

Moab City Council Agenda Item

Meeting Date: April 14, 2020

Title: City Council Resolution 19-2020 - a Resolution approving an amended plat for Pear Tree Estates to delete a plat note requiring street improvements along Pear Tree Lane prior to development of parcel 2 of the subdivision.

Disposition: Discussion and possible action

Staff Presenter: Nora Shepard, Planning Director

Attachment(s):

- Exhibit 1: Proposed Resolution
- Exhibit 2: Petition to Amend the Subdivision
- Exhibit 3: Information provided by the applicant on project history
- Exhibit 4: Meeting minutes from previous Planning Commission and City Council discussions on the subdivision
- Exhibit 5: 1998 Pear Tree Estates Plat showing ROW dedication

Project Information:

Address: 1040 Pear Tree Lane

Owner: Darcey Brown/Kentlelfenbein

Subdivision to be amended: Pear Tree Estates

Recommended Motion:

I move to approve City Council Resolution 19-2020 - "a Resolution approving an amended plat for Pear Tree Estates to delete a plat note requiring street improvements along Pear Tree Lane prior to development of parcel 2 of the subdivision."

Disposition: Discussion and possible action

Background:

Pear Tree Estates, a 2-lot subdivision has a history with the City. The attached information from the applicant (Exhibit 3) explains some of the history of the subdivision. The Planning Department has conducted research and summarizes the history as follows:

- In 1998, a metes and bounds subdivision was recorded with the County creating a 2-lot subdivision. This subdivision was not considered a legal subdivision by the City, since it did not receive City approval prior to recordation
- Later in 1998, the City accepted a dedication of ROW for Pear Tree Lane along the frontage of the Pear Tree Estates (see Exhibit 5)
- In 2003, the owner tried to get financing for construction and the financial institution had concerns about the subdivision
- In 2003, the Planning Commission and City Council considered the Pear Tree Estates Subdivision, a 2-lot subdivision, thereby legalizing the subdivision. The project at that time was referred to as the Borders Subdivision.

- On January 23, 2003, the Planning Commission discussed the item and made the following motion:
Action:
“On a motion by Rodney Taylor with a second from Kara Dorhrewend, the Planning Commission voted unanimously to re commend approval of the Borders Subdivision and to recommend that required improvements for said subdivision be waived by the City Council.”
- On January 28, 2003, the City Council approved the subdivision as follows:
“Councilmember Peterson moved to approve Pear Tree Estates Subdivision with Exceptions to the Moab City Subdivision Ordinance that lot two be restricted from development until such time that curb, gutter and other required improvements are in place. Councilmember Sweeten seconded the motion, the motion carried 5-0 aye.”
- The plat was recorded and contains the required note pertaining to Lot 2.
- Since that time, there have been numerous discussions between the City and the Property Owner about the plat note. One option explored was to allow the owner to require the property owner to contribute the cost of improvements to the City that could be used at such time as Pear Tree Lane is paved and widened.
- The property has been listed for sale and several potential purchasers backed away based on the plat note and the potential cost of the improvements
- In late 2019 and 2020, the City Staff (Planning and Engineering) have met with a representative of the property owner on a number of occasions to try to come up with a solution to move forward with the Subdivision.
- The property owners filed a petition in early March 2020 to amend the subdivision plat to remove the note on Parcel 2.

Summary of Request:

The property owners are requesting approval of an amended subdivision plat for Pear Tree Estates Subdivision removing the note on Lot 2 that restricts development until such time that curb, gutter and other required improvements are in place. There are no other changes proposed to the plat at this time. This is considered a minor amendment requiring City Council approval. No public Hearing is required.