



From: Harrison Johnson
 To: Hildale City Planning & Zoning Commission; Hildale City Mayor
 Date: July 18, 2023
 Subject: Zone Change request

Applicant Name: Allen Feller
Agent: Allen Feller; Tyson Feller
Application Type: Zone Change request
Project Address: Approximately 1700 W State Street
Current Zoning: A-20
Requested Zoning: R1-8
Date: July 18, 2023
Prepared by: Harison Johnson

Summary of Application

The Applicant is requesting approval of a Zone Change.

Request 1:

Amend the zoning map to re-zone Parcel HD-0-32-310 and HD-184, approximately around 1700 W State Street, Hildale, Utah from the current Agriculture-20 (A-20) to Single-family residential 8 R1-8. Should the zone change be approved, the applicant intends to submit an application for a subdivision on the same parcel.

Background

Below is a summary of actions taken in relation to this zone change application:

- The applicant submitted the application on June 30th, 2022 to the Hildale City offices and paid the fee of \$100.
- The applicant provided addressed, stamped envelopes for all property owners within the required boundary of the subject property.
- City staff prepared a Rezone Letter for Neighboring Properties and mailed the letters within the required notice time.
- The Public Hearing for this zone change request was noticed, as required.

General Plan and Zoning

The property is bounded on the North and on the East by Utah State Route-59; on the South by Uzona Ave; and on the West by large agricultural lots and the Hildale City Sewer Lagoons; Surrounding properties are zoned A-20, M-1 & M-2.

Analysis

The zone change request complies with required standards for approval, as identified in Hildale Planning and Zoning ordinance, section 152-13-3 Uses allowed; and Sec 152-13-4 Development Standards In Residential Zones, as follows:

Sec 152-13-3 Uses Allowed

1. Permitted And Conditional Uses:

Permitted and conditional uses allowed within residential zones shall be as set forth in table 152-13-1 of this section. Permitted and conditional uses are indicated by a "P" or "C", respectively, in the appropriate column. Uses not permitted are indicated by "N". Any use not shown on table 152-13-1 of this section 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.

TABLE 152-13-1 PERMITTED AND CONDITIONAL USES ALLOWED IN RESIDENTIAL ZONES

PERMITTED AND CONDITIONAL USES ALLOWED IN RESIDENTIAL ZONES							
	Zones						
	R1-15	R1-10	R1-8	RM-1	RM-2	RM-3	MH/RV
Agricultural uses:							
Accessory building	P	P	P	P	P	P	P
Agricultural business	N	N	N	N	N	N	N

Agricultural industry	N	N	N	N	N	N	N
Agriculture	N	N	N	N	N	N	N
Agriculture residential	P	P	P	P	P	P	P
Animal specialties	P	P	N	N	N	N	N
Animals and fowl for recreation and family food production	P ³ /C	P ³ /C	P ³	N	N	N	N
Stable, private	N	N	N	N	N	N	N
Residential uses:							
Assisted living facility	C	C	C	N	N	N	N
Boarding house	N	N	N	N	N	N	N
Building, accessory	P	P	P	P	P	P	P
Dwelling, earth sheltered	P	P	P	P	P	P	N
Dwelling, multiple-family	N	N	N	P	P	P	N
Dwelling, single-family	P	P	P	P	P	P	P
Dwelling, single-family with accessory dwelling unit	P	P	P	N	N	N	N
Dwelling, temporary	P	P	P	P	P	P	P
Dwelling, two-family	N	N	N	P	P	P	N
Guesthouse or casita with direct access to main dwelling unit	P	P	P	N	N	N	N
Guesthouse or casita without direct access to main dwelling unit	C	C	C	N	N	N	N
Manufactured home	P	P	P	N	N	N	P
Manufactured/mobile home park	N	N	N	N	N	N	P
Manufactured/mobile home subdivision	N	N	N	N	N	N	P
Protective housing facility	N	N	N	N	N	N	N
Rehabilitation/treatment facility	N	N	N	N	N	N	N
Residential facility for elderly persons ¹	P	P	P	P	P	P	P
Residential facility for persons with a disability ¹	P	P	P	P	P	P	P
Residential facility for troubled youth	N	N	N	N	N	N	N
Short term rental ⁴	P	P	P	N	N	N	N
Transitional housing facility	N	N	N	N	N	N	N
Public and civic uses:							
Airport	N	N	N	N	N	N	N
Auditorium or stadium	N	N	N	N	N	N	N
Bus terminal	N	N	N	N	N	N	N
Cemetery	P	P	P	P	P	P	P
Church or place of worship	P	P	P	P	P	P	P
Club or service organization	N	N	N	N	N	N	N
College or university	N	N	N	N	N	N	N
Convalescent care facility	N	N	N	N	N	N	N
Correctional facility	N	N	N	N	N	N	N
Cultural service	N	N	N	N	N	N	N

Golf course	P	P	P	P	P	P	P
Government service	N	N	N	N	N	N	N
Hospital	N	N	N	N	N	N	N
Operations center	N	N	N	N	N	N	N
Park	P	P	P	P	P	P	P
Post office	N	N	N	N	N	N	N
Protective service	P	P	P	P	P	P	P
Reception center	N	N	N	N	N	N	N
School, elementary, middle, high or private	P	P	P	P	P	P	P
School, vocational	N	N	N	N	N	N	N
Stable, public	N	N	N	N	N	N	N
Utility, major	N	N	N	N	N	N	N
Utility, minor	P	P	P	P	P	P	P
Commercial uses:							
Agricultural sales and service	N	N	N	N	N	N	N
Animal hospital	N	N	N	N	N	N	N
Bail bond service	N	N	N	N	N	N	N
Bank or financial institution	N	N	N	N	N	N	N
Bed and breakfast, home (Less than or Equal to 2; Owner Occupied)	C	C	C	N	N	N	C
Bed and breakfast inn (Between 3 and 10)	C	C	C	N	N	N	C
Business equipment rental, services, and supplies	N	N	N	N	N	N	N
Camping Hosting Facility	N	N	N	N	N	N	N
Car wash	N	N	N	N	N	N	N
Club, private	N	N	N	N	N	N	N
Construction sales and service	N	N	N	N	N	N	N
Convenience store	N	N	N	N	N	N	N
Family child daycare facility ²	P	P	P	P	P	P	P
Licensed family child care ²	C	C	C	C	C	C	C
Residential certificate child care ²	P	P	P	P	P	P	P
Child care center	N	N	N	N	N	N	N
Funeral home	N	N	N	N	N	N	N
Garden center	N	N	N	N	N	N	N
Gas and fuel, storage and sales	N	N	N	N	N	N	N
Gasoline service station	N	N	N	N	N	N	N
Hostel	N	N	N	N	N	N	N
Hotel	N	N	N	N	N	N	N
Kennel, commercial	N	N	N	N	N	N	N
Kennel, residential	P	P	P	P	P	P	P

Laundry or dry cleaning, limited	N	N	N	N	N	N	N
Liquor store	N	N	N	N	N	N	N
Media service	N	N	N	N	N	N	N
Medical or dental laboratory	N	N	N	N	N	N	N
Medical service	N	N	N	N	N	N	N
Motel	N	N	N	N	N	N	N
Office, general	N	N	N	N	N	N	N
Off Road Recreational Vehicle Rental	C	C	C	N	N	N	N
Parking garage, public	N	N	N	N	N	N	N
Parking lot, public	N	N	N	N	N	N	N
Pawnshop	N	N	N	N	N	N	N
Personal care service, home based ²	P	P	P	P	P	P	P
Personal instruction service, home based ²	P	P	P	P	P	P	P
Printing and copying, limited	N	N	N	N	N	N	N
Printing, general	N	N	N	N	N	N	N
Produce stand	N	N	N	N	N	N	N
Recreation and entertainment, indoor	N	N	N	N	N	N	N
Recreation and entertainment, outdoor	N	N	N	N	N	N	N
Recreational vehicle park	N	N	N	N	N	N	P
Repair service	N	N	N	N	N	N	N
Research service	N	N	N	N	N	N	N
Residential hosting facility	P	P	P	N	N	N	N
Restaurant, fast food	N	N	N	N	N	N	N
Restaurant, general	N	N	N	N	N	N	N
Retail, general	N	N	N	N	N	N	N
Secondhand store	N	N	N	N	N	N	N
Shopping center	N	N	N	N	N	N	N
Tattoo establishment	N	N	N	N	N	N	N
Tavern	N	N	N	N	N	N	N
Temporary trailer	P	P	P	P	P	P	P
Transportation service	N	N	N	N	N	N	N
Vehicle and equipment rental or sale	N	N	N	N	N	N	N
Vehicle and equipment repair, general	N	N	N	N	N	N	N
Vehicle repair, limited	N	N	N	N	N	N	N
Veterinary service	N	N	N	N	N	N	N
Warehouse, self-service storage	N	N	N	N	N	N	N
Wireless telecommunication facility	See section 10-50-5, table 10-50-1 of this title						
Industrial uses:							
Automobile wrecking yard	N	N	N	N	N	N	N

Distance between buildings	No requirement	No requirement	No requirement	No requirement	20 ft.	20 ft.	20 ft.
Setback standards - front yard:							
Any building ⁵	24 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.
Setback standards - rear yard:							
Main building	19 ft.	20 ft.	20 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Accessory building, including private garage ⁶	19 ft.	20 ft.	20 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Setback standards - interior side yard:							
Main building	9 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Accessory building, including private garage	See note 6	See note 6	See note 6	See note 6	See note 6	See note 6	See note 6
Setback standards - street side yard:							
Main building ⁷	19 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Accessory building	See note 6	See note 6	See note 6	See note 6	See note 6	See note 6	See note 6

Notes:

- Duplex only permitted on first 10,000 square feet. Any additional units must meet density per acre standards.
- "Average size" means the total acreage devoted to lots divided by the number of lots. Net density definition shall apply.
- Except as otherwise permitted by subsection 152-13-7C of this chapter.
- Except as otherwise permitted by subsection 152-13-7B of this chapter.
- Except as modified by the provisions of subsection 152-37-12F, "Setback Measurement", of this chapter.
- If located at least 10 feet from main building, 2 feet from the dripline of the roof. Otherwise, same as for main building.
- When this side setback is required, rear setback may be reduced to 10 feet.

Sec 152-13-5 Regulations Of General Applicability

The use and development of real property in residential zones shall conform to regulations of general applicability as set forth in the following chapters of this chapter:

- Design and compatibility standards:
See chapter 33 of this title.
- Landscaping and screening:
See chapter 32 of this title.
- Motor vehicle access:
See chapter 35 of this title.
- Natural resource inventory:
See chapter 31 of this title.
- Off street parking:
See chapter 34 of this title.
- Signs:
See chapter 36 of this title.
- Supplementary development standards:
See chapter 37 of this title.

Sec 152-13-6 Regulations For Specific Uses

To the extent that use and development of real property includes any matter encompassed by a regulation for a specific use as set forth in Article VI of this chapter, such regulation shall apply in addition to the requirements of this chapter and shall prevail over any conflicting provision of this chapter.

Sec 152-13-7 Special Regulations

- Animals:
Within R1, RM, and MH/RV zones, where permitted by the zone, the keeping of animals shall normally be simultaneous with occupied residential use.
- Larger Accessory Buildings:
Notwithstanding the maximum building size limitation shown on table 152-13-2 in section 152-13-4 of this chapter, the maximum size of an accessory building may be increased pursuant to a conditional use permit.
- Increased Height:
Notwithstanding the height limitations shown on table 152-13-2 in section 152-13-4 of this chapter a greater building height may be allowed in residential zones pursuant to a conditional use permit.

4. Visual Barriers:

Fencing or other method of providing privacy and a visual barrier to adjacent property shall be constructed around the perimeter of a multiple-family development.

1. The height of such barrier shall be at least six feet (6').
2. The barrier material and location shall be identified on an approved site plan.

5. Open Space:

In multiple-family residential zones, common open space should equal or exceed the ground floor area of all buildings on site. Projects greater than one story should provide common open space equivalent to the ground floor area plus fifty percent (50%) of all additional floor area.

Recommendation

Staff recommends considerable analysis of this application and careful review as it represents a large increase in the developable lots within Hildale. There are four concepts that staff urges the planning commission and the city council to consider:

- **Water Demand:** the subject properties could engender over 100 new single-family residential lots, which would roughly double the existing size of both Hildale and Colorado City. Additionally, residential landscaping is the most water intensive land use unless there are strict water wise landscaping requirements. There are serious doubts whether there are existing water resources to serve the addition of even a small portion of the subject property if it were developed into single-family residential units unless strict water use and landscaping restrictions are in place.
- **Tax Sustainability:** Single family residential lots often require more public services i.e. road maintenance, and public safety, than the City recuperates in property taxes. This is very true for Hildale City as the large than average lot sizes are the most common. Additionally, there are few impact fees which would assist city departments in funding services to serve these new residents and therefore the existing tax base could disproportionately bear the majority of these costs. Decreasing street size, adding commercial and public spaces may alleviate the cost of maintenance and increase tax sustainability.
- **Commercial Development/Bedroom Community:** This project has no commercial property outlined nor any public spaces identified. Commercial property provides a far better tax base but also key economic growth that provides services to residents and visitors and jobs for local residents. Paired with further geographic constraints and the low density of single-family residential lots Hildale could become a bedroom community. Adding master planned commercial development, and multi-family housing may help with Hildale's economic future and housing affordability.
- **Geographic Constraints:** Hildale City is constrained by public lands and Apple Valley to the north and east, to Arizona to the south and west by further public lands. Geographically, there is very little room for growth. Exponential low-density growth with single family residential lots could result in high property prices, low affordability with little room for further change due to the limited land area available to Hildale City. Ensuring new developments have included master-planned and design consistent development may ensure that growth provides the best way to serve new and existing residents economically and sustainably.

Hildale City faces many challenges and development may be a fundamental method of solving many of them, Hildale staff strongly recommends the above concepts are dearly considered and included in discussions, agreements and decisions in approaching this and all large developments.

Sample Motions – ZONING CHANGE

1. I move to recommend approval of the zoning map amendment requested for Parcel HD-0-32-310 and HD-184, approximately around 1700 W State Street, Utah from the current Agriculture-20 (A-20) to Single-family residential 8 (R1-8)
2. I move to recommend approval w/ conditions of the zoning map amendment requested for Parcel HD-0-32-310 and HD-184, approximately around 1700 W State Street, Utah from the current Agriculture-20 (A-20) to Single-family residential 8 (R1-8)
3. I move to recommend disapproval of the zoning map amendment requested for Parcel HD-0-32-310 and HD-184, approximately around 1700 W State Street, Utah from the current Agriculture-20 (A-20) to Single-family residential 8 (R1-8)