

Request to Moab City Council to waive requirements for improvements (curb, gutter, sidewalk and road surface) before developing Lot 2 Pear Tree Estates, 1040 Pear Tree Lane.

[Another alternative – have neighbors join the petition and make the request for all of Pear Tree Lane.]

While attempting to sell the lot at 1040 Pear Tree Lane, we have encountered problems based on a requirement by the City of Moab several years ago that restricted residential development of the parcel until improvements of curb, gutter, sidewalk and road surface have been placed. With bids reaching approximately \$90,000.00 for these improvements, this requirement is unduly burdensome, is unnecessary and imposes a different standard on this lot than others on Pear Tree Lane.

In 1998, Andrew Riley requested authority to subdivide property [which lots did Andrew Riley own???] along Pear Tree Lane. At a City Council meeting on June 9, 1998, the request was approved “with the following conditions:1) Curb; 2) Gutter; 3) Sidewalk; 4) Street Installed or bonded for by Andrew Riley.... Councilmember Bailey stated that he would like to see all properties along Pear Tree Lane have these conditions.

In May 2002, the City approved a Right of Way dedication on Pear Tree Lane, and obtained an Easement Quit Claim Deed from the owners of Pear Tree Estates on May 17, 2002.

The Borders Subdivision was discussed in the Minutes of the Moab City Planning Commission for January 28, 2003, item 5.

Action:

...the Planning Commission voted unanimously to recommend approval of the Borders Subdivision and to recommend that required improvements for said subdivision be waived by the City Council.

Discussion:

Request by Deb Truman/Borders to subdivide an approximately 3 acre parcel into two lots. Purpose of the request is to obtain a loan from her bank to complete construction of the house. Her bank would not grant a housing loan on the three acres because there were too many fruit trees. Her option was to cut the trees. The City Council had approved the building permit for the house, on three acres, on May 14, 2002 without the requirements or bond to put in curb, gutter, sidewalk or road. However, a 50 foot easement for the road was requested and signed by the property owners. A subdivision was not then suggested because of the requirement to put in said improvements for subdivisions (12-08-060 & 16.20.050). City Council had not waived subdivision improvement requirements before, to my knowledge. Border's property was later divided into lots, by metes and bounds, and recorded. Planning Office turned its head but told Deb that only one building permit would be allowed for the entire parcel.

The bank has now requested that proof of acceptance by the City for the subdivision, be submitted. Because the City did not recognize the subdivision, there is none. So what Deb is requesting is a formal recognition of the subdivision. A plat will be submitted at the meeting. She is also asking that the subdivision improvements not be required which is permissible by the City Council on recommendation from the Planning Commission. (16.08.030).

The same day, on January 28, 2003, the City Council approved the Subdivision with exceptions. The Minutes state:

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, sidewalk and other required improvements are in place. Councilmember Sweeten seconded the motion. The motion carried 5-0.

The minutes do not include any discussion or explanation as to why the City Council ignored the recommendation by the Planning Commission that the requirement of the improvements be waived.

This all happened between 15-20 years ago. Since that time, other homes have been built on Pear Tree Lane, on both sides of 1040 Pear Tree (need examples - 848, the Dee Tranter subdivision of a flag lot? Other newer homes and dates.)

No one has built the road or paid for the bond (??? Do we know this is true about the bond?)

Pear Tree Lane remains an area with a rural feel. The owners do not want the road paved [can you obtain signatures from the owners of other lots to support the Request??], and it would be absurd to have ___ feet in front of 1040 a paved road with sidewalks, and no other portion of Pear Tree improved.

We ask that the Council approve exceptions to the requirement of curb, gutter, sidewalk and paved road for approval of residential development on Pear Tree Lane, and waive the requirement of a bond in lieu of improvements.