

## STAFF ANALYSIS

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**RE: SUB13-02 Cortona Phase 1A:** The Mayor and the City Council shall discuss and possibly take action on a request by, Rose Law Group on behalf of Desert Sunrise LLC and PMC Land Entitlement for an extension of the final plat expiration date, approved on April 5<sup>th</sup> of 2016. **Discussion and Action.**

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On April 5, 2016, the City Council approved final plat request SUB13-02 Cortona Phase 1A, a 258 single family lot subdivision located south of Farrell Road, west of Murphy Road, north of Steen Road and east of Hartman Road, within the incorporated limits of the City of Maricopa.

The applicant is requesting an amendment to Condition # 3, which was approved by the City Council under Case # SUB13-02 Conditions of Approval, that specifies the following language:

*In accordance to Subdivision Ordinance Sec. 14-4-6 (G)(4), approval of the final plat is valid for twelve (12) months from the date of City Council approval (April 5, 2016). If the developer fails to provide the required material or perform the necessary work that includes the required improvement plan approval as specified in Sec. 14-4-6, within the twelve (12) month period, the final plat approval by City Council shall become null and void.*

*Based on the Subdivision Ordinance requirement above, the final plat will become null and void on April 5, 2017, unless the Council grants an extension and a relief from the Code requirement. This is the first time the City received a request from a development for a Final Plat extension.*

This project has a long history, and the following timeline of major events for the Cortona project as it relates to approval dates and extensions granted by the City of Maricopa.

- **December 4, 2007:** The Council approves SUB06-10 Cortona preliminary plat.
- **November 9, 2009:** The Planning Commission extends Cortona preliminary plat (SUB06-10) for two (2) years with expiration due in 2011.
- **November 1, 2011:** The City Council approves Preliminary Plat extension agreement, Contract #11-60 to expire in November 2013.
- **December 10, 2012:** The City Council approves Preliminary Plat amendment that included a phasing plan, case # SUB12-05.
- **April 5, 2016:** The City Council approves the Final Plats for Phase 1A (352 lots), case #SUB13-02.

Engineering and Planning staff reviewed the request and concluded the following:

1. The Subdivision Code does not specify or provide any remedy for a process to extend Council approved final plats.
2. Granting the request weakens the code section specified in the Subdivision Ordinance (Sec. 14-4-6 G4).
3. Further, the extension may set also a precedent for other developments to follow.

Based on the circumstances presented by the applicant in the attached letter (see attachment A), it is the City Council's sole discretion to allow for a ONE TIME ONLY extension of an additional twelve (12) months for the final plat SUB 13-02, to adhere to Sec. 14-4-6 of the City's Subdivision Ordinance, and which will automatically expire on April 5, 2018.