



HILDALE CITY

Established 1963

P.O. BOX 840490 320 E. NEWEL AVE. HILDALE, UTAH 84784 PHONE: 435-874-2323 FAX: 435-874-2603

NOTICE AND AGENDA

NOTICE IS HEREBY GIVEN TO THE MEMBERS OF THE HILDALE CITY PLANNING COMMISSION AND TO THE PUBLIC, THAT THE PLANNING COMMISSION WILL HOLD A MEETING ON FRIDAY THE 6TH DAY OF DECEMBER, 2019 AT HILDALE CITY HALL, 320 EAST, NEWEL AVENUE, WHICH MEETING SHALL BEGIN AT 6:30 P.M. MDT.

THE AGENDA SHALL BE AS FOLLOWS:

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. PUBLIC COMMENT
5. PUBLIC HEARING
 - A. CHANGES TO LAND USE ORDINANCE CHAPTER 26 REGARDING PURPOSE AND REQUIREMENTS OF RECREATIONAL RESORT ZONE.
6. DISCUSSION AND POSSIBLE ACTION ON THE FOLLOWING ITEMS:
 - A. CHANGES TO LAND USE ORDINANCE CHAPTER 26 REGARDING PURPOSE AND REQUIREMENTS OF RECREATIONAL RESORT ZONE.
 - B. RE-ZONE REQUEST FOR LOTS HD-SHCR-3-36 & 39 (845 N ELM ST. & 840 N MAPLE ST.)
7. ADJOURNMENT

Agenda items and any variables thereto are set for consideration, discussion, approval or other action. The City Council may, by motion, recess into executive session which is not open to the public, to receive legal advice from the City attorney(s) on any agenda item, or regarding sensitive personnel issues, or concerning negotiations for the purchase, sale or lease of real property. Council Members may be attending by telephone. Agenda may be subject to change up to 24 hours prior to the meeting. Individuals needing special accommodations should notify the City Recorder at 435-874-2323 at least three days prior to the meeting.

Chapter 26

RECREATION RESORT ZONE

152-26-1: PURPOSE AND OBJECTIVES:

A. Purpose:

The recreation resort zone is established to designate certain areas within the city of Hildale where it is desirable and beneficial to the area economy to allow for a mix of limited commercial, public, and residential uses. Specifically, to authorize recreation and resort developments in which residential dwelling units may be occupied by the owners thereof on a full or part time basis, to authorize the rental of residential units on an overnight or short term (30 days or less) basis by owners who reside elsewhere; and to authorize limited commercial and public uses that are incidental to and compatible with resort developments.

B. Objective:

The objective of the recreation resort zone is to allow full service resort developments with short and long term residential use combined with those commercial and public facilities necessary to create a desirable resort atmosphere.

152-26-2: SCOPE:

The requirements of this chapter shall apply to any recreation resort zone within the city. Such requirements shall not be construed to prohibit or limit other applicable provisions of this title, this code, or other laws except to the extent such provisions are provided by this chapter.

~~152-26-3: MINIMUM ACREAGE:~~

~~The recreation resort zone shall be applied only to projects consisting of at least five (5) acres.~~

Formatted: Heading 3

152-26-4: SITE LOCATION:

The recreation resort zone shall only be allowed on collector or higher street classification. However a lower street classification may be considered if the applicant can demonstrate that the development would have no negative affect to adjoining properties.

152-26-5: USES ALLOWED:

All uses must be shown on a preliminary site plan presented with the application to change an area on the zoning map to recreation resort.

A. Permitted Uses:

Permitted uses allowed within the recreation resort zone are as follows:

1. Single and multiple dwelling unit residential, including condominium and townhouse complexes. Unit and/or complex owners may reside in the dwelling units or offer them for rent or lease either long term or short term.
2. Any commercial use related to the support or servicing of those uses referred to in subsection A1 of this section and the facilities related thereto including, but not limited to:
 - Childcare facilities.
 - Indoor and outdoor recreation facilities.
 - On site property management.
 - Personal care services.
 - Professional office space related to property management.
 - Restaurant and outdoor dining.
 - Retail stores.
 - Sales and rental offices.
3. Motel, hotel, bed and breakfast inn, or boarding house.

B. Prohibited Uses:

Any use not listed shall be prohibited unless the zoning administrator determines the use is substantially the same as a permitted or conditional use as provided in subsection 152-7-18E4 of this chapter.

C. Accessory Uses:

Permitted and conditional uses set forth above shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.

1. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this chapter.
2. No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.
3. Accessory uses in residential zones shall include, but not be limited to, the following:

Hobby activities when conducted by an occupant of the premises solely for personal enjoyment, amusement, or recreation and which does not conflict with any other city ordinance.

Household pets.

Nurseries and greenhouses, when used for resort landscape or food production.

Playgrounds, patios, porches, gazebos, and incidental storage buildings in accordance with the approved site plan for the zone.

Short term storage and parking areas and facilities for recreational vehicles, boats, and trailers which are incidental and otherwise related to other approved uses.

Swimming pools and hot tubs; tennis and other sport courts; clubhouses; and other common recreation or sport facilities for use by residents and their guests.

152-26-6: DEVELOPMENT STANDARDS FOR RECREATIONAL RESORT:

A. Recreation resort zones shall be established on the city zoning map and may be amended from time to time by ordinance. The recreation resort zone is intended only for resort development directly providing the following minimum facilities and services:

- 1) a swimming pool and clubhouse and

2) an on site rental or property manager. Those resort developments in which full time/permanent residential use is authorized or contemplated shall be subject to covenants, conditions, and restrictions and governed by a property owners' association or other similar governing body.

B. Development standards within the recreational resort shall be set forth in table 152-26-1 of this section.

TABLE 152-26-1

Lot standards:	
Average lot area	n/a
Minimum lot area or acreage	5 acres
Minimum lot width and/or project frontage	300 140 feet project 30-foot unit
Maximum density per acre	15 units or lots
Building standards:	
Maximum height, main building ¹	35 feet
Maximum height, accessory building ¹	20 feet
Building coverage	50 percent per site plan
Distance between buildings	20 feet
Setback standards - front:	
Any building - pedestrian entrance	15 feet from back of sidewalk
Garage or parking building ³	25 feet from back of sidewalk
Setbacks - rear:	
Main building	10 feet
Accessory building, including private garage ²	10 feet
Setback standards - interior side yard:	
Main building	10 feet
Accessory building, including private garage ²	10 feet
Setback standards - street side yard:	
Main building	20 feet
Accessory building	Not permitted
Parking	See note 3

Notes:

1. Except a greater height may be approved subject to a conditional use permit.
 2. If located at least 10 feet from main building, 2 feet.
 3. If alternate parking, such as underground parking facilities or parking structure is provided, garage setbacks may be altered by the planning commission.
- C. An application for a zone map change to recreation resort zone shall be accompanied by a completed preliminary site plan application as set forth in section 152-7-10 of this chapter. An approved final site plan shall be required before construction or site work in a recreation resort zone.

152-26-7: REGULATIONS OF GENERAL APPLICABILITY:

The use and development of real property in the recreation resort zone shall conform at a minimum to regulations of general applicability as set forth in the following chapters of this chapter:

A. Design and compatibility standards:

See chapter 33 of this chapter.

B. Landscaping and screening:

See chapter 32 of this chapter.

C. Motor vehicle access:

See chapter 35 of this chapter.

D. Natural resource inventory:

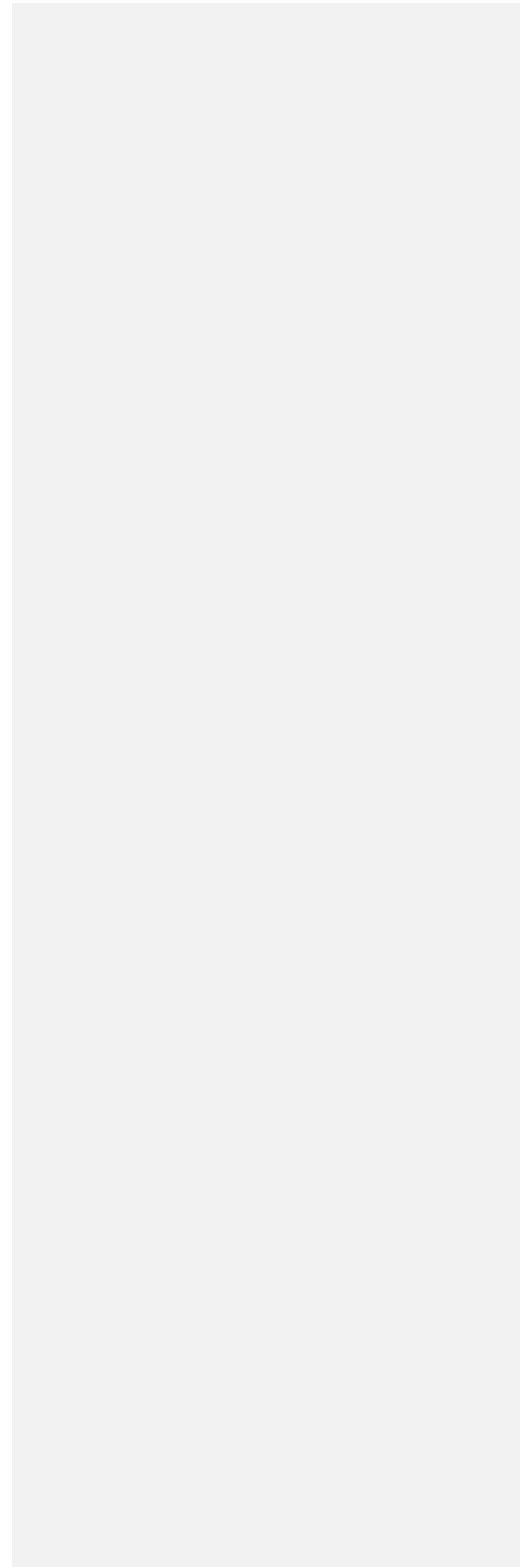
See chapter 31 of this chapter.

E. Off street parking:

See chapter 34 of this chapter.

F. Signs:

See chapter 36 of this chapter.



HILDALE CITY PLANNING COMMISSION APPLICATION STAFF REPORT

Project/Applicant Name: Mills Gary Tooke Trust

Project Address: 840 N Maple St. & 845 N Elm St.

Current Zoning: RA-1

Proposed Zoning: GC

Summary of Application

The Applicant is requesting an amendment to the zoning map to change 2 lot(s) located on Maple St. and Elm St. from RA-1 (Residential Agricultural 1 acre) to GC (General Commercial) zoning, for the stated purpose to match more closely the use that is taking place on the lot.

Background

The property was given RA-1 Zoning during the original creation of the zoning map. The applicants are currently using the property for a commercial purpose under an allowed non-conforming use. A considerable financial investment has been put into these properties placing cabins for nightly rentals.

General Plan and Zoning

The property is surrounded by RA-1 properties on the north and east. It has general commercial to the West as well as south. The general map shows this area as low density residential

Analysis

This property is located closely to residential properties, however it is in close proximity to other general commercial properties as well. The property is also located just off Utah Ave. which is the major entrance into Hildale City. Because of this it may be a good location for a general commercial property. One item for discussion may be whether the Planning Commission feels that Utah Ave. will remain the main entrance into the city. If so it would be worth considering creating an environment that encourages the properties along that road to become more adapted to a commercial corridor.

Another Item to consider would be the fact that the applicant already has a non conforming use for this property and has invested a considerable amount into making this property commercial.

Staff Recommendation

Because this property is in close proximity to other general commercial properties and the applicant has already taken steps in making this a commercial property. Staff would recommend that the Planning Commission approve this application.

Sample Motions

1. (Approve without conditions) **I move we recommend that the City Council approve the zoning map amendment requested for lot(s) HD-SHCR-3-36 and HD-SHCR-3-39 based on the findings set forth in the staff report.**
2. (Approve with conditions) **I move we recommend that the City Council approve the zoning map amendment requested for lot(s) HD-SHCR-3-36 and HD-SHCR-3-39 with the following conditions: [list conditions].**
3. (Deny) **I move we recommend the City Council deny the zoning map amendment requested for lot(s) HD-SHCR-3-36 and HD-SHCR-3-39 based on the findings set forth in the staff report.**

ZONE CHANGE APPLICATION

City of Hildale
320 East Newel Avenue
Hildale, UT 84784
(435) 874-1160
FAX (435) 874-2603

Fee: \$100

For Office Use Only: File No. _____ Receipt No. <u>1046594</u>
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Angelina 10/07/19

Name: Mills Gary Toke Trust Telephone: 435 703 0453

Address: PO Box 1051 George 84771 Fax No. _____

Agent (If Applicable): _____ Telephone: _____

Email: tokegde@gmail.com

Address/Location of Subject Property: 840 N. Elm, Hildale UT

Tax ID of Subject Property: 0926932/092690 Existing Zone District: RA1
#39 #30

Proposed Zoning District and reason for the request (Describe, use extra sheet if necessary)
No zoning prior to approval of project.

Request change to correspond w/project - GC

Submittal Requirements: The zone change application shall provide the following:

- a. The name and address of every person or company the applicant represents;
- b. An accurate property map showing the existing and proposed zoning classifications;
- c. All abutting properties showing present zoning classifications;
- d. An accurate legal description of the property to be rezoned;
- e. Stamped envelopes with the names and addresses of all property owners within 250 feet of the boundaries of the property proposed for rezoning.
- f. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence that the applicant has control of the property

Note: It is important that all applicable information noted above along with the fee is submitted with the application. An incomplete application will not be scheduled for Planning Commission consideration. Planning Commission meetings are held on the second Thursday and fourth Wednesday of each month at 6:00 p.m. Contact the Planning Department for the deadline date for submissions. Once your application is deemed complete, it will be put on the agenda for the next Planning Commission meeting. A deadline missed or an incomplete application could result in a month's delay.

(Office Use Only)

Date Received: 10/7/19 Application Complete: YES NO

Date application deemed to be complete: 10/8/19 Completion determination made by: KTL

a. List of persons/company represented in application:

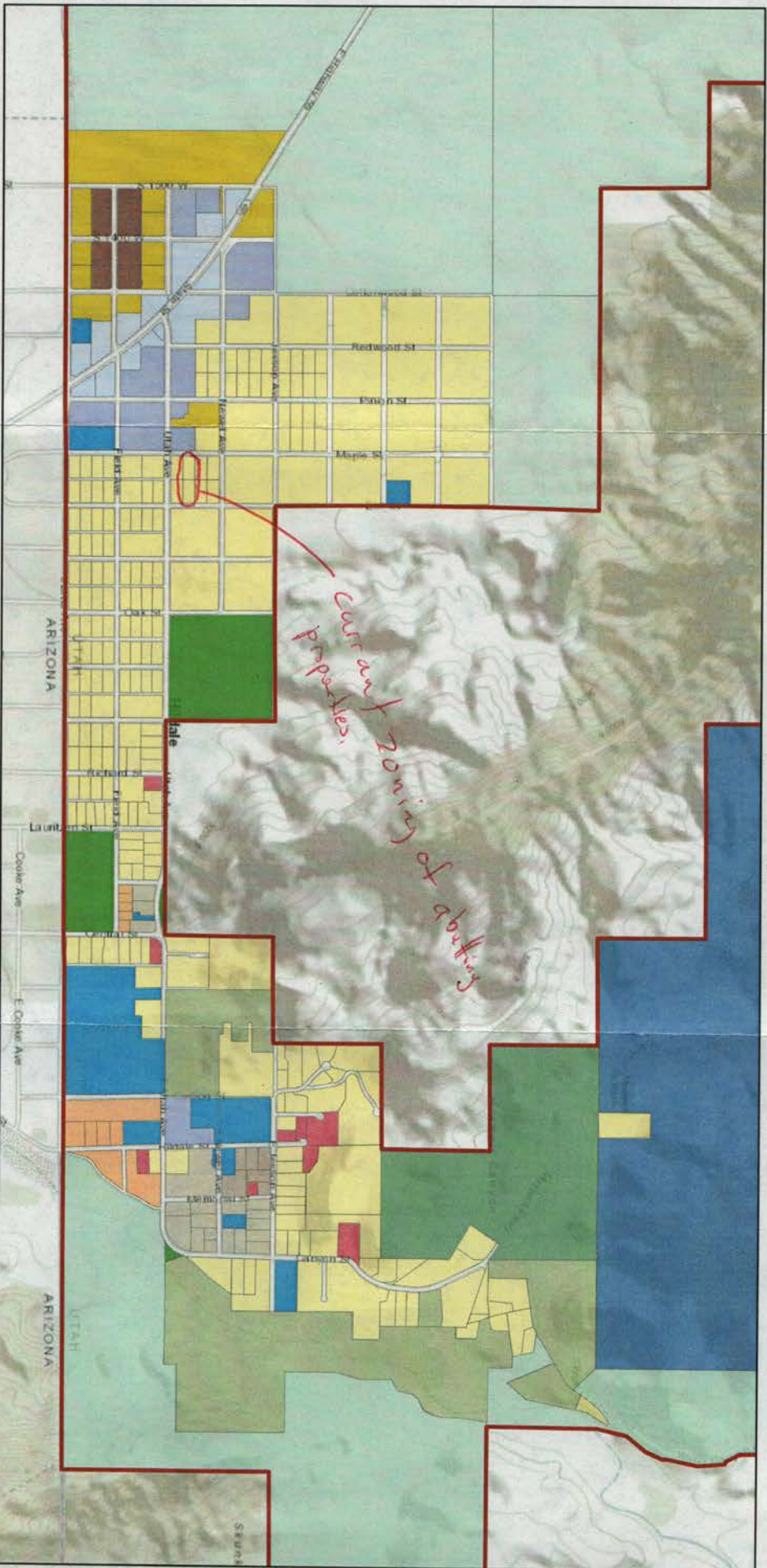
-Gary Tooke

-Shane Tooke

-Tooke Development

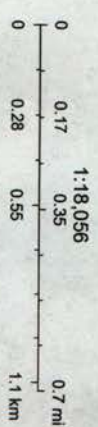
PO Box 651, St. George Utah 84771

Hildale City Zoning Editor



Current zoning of abutting parcels.

- 10/29/2018, 2:40:30 PM
- Municipal Boundary
 - RA-1 - Residential-agricultural 1
 - GC - General commercial
 - R1-10 - Single-family residential 10
 - HC - Highway commercial
 - PF - Public facilities
 - A-20 - Agricultural 20
 - R1-8 - Single-family residential 8
 - M-1 - Light industrial
 - RR - Recreation resort
 - A-10 - Agricultural 10
 - RM-1 - Multiple-family residential 1
 - M-2 - Heavy industrial
 - A-5 - Agricultural 5
 - NC - Neighborhood commercial
 - OS - Open space
- Zoning Districts**
- Zoning District Overlays**
- APO - Agriculture protection overlay



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, © OpenStreetMap contributors, and the GIS User

HD-SHCR-3-36

0926901

Legal Description

BEGINNING AT THE CENTER OF SAID SECTION 33 AND RUNNING THENCE N 89°59'86" W A DISTANCE OF 658.51 FEET TO A FOUND BOLT; THENCE N 89°57'40" W A DISTANCE OF 1319.64 FEET TO A FOUND PK NAIL; THENCE N 0°03'55" W A DISTANCE OF 1321.79 FEET TO A POINT ON THE NORTH 1/16TH LINE; THENCE N 89°58'11" E A DISTANCE OF 659.49 FEET ALONG THE NORTH 1/16TH LINE OF SECTION 83, TO THE NORTHWEST 1/16TH CORNER OF SAID SECTION 33; THENCE N 89°59'06" E ALONG THE 1/16TH LINE A DISTANCE OF 1318.30 FEET TO THE CENTER NORTH 1/16TH CORNER OF SAID SECTION 33; THENCE S 0°04'51" E 1323.45 FEET TO THE POINT OF BEGINNING.

HD-SCHR-3-39

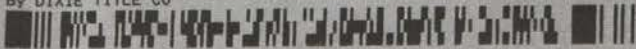
0926932

Legal Description

BEGINNING AT THE CENTER OF SAID SECTION 33 AND RUNNING THENCE N 89°59'86" W A DISTANCE OF 658.51 FEET TO A FOUND BOLT; THENCE N 89°57'40" W A DISTANCE OF 1319.64 FEET TO A FOUND PK NAIL; THENCE N 0°03'55" W A DISTANCE OF 1321.79 FEET TO A POINT ON THE NORTH 1/16TH LINE; THENCE N 89°58'11" E A DISTANCE OF 659.49 FEET ALONG THE NORTH 1/16TH LINE OF SECTION 83, TO THE NORTHWEST 1/16TH CORNER OF SAID SECTION 33; THENCE N 89°59'06" E ALONG THE 1/16TH LINE A DISTANCE OF 1318.30 FEET TO THE CENTER NORTH 1/16TH CORNER OF SAID SECTION 33; THENCE S 0°04'51" E 1323.45 FEET TO THE POINT OF BEGINNING.

DOC # 20180017431

Warranty Deed Page 1 of 1
Russell Shirts Washington County Recorder
04/30/2018 10:29:25 AM Fee \$ 11.00
By DIXIE TITLE CO



WHEN RECORDED MAIL TO:
Mills Gary Tooke, Trustee
P.O. BOX 651
ST. GEORGE UT. 84771

SPACE ABOVE THIS LINE FOR RECORDERS USE ONLY
RECORDED AT THE REQUEST OF DIXIE TITLE COMPANY ORDER # 4-18-15C
MAIL TAX NOTICE TO: SAME AS ABOVE
TAX ID NO: HD-SHCR-3-36 and HD-SHCR-3-39

WARRANTY DEED

Patrick Allen Zitting

GRANTOR(S)
STATE OF ARIZONA

OF COLORADO CITY, COUNTY OF
HEREBY CONVEY AND WARRANT TO

Mills Gary Tooke, Trustee of The Mills Gary Tooke Trust created under agreement dated the First Day of May, 2002

GRANTEE(S)

OF ST GEORGE, COUNTY OF WASHINGTON, STATE OF UTAH
FOR THE SUM OF TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION,
THE FOLLOWING DESCRIBED TRACT OF LAND IN WASHINGTON COUNTY, STATE OF UTAH:

All of Lots 36 and 39, Short Creek Subdivision #3, according to the Official Plat thereof on file and of Record in the Office of the Washington County Recorder, State of Utah.

TOGETHER with all improvements and appurtenances thereunto belonging but being SUBJECT to Easements, Rights of Way and Restrictions of Record.

WITNESS, THE HAND(S) OF SAID GRANTOR(S), THIS 25 DAY OF APRIL, 2018.

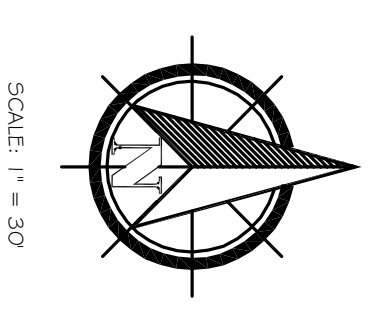
Patrick Allen Zitting

STATE OF UTAH)
 :SS
COUNTY OF WASHINGTON)

ON APRIL 25, 2018, PERSONALLY APPEARED BEFORE ME, Patrick Allen Zitting, THE SIGNER OF THE WITHIN INSTRUMENT, WHO DULY ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC





SCALE: 1" = 30'

PARK AREA ADDITION
 TOOKE LODGING PARK
 BETWEEN MAPLE & ELM STREET
 HILDALE, UTAH 84784



PROPERTY INFO

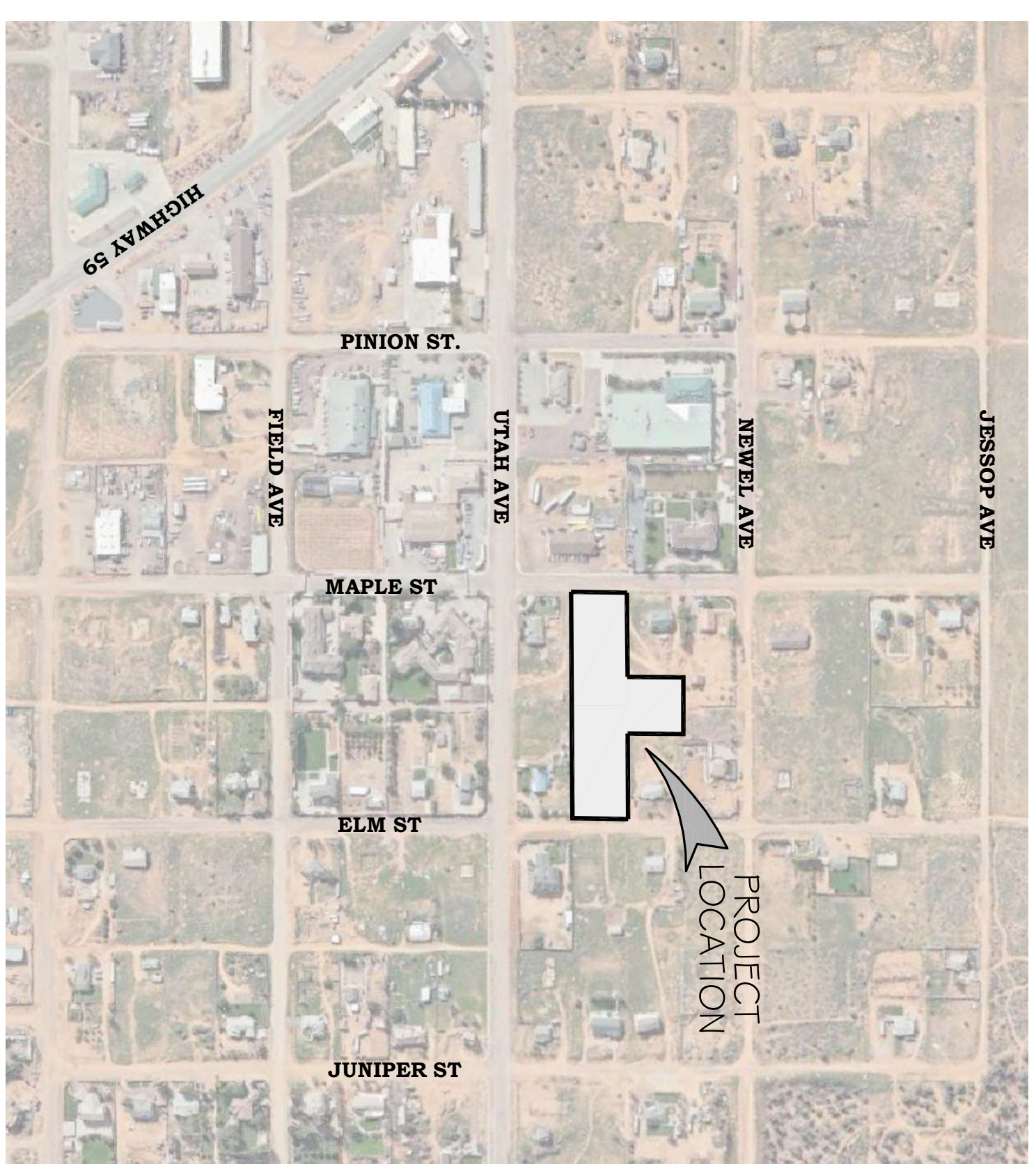
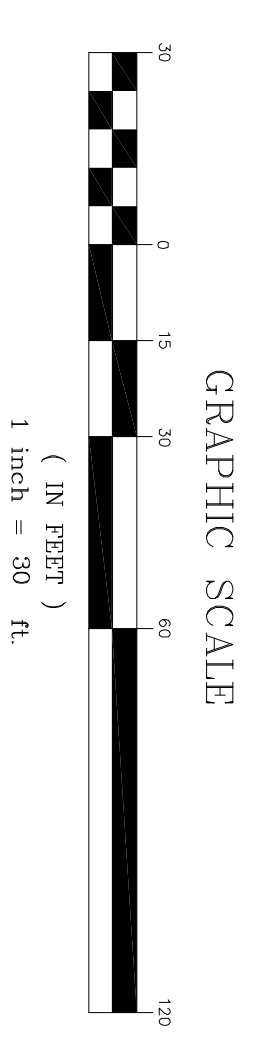
PROPERTY ADDRESS = HD-SHCR-13-339 & HD-SHCR-13-336
 MAPLE STREET & ELM STREET
 HILDALE, UTAH 84784

LEGAL DESCRIPTION = ALL OF LOT 39 & 3C OF THE SHORT CREEK SUBDIVISION #3,
 AS RECORDED AND ON FILE IN THE OFFICE OF THE WASHINGTON
 COUNTY RECORDER LOCATED IN ST. GEORGE, UTAH
 AREA = 1.99 ACRES

ZONING = RESIDENTIAL

OWNER / DEVELOPER:

GARY TOOKE
 P.O. BOX 651
 ST. GEORGE, UT 84771
 (435) 703-0453



VICINITY MAP