

SOUTH JORDAN CITY PLANNING COMMISSION REPORT

Meeting Date: 10/24/2023

Issue: RUSHTON BIKE PARK CONDITIONAL USE PERMIT AND SITE PLAN

Address: 11050 S. Bangerter Hwy.

File No: PLCUP202300161

PLSPR202300160

Applicant: South Jordan City

Submitted by: Andrew McDonald, Assistant Planner
Ken Short, Supervising Senior Engineer

Staff Recommendation (Motion Ready):

1. I move that the Planning Commission **approve** the CUP application (file#PLCUP202300161) based on the findings listed in this report and presented by City staff.
2. I move that the Planning Commission **approve** the Site Plan application (file# PLSPR202300160) based on the findings listed in this report and presented by City staff.

ACREAGE:	Approximately 8.26 (acres)
CURRENT ZONE:	OS-P Subdistrict (Open Space-Park)
FUTURE LAND USE PLAN:	OS (Open Space)
NEIGHBORING ZONES:	North – OS-P, R-M-5, & R-M-8 South – R-M-6 & Bangerter Hwy West – R-M-5 East – Bangerter Hwy & R-M-8

STANDARD OF APPROVAL

Conditional Review Standards:

A conditional use shall not be established or commenced without a conditional use permit approved by the Planning Commission or City Council in conformance with the requirements of City Code §17.18.050; and other pertinent laws and ordinances. Unless amended, revoked, or otherwise specified, the permit shall be indefinite and shall run with the land.

The Planning Commission shall approve a conditional use permit application if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed conditional use in accordance with applicable standards. The Planning Commission may deny a conditional use permit application if the reasonably anticipated

detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards.

City Code §17.18.050 also provides standards for compliance and revocation:

A conditional use may be commenced and operated only upon:

Compliance with all conditions of an applicable conditional use permit;

Observance of all requirements of this title relating to maintenance of improvements and conduct of the use or business as approved; and

Compliance with all applicable local, State, and Federal laws.

A conditional use permit may be revoked by the City Council at any time due to the permittee's failure to commence or operate the conditional use in accordance with the requirements of subsection II of this section.

Site Plan Review Standards:

All proposed commercial, office, industrial, multi-family dwelling or institutional developments and alterations to existing developments shall meet the site plan review requirements outlined in chapter 16.24 and the requirements of the individual zone in which a development is proposed. All provisions of titles 16 & 17 of the City Code, and other city requirements, shall be met in preparing site plan applications and in designing and constructing the development. The Planning Commission shall receive public comment regarding the site plan and shall approve, approve with conditions or deny the site plan.

BACKGROUND:

The City plans to develop the subject property, which has a land use designation of Open Space (OS) in the General Plan, into what will be called the “Rushton Bike Park.” This application involves four City parcels: 27-17-377-006, 27-17-377-010, 27-17-377-009 and 27-17-377-007 (see Location Map attached as “Exhibit A”).

The largest parcel involved is currently serving as a storm water retention basin for the neighboring R-M zoned subdivisions. The retention basin area of the parcel will not be developed as part of the project. The City Council recently rezoned the subject property from A-1 (Agricultural, 1 unit per acre) to OS-P Subdistrict to be consistent with another City owned parcel in the same vacant field, which was already zoned OS-P.

The Engineering Department and Public Works Parks Division hosted a Public Open House Event on September 21, 2023 at the High Pointe Park Pavilion. This event was noticed to the same notice recipients as the public hearing for the Rezone (attached as “Exhibit B”). The same recipients received a public mailing notice for the applications being presented in this report.

There was an issue with Public Noticing that resulted in this item being rescheduled for the Planning Commission. The Public Mailing Notice sent regarding this item is attached as “Exhibit C”. The Rezone was presented to the City Council on October 17, 2023.

STAFF FINDINGS, CONCLUSION & RECOMMENDATION:

Findings:

- City Code §17.18.060 classifies the project as Outdoor Recreation under Recreation & Assembly. Outdoor Recreation is defined as, “Facilities primarily intended for participant focused exercise, active physical fitness activities and other recreational activities conducted outdoors or within partially enclosed or screened facilities...”
- Outdoor Recreation is allowed in the OS-P via a conditional use permit (see §17.23.130 attached as “Exhibit D”). City staff did not find any detrimental effects resulting from the approval of the project.
- The Welby and High Pointe trail system provides pedestrian and bicyclist access to the project area. Rushton Park will serve as an amenity to the trail system.
- Oceano Dune Court provides additional access and vehicle parking. The cul-de-sac is built larger than City Standard, and can accommodate up to 10 vehicles. Engineering staff is confident that this will allow sufficient parking on the cul-de-sac for the short duration of time visitors are using the park.
- Residents and visitors are able to walk from the cul-de-sac to the project area using a paved walkway that safely bridges the canal.
- High Pointe Park is a public space maintained by the City. The park pavilion is not able to be privately reserved for parties and events. The City will also own and maintain the bike park. It will be open to the public, subject to posted hours and City Code §12.16.050. It will also not be able to be privately reserved for large events.
- No hours of operations signs are currently posted at High Pointe Park. Code §12.16.050 provides the operation hours of 5:00 A.M. to 10:00 P.M. for all parks, trails, and open space in the City. City Code §9.08.010 provides a City curfew of 11:00 P.M. to 5:00 A.M. for minors 16 and under; and a curfew of 1:00 A.M. to 5:00 A.M. for minors under the age of 18. Concerns about loitering and suspicious behavior can be reported to the Police Department for enforcement of curfew and operation hours.
- The project will include a sign package that is currently being developed. This package will cover items such as identification of park, intended users, rules, and hours of operation.
- Engineering is not anticipating Rushton Park will attract large crowds or heavy use by surrounding mountain biking teams and clubs. Rushton Park is not designed or situated to meet the needs and demands of those groups.
- The park is not designed or meant for ATV, motorcycle, and other off-road vehicles. There is signs package being developed that can included this as a posted rule for the facility.
- The project is designed to be sensitive to the neighboring subdivisions.
- Highpointe Park has one street light installed. Currently there are no lighting fixtures installed along the trail way or in the project area. There will be no new lighting installed in Highpointe Park or in the Rushton Bike Park.

- Current funding is for what is shown in the site plan, attached as “Exhibit E”. The construction timeframe is anticipated to be between April and June 2024. As funding and use of the park are reassessed in the future, additional park features may be constructed.
- The project will have minimal disturbance to the existing vegetation and topography of the property. There are no plans to install new landscaping and irrigation. An existing and future site plan comparison is attached as “Exhibit F”.

Conclusion:

The application meets the standards of review listed above and the requirements of City Code.

Recommendation:

Based on the findings and conclusion listed above, Staff recommends that the Planning Commission take comments at the public hearing and **approve the** application, unless, during the hearing facts are presented that contradict these findings or new facts are presented, either of which would warrant further investigation by Staff.

ALTERNATIVES:

- Approve an amended application
- Deny the application
- Schedule the application for a decision at a future date

SUPPORT MATERIALS:

- Location Map
- Notice of Open House
- Public Mailing Notice
- OS-P Subdistrict Zone
- Site Plan
- Site Comparison

Andrew McDonald
Andrew McDonald (Oct 17, 2023 14:00 MDT)
 Andrew McDonald
 Planner I

Brad Klavano
Brad Klavano (Oct 17, 2023 16:03 MDT)
 Brad Klavano
 City Engineer