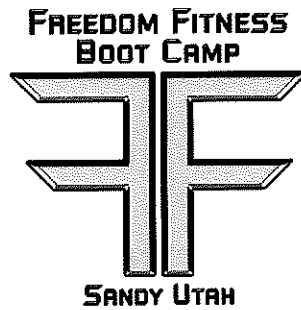
Planner: Wade Sanner

Reviewed by: EM

Wade Sanner, Planner

File Name: S:\USERS\PLN\STAFFRPT\2018\CUP-10-18-5496 Freedom Fitness Extended Hours

Exhibit #1 – Application Materials

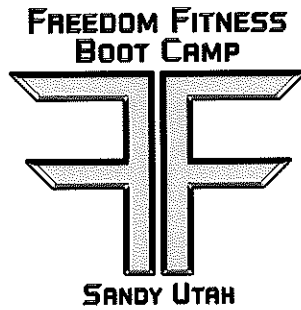


Sandy City Community Development:

As Sandy City residents, my wife Samantha and I are co founders and head Certified Trainers of Freedom Fitness LLC, doing business as Freedom Fitness Boot Camp in Sandy Utah since January of 2014. My wife Samantha is Certified with the NCCPT (National Council for Certified Personal Trainers) since February of 2014 and I received a Bachelor of Science in Athletic Training in 1999 and have been NSCA-CPT and CSCS Certified (National Strength & Conditioning Association) since June of 2000. Since we founded FFBC, we have been providing group personal training to local residents year round and have grown to a stable membership of over 150 people.

At the latest Sandy City Summit Awards event we won the 2017 Small Business of the Year Award. We have developed our program to be all inclusive in that we honor all fitness levels and modify our workouts so anyone can complete them. Our mission is to remind everyone to make themselves a priority and choose fitness as a way to feel better and spread that energy throughout the community.

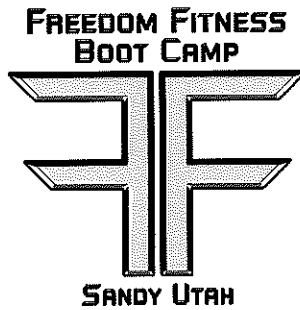
In our business structure both Samantha and I are employees of Freedom Fitness LLC and we have five part time employees that help instruct our training sessions. We never have more than two employees working our sessions at a time. At our current location we operate our Boot Camp Monday through Friday running 30 minute workout sessions at multiple times throughout the day. We set up our



workouts with equipment at 5am, start our first session by 5:30am and finish our last session of the day at 6:30pm, followed by equipment clean up. Our primary focus will be running our Boot Camp workouts but we also plan to create yoga, group fitness and sessions tailored to seniors.

Our proposal for conditional use is to have the option to start our sessions earlier and end them later to offer more times to our members. We would also like to operate Monday-Sunday instead of Monday-Friday. We would like to enter our building by 4am to setup our daily workout equipment and provide the option for earlier session times than 5:30am. We'd also like to have our business open until 12am in the event that we have a Boot Camp event like education seminars, fund raisers or challenge banquets, providing extra time to socialize and clean up. By having more available hours of operation, we will be able to get more people involved in our program and have a larger positive impact in our community. Without this conditional use approval, our two busiest session times of the morning at 5:30am & 6am would be in threat of termination and create a serious blow to our profitability and likelihood to flourish.

The previous tenant, Ultimate Fit Solutions, had a fitness business that used music during workouts. They informed us that they had no issues with the two adjacent occupants of retail spaces or with nearby residents during their stay in relation to noise from music. We



purchased the custom installed sound system speakers from the previous tenant and don't plan on making any adjustments. The previous tenant also reported no shortage of parking and we expect the same, as the parking area is very large and more than sufficient compared to the combined traffic the retail spaces attract. Our personal expectation is to communicate well with others and be great neighbors to local businesses and residents with respect to noise and traffic.

Thank you for your consideration in this request. Sincerely,

Donnovan Dolato – Owner

Freedom Fitness Boot Camp

Future Location:

733 East 9400 South

Sandy, UT 84094

801-712-5626

freedomfpt@gmail.com