Moab City Council Agenda Item
3rd Street Townhomes Plat
Meeting Date: March 23, 2021

Title: Consideration and Possible Approval of Resolution #06-2021, A Resolution Approving the Townhome Plat Application for the 3rd Street Townhomes, property located at 116 South 300 East, Moab UT 84532.

Disposition: Discussion and Possible Action

Staff Presenter: Cory P. Shurtleff, Assistant Planner

Attachment(s):
- Exhibit 1: Draft Resolution #06-2021
- Exhibit 2: Vicinity Map
- Exhibit 3: Recorded County Plat
- Exhibit 4: Draft Survey Plat

Options:
1. Approve Resolution #06-2021 with or without modifications;
2. Continue action on the item and give specific direction to the applicant and staff as to additional information needed;

Motion for Recommendation: I move that the City Council approve Resolution #06-2021, A Resolution Approving the Townhome Plat Application for the 3rd Street Townhomes, property located at 116 South 300 East, Moab UT 84532.

Applicant: Ben Byrd, Developer

Background:
Ben Byrd, applicant and project developer, submitted the City of Moab Pre-Application Meeting Request Form, with associated materials on June 24, 2020. This application was reviewed by the City of Moab Development Review Team on July 8, 2020, with comments sent back to the applicant. As the proposed development scope did not require additional Staff review through a Site Plan Application, the proposed development was submitted and processed through the Building Permit Application process. Nearing project completion, the applicant has submitted the Townhome Plat Application, via the New Condominium Plat Application, to record the Townhome Plat ownership division of the 5 unit multi-household dwelling.

Project Summary:
Location: 116 South 300 East, Moab UT
Property Owner: Craig Parkes
Applicant: Ben Byrd
Parcel Size: 0.32 Acres
Current Zone: R-3 Multi-Household Residential Zone
Proposed Use: 5 unit Townhome Residential; Multi-Household

Narrative Summary:
The applicant has provided the following summary of the project:

“3rd Street Subdivision
Third street subdivision is a split of a 13772 sq. R-3 city lot into 5 separate residential parcels. Moab city code allows "one multi household lot per 2000 sq foot" in R-3 per 17.48.030.

The lots created will front on 100 S. with a shared access to the garages off of 300 E. This project has been started and is scheduled for an April Completion which will include the required Water, and Sewer Connections. The 3rd street HOA will be in place and oversee the shared access and other common elements of this subdivision. I have attached them with this submittal.

Homes being built now on the property are 2 story, 1600sq. foot+, with 2 car garages. Each home has a nice sized driveway in the back and a small yard area in the front.

Process: Condominium Plat/ Townhome Plat
Section 17.79.060 of the Moab Municipal Code allows the Planning Commission to approve the Condominium Plat complying with the provisions of the Utah Condominium Ownership Act. having been reviewed and recommended by Planning Staff. Section 16.08.020 of the Moab Municipal Code allows exceptions to Final Plat procedures for Minor Subdivisions, with approval by the City Council. This item defined as a Townhome Plat does not have specific code or procedures. The development of 5 multi-household dwelling units in the R-3 Multi-Household Residential zone is permitted by-right through a Building Permit Review process, without additional Planning review process. The Townhome Plat is essentially a function of ownership (similar to that of a Condominium Plat), applied to the permitted development and land area associated with each dwelling unit. Condominium Plats do not require City Council review or approval. A Townhome Plat, given the specific “division” and allocation of land specific to lots, has been historically and by policy recommended by the Planning Commission and approved by the City Council, similar to that of a minor subdivision procedure. The aforementioned MMC sections are included below:

17.79.060
Plat and declaration approval.

All condominium developments shall include a condominium plat and condominium declaration complying with the provisions of the Utah Condominium Ownership Act. The proposed plat and declaration shall be submitted with the application for staff review prior to any applicable decision by the body having land use authority. The final plat for all condominium conversions shall include a signature block for the Planning Commission, City Planner, City Engineer, and City Attorney which must be executed prior to recording. Except where the applicant posts a performance guarantee under Section 16.20.060 (subdivisions) or Section 17.66.180(C) (planned unit developments), the condominium plat and declaration
shall not be recorded until all approvals required under by city code have been obtained and all required improvements have been completed. (Ord. 06-10 (part), 2006)

16.08.020
Exceptions--Final plat.

In subdivisions of less than five lots, land may be sold after recording of a plat, if all the following conditions are met:
A. The subdivision plan shall have been approved by the Planning Commission, the planning coordinator, the City Engineer, the City Attorney, other agencies the zoning administrator deems necessary, and the City Council;
B. The subdivision is not traversed by lines of a proposed street, and does not require the dedication of any land for street or other purposes;
C. Each lot within the subdivision meets the frontage width and area requirements of the zoning title or has been granted a variance from such requirements by the appeal authority;
D. All final plat requirements shall be complied with;
E. All provisions of Chapter 16.20 of this title shall be complied with; and
F. The water supply and sewage disposal shall have been approved by the utility supervisor. (Ord. 10-06, 2010; Ord. 13-81 (part), 1981: prior code §22-2-2)