MARANA PLANNING COMMISSION
REGULAR COMMISSION MEETING
NOTICE AND AGENDA
11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, May 25, 2016, at or after 6:30 PM

Thomas Schnee, Chairman
Don Duncan, Vice Chair
Terry Fehrmann, Commissioner
Marcia Jakab, Commissioner
Steve Miklosi, Commissioner
Richard Miller, Commissioner
John Officer, Commissioner

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Marana Planning Commission and to the general public that the Planning Commission will hold a meeting open to the public on May 25, 2016, at or after 6:30 PM located in the Council Chambers of the Marana Municipal Complex, 11555 W. Civic Center Drive, Marana, Arizona.

ACTION MAY BE TAKEN BY THE COMMISSION ON ANY ITEM LISTED ON THIS AGENDA. Revisions to the agenda can occur up to 24 hours prior to the meeting. Revised agenda items appear in *italics*.

MARANA PLANNING COMMISSION
Welcome to this public meeting of the Marana Planning Commission. The Commission consists of seven citizens who are appointed by the Town Council and serve without pay. For the most part, the Commission acts in an advisory capacity to the Town Council on matters related to land use planning and zoning. Citizens are encouraged to address the Commission with their concerns on agenda items during the public testimony portions of the meeting, or other issues at the Call to the Public.

Meeting Times
Regular Commission meetings are usually held on the last Wednesday of each month at 6:30 PM at the Marana Municipal Complex, although the date or time may change and additional meetings may be called at other times and/or places.

Speaking at Meetings
If you are interested in speaking to the Commission during the Call to the Public or Public Hearings, you must fill out a speaker card (located in the lobby outside the Council Chambers) and deliver it to the Planning Commission Secretary prior to the convening of the meeting.

All persons attending the Commission meeting, whether speaking to the Commission or not, are expected to observe the Commission rules, as well as the rules of politeness, propriety, decorum and good conduct. Any person interfering with the meeting in any way, or acting rudely or loudly will be removed from the meeting and will not be allowed to return.

Accessibility
To better serve the citizens of Marana and others attending our meetings, the Council Chambers are

wheelchair and handicapped accessible. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Town Clerk at (520) 382-1999. Requests should be made as early as possible to arrange the accommodation.

Agendas
Copies of the Agenda are available the day of the meeting in the lobby outside the Council Chambers or online at www.maranaaz.gov.

This Notice and Agenda posted no later than 24 hours prior to the meeting, at the Marana Municipal Complex, 11555 W. Civic Center Drive, the Marana Operations Center, 5100 W. Ina Road, and at www.maranaaz.gov.

REGULAR COMMISSION MEETING

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION/MOMENT OF SILENCE

ROLL CALL

CALL TO THE PUBLIC
At this time, any member of the public is allowed to address the Planning Commission on any issue within the jurisdiction of the Planning Commission, except for items scheduled for a Public Hearing at this meeting. The speaker may have up to three (3) minutes to speak. Any persons wishing to address the Commission must complete a speaker card (located at the rear of the Commission Chambers) and deliver it to the Commission Secretary prior to this agenda item being called. Pursuant to the Arizona Open Meeting Law, at the conclusion of Call to the Public, individual members of the Commission may respond to criticism made by those who have addressed the Commission, and may ask staff to review the matter, or may ask that the matter be placed on a future agenda. However, members of the Commission shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action.

APPROVAL OF AGENDA

ANNOUNCEMENTS

GENERAL ORDER OF BUSINESS

A. Approval of the March 30, 2016 Meeting Minutes

B. Public Hearings

1. **PCM1605-001 Amendment to Marana Town Code Title 17 (Land Development), Chapter 17-5 Subdivisions.**
   Recommendation to the Town Council to amend the Marana Town Code, Title 17 (Land Development) to include comprehensive revisions to the provisions and procedures for the pre-application conference as well as the provisions and procedures for the submittal, review, and approval of preliminary subdivision plats. (Brian D. Varney)

C. Commission Action

Opening remarks by an applicant should not exceed ten minutes. Comments by others should not exceed three minutes.

D. Informational Items/Possible Action Items

FUTURE AGENDA ITEMS

EXECUTIVE SESSIONS

Pursuant to A.R.S. 38-431.03, the Planning Commission may vote to go into executive session, which will not be open to the public, to discuss certain matters.

Executive Session pursuant to A.R.S. § 38-431.03(A)(3), the Planning Commission may ask for discussion or consultation for legal advice with the Town Attorney concerning any matter listed on this agenda.

ADJOURNMENT

Planning Commission

Meeting Date: 05/25/2016

To: Planning Commission

From: Terri Byler, Executive Assistant

Date: May 25, 2016

Subject: **Approval of the March 30, 2016 Meeting Minutes**

Attachments

March 30, 2016 Meeting Minutes

MARANA PLANNING COMMISSION
MEETING MINUTES
11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, March 30, 2016, at or after 6:30 p.m.

Thomas Schnee, Chairman
Don Duncan, Vice Chair
Terry Fehrmann, Commissioner
Marcia Jakab, Commissioner
Steve Miklosi, Commissioner
Richard Miller, Commissioner
John Officer, Commissioner

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REGULAR PLANNING COMMISSION MEETING

CALL TO ORDER. **Chairman Schnee** called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE AND INVOCATION/MOMENT OF SILENCE.
Led by **Chairman Schnee**.

ROLL CALL. Terri Byler, Planning Commission Secretary called roll. Commissioner Miklosi absent. A quorum was present.

CALL TO THE PUBLIC. No speaker cards presented.

APPROVAL OF AGENDA. ***Motion to approve by Vice Chair Duncan, seconded by Commissioner Jakab. Passed unanimously.***

ANNOUNCEMENTS. Keith Brann introduced Fausto Burruel, Traffic Division Manager and Kumar Raut, Civil Engineer. Both have recently joined the Engineering Department.

GENERAL ORDER OF BUSINESS. Approval of February 24, 2016 meeting minutes.
Motion to approve by Commissioner Jakab, seconded by Commissioner Officer. Passed unanimously.

PUBLIC HEARINGS.

COMMISSION ACTION.

1. PRV1505-001 DeAnza Preliminary Plat - Presidio Engineering, Inc., representing Red Point Development, Inc., is requesting a recommendation to the Town Council for approval of a preliminary subdivision plat for PRV1505-001, DeAnza, Lots 1-265 and Common Areas 'A', 'B', 'C', 'D', & 'E'. The DeAnza subdivision is proposed as a single-family residential development consisting of approximately 131.6 acres located north of Cortaro Farms Road on the west side of Hartman Lane in Sections 23 and 26, Township 12S, Range 12E. (Steve Cheslak)

Steve Cheslak presented the item by noting the DeAnza Preliminary Plat consists of two subdivisions; the DeAnza Estates and the DeAnza subdivision. Separating the two subdivisions is the Hardy Wash. He further noted the project has 12.2 acres integrated park/open space and 46 acres NUOS (Natural Undisturbed Open Space). Plans to dedicate 46 feet of property on the west boundary will give Joplin Lane residents access to Cortaro Farms Road in the future. A proposed channel, 3800 feet in length, along the Hardy Wash will keep this subdivision, as well as the existing Cortaro Ranch subdivision, out of the floodplain. The project is in compliance with the Land Development Code, the General Plan and the DeAnza Specific Plan. Staff recommends approval.

Chairman Schnee liked the layout of the project and the percentage of the open space dedicated. He felt keeping Joplin Lane open would benefit the homeowners. When visiting the site, **Chairman Schnee** didn't see anything that would be adverse. **Commissioners Jakab, Officer and Miller** had no comment. **Commissioner Fehrmann** had a concern with the two main entrances being located on Hartman Lane, adding she would like to see one more entrance point added. She felt the project had a nice flow. **Vice Chair Duncan** liked the idea of the proposed channel along the Hardy Wash, which will eliminate the floodplain issue for the Cortaro Ranch residents. He felt the project was well-designed.

Motion to approve by Commissioner Jakab, seconded by Vice Chair Duncan. Passed unanimously. 6-0

2. PCM1602-001 - Appeal of Subdivision Improvement Requirements for DeAnza An appeal by Red Point Development Inc. requesting relief from the requirement to underground existing electrical utilities adjacent to a proposed residential development. (Steve Cheslak)

Steve Cheslak presented the item by noting Presidio Engineering, representing Red Point Development, was requesting relief from a requirement to underground existing electrical utilities adjacent to a proposed residential development. The property and poles are located east of I-10, north of Cortaro Farms Road, on the west side of Hartman Lane. The Town Code states that electric power, under a certain size, should be located underground; unless it could be determined that it would not be feasible. In lieu of burying the lines, an offer was made to construct a center/left turn lane to Marana 59. This will provide a safety benefit and a traffic improvement for the area.

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Chairman Schnee wanted to know if there were any traffic concerns. **Mr. Cheslak** stated no. **Vice Chair Duncan** asked why the roadway improvements on Hartman Lane were being extended only to the north. **Keith Brann** stated the only entrance from the subdivision itself that warranted the need for the left-turn bay was the northern entrance, because it is the main road through the subdivision. Red Point is offering is to extend it to the north because of the number of cross/intersecting-streets as you go further north. Doing so will provide a safety benefit for the various streets on the east and west side of the road. There are no issues, from a safety perspective, with northbound/southbound traffic coming out of the southern entrance. **Chairman Schnee and Commissioner Jakab** felt the roadway will be appealing.

Commissioner Miller wanted to know if there were future plans to widen Hartman Lane. **Mr. Brann** stated there is currently no capital improvement plan to widen Hartman Lane. From a capacity standpoint, Hartman Lane is designed to be a two-lane road. **Chairman Schnee** felt this is a good alternative to this particular project, especially since it goes through the Hardy Wash. **Commissioner Fehrmann** wanted to know about the proposed lighting around the turn lane. **Mr. Brann** stated there is no consistency or requirement about lighting various intersections unless they are a signalized intersection. A non-signalized controlled intersection does not have a requirement in the town to be lit.

Motion to approve by Commissioner Officer, seconded by Commissioner Jakab. Passed unanimously. 6-0

INFORMATIONAL ITEMS/POSSIBLE ACTION ITEMS.

FUTURE AGENDA ITEMS.

ADJOURNMENT. ***Motion to adjourn at 6:56 p.m. by Commissioner Fehrmann, seconded by Commissioner Officer. Passed unanimously.***

CERTIFICATION

I hereby certify that the foregoing are the true and correct minutes of the Marana Planning Commission meeting held on March 30, 2016. I further certify that a quorum was present.

Terri Byler

Terri Byler, Planning Commission Secretary

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Planning Commission

Meeting Date: 05/25/2016

To: Planning Commission

From: Brian Varney, Planner II

Date: May 25, 2016

Strategic Plan Focus Area:
Not Applicable

Subject: **PCM1605-001 Amendment to Marana Town Code Title 17 (Land Development), Chapter 17-5 Subdivisions.**
Recommendation to the Town Council to amend the Marana Town Code, Title 17 (Land Development) to include comprehensive revisions to the provisions and procedures for the pre-application conference as well as the provisions and procedures for the submittal, review, and approval of preliminary subdivision plats. (Brian D. Varney)

Discussion:

The Planning and Legal departments have identified some recurring challenges within the Land Development Code with respect to the procedures for processing preliminary subdivision plat applications. The challenges pertain primarily to the significance of preliminary plat approval, specifically, the duration for which an approved preliminary plat remains valid without a subsequent submittal and approval of a final plat. Additionally, the procedures and regulations pertaining to the processing of a preliminary plat application are rather outdated, confusing, and contradictory. This proposed amendment addresses both the immediate need to revise the regulations as they pertain to the expiration of approved preliminary plats, as well as the need to clarify and simplify the procedural requirements for the submittal, review, and approval of preliminary plats.

On February 15, 2011, the Town Council adopted Ordinance No. 2011.04 approving a temporary amendment to Title 6 Subdivisions of the Land Development Code. (Title 6 is the former location for the subdivision standards within the Land Development Code. The subdivision standards have since been integrated into the Marana Town Code as Chapter 17-5.) Ordinance No. 2011.04 temporarily amended Section 06.02.02.D of the Land Development Code to extend the period for which an approved preliminary plat remains valid to seven years (or December 31, 2017, whichever is sooner), by which time a final plat shall have been recorded. If a final plat was not recorded within this period of time, the approved status of the preliminary plat would expire. In order to proceed with the platting of the subdivision, an applicant would be required to submit a new application and application fees. The temporary amendment applied to all preliminary plats approved after July 1, 2006. The Ordinance was adopted with the stipulation that it would terminate, and be of no further force and effect, on December 31, 2015.

Upon the termination of Ordinance No. 2011.04, the language within Section 06.02.02.D reverted back to the previous standards. The current standards provide for a preliminary plat to expire after a period of two years from the date of approval if a final plat is not recorded. An applicant may submit a written request to the Town Council requesting a one-year extension and pay an extension fee. The approval of a preliminary plat shall be valid for no more than a total of three (3) years.

Given the recent economic climate and current market conditions, the Planning department is proposing

a more reasonable time frame in which an applicant is required to follow up a preliminary plat with a final plat and improvement plans. The proposed revisions to Chapter 17-5, as they apply to preliminary plats, are attached to this report. The proposed revisions indicate that a preliminary plat may be valid for a period of two (2) years from the date of Town Council approval unless a final plat has been submitted for all, or a portion, of the property included in the preliminary plat, or an extension has been granted by the Town Council. An applicant may file a written request, prior to the expiration of the preliminary plat, to extend the approval of the plat for a period of two (2) years. The applicant must demonstrate that there have not been any substantive changes in engineering standards since the initial approval of the plat and associated reports. If a final plat is submitted prior to the expiration of the preliminary plat, the preliminary plat will automatically remain valid for an additional two years. In no case shall a preliminary plat remain valid for more than four (4) years. If a preliminary plat expires, an applicant shall submit a new preliminary plat, which will be considered a new project. Under such circumstances, application fees will amount to 50 percent of the initial application fees of the expired plat. If approved, the proposed amendment to Chapter 17-5 Subdivisions will also apply to previously expired plats for which the submittal of a final plat is pending.

Additional Revisions

Opening up this section of Chapter 17-5 afforded an opportunity to clean up the remainder of the text pertaining to preliminary plats and relocating the majority of the procedural requirements to a more appropriate location. The Planning department has been in the process of updating our procedural guides and checklists, which are intended to be comprehensive instructional documents designed to provide the necessary direction for the submittal, review, and approval of various land use applications. The procedural requirements for preliminary plats have been integrated into the appropriate procedural document and are proposed to be removed from the Land Development Code. This format will enable minor revisions to be made to the procedural requirements, administratively, without necessitating a formal amendment to the Land Development Code.

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Staff Recommendation:

Staff recommends that the Planning Commission forward the proposed amendment to the Marana Town Code Title 17 (Land Development), Chapter 17-5 Subdivisions to the Town Council with a recommendation for approval.

Suggested Motion:

I move to recommend approval of PCM1605-001 Amendment to to Marana Town Code Title 17 (Land Development), Chapter 17-5 Subdivisions.

Attachments

Proposed amendment to LDC 17-5 (legislative format)

Ordinance No. 2011.04

CHAPTER 17-5. SUBDIVISIONS

Sections:

17-5-1 Purpose and intent 1
17-5-2 Procedure 1
17-5-3 Subdivision requirements 12
17-5-4 Design standards 16
17-5-5 Performance guarantee 19
17-5-6 Minor land division 20
17-5-7 Modifications to requirements of chapter 26
17-5-8 Violations and penalties 27

17-5-1 Purpose and intent

The purpose of this chapter is to provide for the orderly growth and harmonious development of the town in accordance with the general plan and other adopted plans and ordinances; to create high quality neighborhoods and ensure adequate traffic circulation through coordinated street systems, transit, bicycle and pedestrian systems with relation to major thoroughfares, adjoining subdivisions, and public facilities; to achieve individual property lots of reasonable utility and livability; to secure adequate provisions for water supply, drainage, sanitary sewerage, and other health requirements; to ensure consideration of adequate sites for schools, recreation areas, and other public facilities; to promote the conveyance of land by accurate legal description and plat; and to provide logical procedures for the achievement of this purpose.

17-5-2 Procedure

A. Overview.

1. The preparation, submittal, review and approval of all subdivisions located within the town limits proceed through the following progressive steps, except when otherwise provided by approval of the town:

   ~~a.~~ Pre-application meeting ~~conference~~ with the town.

   ~~b.~~ Preliminary plat submittal, review, and approval.

   ~~c.~~ The submittal and approval of engineering plans for the required subdivision improvements.

   ~~d.~~ Final plat submittal, review, and approval only after the preliminary plat is approved by the council.

   ~~e.~~ Recordation of the approved final plat with the county recorder.

2. The following subdivision acts shall not be deemed a subdivision within the context of sections 17-5-2 and 17-5-3, and shall, therefore, be processed in accordance with section 17-5-6:

   ~~a.~~ Land splits.

~~b.~~ Minor land divisions.

B. Pre-application meeting ~~conference~~

1. The pre-application meeting required ~~conference~~ for a subdivision application ~~review is an investigatory information exchange period~~ provides an opportunity for the Town and the subdivider to review and exchange information regarding a proposed subdivision prior to the preparation and formal submittal of a ~~preliminary~~ subdivision plat application. ~~by the subdivider. Pre-application review shall proceed in the manner set forth in this section.~~ All applications for subdivision plats and minor land divisions shall be prepared and processed in accordance with procedures and requirements defined in a specific procedural document provided to all applicants at the pre-application meeting or prior to application submittal.

2. ~~At least seven days before the pre-application meeting, the subdivider shall request a pre-application meeting with the planning department and shall submit at least five copies of the general concept of the proposal, which shall include:~~

   ~~a. Sketch plans at no larger scale than one inch equals 100 feet;~~

   ~~b. Narrative ideas regarding land use, street and lot arrangement, lot sizes and dimensions;~~

   ~~c. Tentative proposals regarding water supply, sewage disposal, grading and drainage, stormwater retention, and street improvements;~~

   ~~d. The site resource inventory (section **Error! Reference source not found.**); and~~

   ~~e. A vicinity plan, showing streets and utilities in the surrounding area within at least one quarter mile of the proposed subdivision.~~

3. ~~Planning staff shall advise the subdivider of:~~

   ~~a. Specific town objectives, standards, and regulations related to the subject property;~~

   ~~b. The subdivision design expectations; details and suggestions regarding subdivision platting procedures and requirements;~~

   ~~c. Citizen participation requirements; and~~

   ~~d. Related issues.~~

4. ~~If appropriate, planning staff may request the subdivider to revise the initial proposal and present the revised proposal to the planning department for additional review.~~

5. ~~Following the pre-application conference with the planning department, the subdivider may prepare a preliminary plat~~

~~containing the information and data required for preliminary plats specified in subsection 17-5-2-C below.~~

C. Preliminary plat

1. Preliminary plat submittal: The subdivider shall submit ~~the following materials to the planning department~~ a preliminary plat application in accordance with the preliminary plat procedural document.

   ~~a. Twelve copies of the preliminary plat reproduced in the form of blue or black line prints on a white background. Plan sheets shall not exceed 24 inches by 36 inches in overall size.~~

   ~~b. A completed application and supplemental forms. If the subdivider is not the current land owner of all of the subject real property, a signed and notarized statement shall also be filed attesting that the owner grants to the subdivider authority to represent the owner in this matter.~~

   ~~c. A nonrefundable preliminary plat filing fee to compensate the Town for the costs of examining and processing the subdivision plat and subsequent field investigations. The required fee for subdivision plats shall be approved by resolution of the council. The fees shall cover the cost of the filing of one amended or revised preliminary plat handled as the same case. If preliminary plat approval expires prior to application for final plat approval, the plat shall be resubmitted for preliminary approval as a new case, and the subdivider shall pay the required fee.~~

   ~~d. Twenty-eight copies of 11 inch by 17 inch reductions of the preliminary plat.~~

   ~~e. Three copies of a preliminary grading plan.~~

   ~~f. All submittals shall be reviewed by the development coordinator for completeness and assigned a project number. If incomplete as to the requirements set forth in this chapter, the submittal will be rejected and returned to the subdivider for completion and submittal.~~

   ~~g. The development coordinator will send copies of the preliminary plat to applicable town staff members for review and comment. In addition the development coordinator will send copies of the preliminary plat to applicable reviewing agencies, including utilities, cable television companies, school districts, county offices, state and federal offices, and any adjacent municipalities. Written recommendations from the review agencies shall be transmitted to the development coordinator.~~

2. Preliminary plat review and approval: The procedures for review and approval of a preliminary plat shall follow the preliminary plat procedural document.

~~a. An applicant shall submit all of the documents, information, data, and other requirements for preliminary plat approval to the planning department, and shall furnish all information and materials required to satisfy the requirements of this chapter.~~

~~b. An applicant shall also submit a plan showing proposed conceptual landscape and streetscape proposals. The conceptual streetscape and landscape plans shall be for open spaces, entryways and streets, and shall note the requirement to obtain a license agreement if any materials are installed in the public right of way.~~

~~c. In addition to the requirements of the preceding subsections, the applicant shall provide to the planning department any additional information, documents, or other material relevant to the application that planning staff reasonably believes is necessary for the planning commission to evaluate, analyze, and understand the subject matter of the application.~~

~~d. An application for preliminary plat approval shall not be deemed to have been filed or properly submitted until payment of all fees and compliance with all of the above listed requirements. Compliance shall be determined by the planning director.~~

~~e.~~ a. A preliminary plat application may be denied if the town determines that all or part of the subject property has adverse topography, periodic inundation, adverse soils, subsidence of the earth's surface, high water table, lack of water, or other natural or manmade hazards to life or property.

See A.R.S. § 9-463.01(C)(4)

~~f.~~ b. The town may approve a preliminary plat for land with adverse topography, periodic inundation, adverse soils, subsidence of the earth's surface, high water table, lack of water, or other natural or manmade hazards to life or property subject to special requirements relating to lot size, special grading and drainage requirements, or other conditions the town deems reasonable and necessary for the public health, safety or general welfare.

~~g. The procedure for approval, amendment, or denial of preliminary plat applications shall be as follows:~~

~~i. The planning commission shall recommend to the council that a preliminary plat be conditionally approved or denied no more than 45 days after initial consideration. The planning commission shall recommend that a preliminary plat be conditionally approved or denied after reviewing the application and conducting a public meeting. In cases of conditional approval, the specific conditions shall be included by~~

~~reference in the minutes of the planning commission meeting. If the preliminary plat is denied, the planning commission shall cite specific reasons for doing so. This will not be construed, however, to preclude the planning commission from rejecting plans for other or additional reasons. If the preliminary plat is denied, the subdivider may resubmit revised preliminary plats until approval is obtained from the planning commission or may move forward to the council with a recommendation of denial. If the council upholds the planning commission's rejection, then the subdivider must file a new application for the preliminary plat for that specific subdivision.~~

~~ii. Within 60 days, the council shall review the planning commission's recommendation and hold its own public meeting hearing regarding the preliminary plat. The council may uphold, deny or modify the planning commission action. Decisions of the council shall be final.~~

~~iii. Upon approval of a preliminary plat, by the council, the applicant shall provide copies of the plat on mylars, signed by all applicable agencies within 45 days. If, not submitted, such approval shall be deemed to have expired.~~

~~iv. The approved preliminary plat shall be submitted to the town engineer and the public utilities that will serve the subdivision for their review and the preparation of cost estimates for the improvements required under section 17-5-3 of this code. The town engineer shall review the preliminary plat for consistency with accepted engineering standards and the requirements of this code, and shall prepare an estimate of the cost of all required improvements that are not to be installed by or for public utilities.~~

~~v. A new preliminary plat application can be refiled at any time. Revisions to the plat will need to resolve the reasons for the denial as originally proposed, if substantially the same. The new filing of a preliminary plat application for the same area, or any portion thereof, shall follow the procedures and requirements specified in this section.~~

3. Significance of preliminary plat approval. The preliminary plat approval by the town council, with the completion of the required signatures, constitutes authorization for the subdivider to proceed with preparation and submittal of the final plat, landscape plan, and engineering improvement plans and specifications ~~(may be done concurrently)~~. ~~p~~Preliminary plat approval is subject to the following conditions:

~~a.~~ The conditions under which approval of the preliminary plat is granted will not be changed prior to expiration date unless by application for a revised preliminary plat. The application shall follow the same procedures as the original approval.

~~b.~~ An ~~A~~approved~~al~~ preliminary plat is valid for a period of two years from the date of town council approval~~.~~ unless either a final plat has been submitted for all, or a portion, of the property included in the preliminary plat, or an extension has been granted by the town council prior to the expiration date. ~~After two years, the approval shall be deemed to have expired if a final plat is not recorded.~~

~~c. Upon the subdivider's written application to the council and payment of the applicable application fee,~~ Prior to the expiration of the preliminary plat, the applicant may submit a written request for a two-year extension of a preliminary plat approval. ~~may be extended for an additional one year if, in the opinion of the council, there is no change in conditions within or adjoining the preliminary plat which would warrant its revision and~~ tThe applicant shall demonstrates to the ~~council's~~ satisfaction of the town council that there has been no significant or substantive change in the engineering standards, and that the approved preliminary plat and supporting documents remain ni compliance with all applicable requirements. ~~substantial effort is being applied to create a final plat.~~

~~d.~~ Preliminary plat approval shall be automatically extended for a period of two years upon submission of a final plat application. In no case shall a preliminary plat approvals exceed a total of ~~three~~ four years.

~~e.~~ If preliminary plat approval expires prior to the submittal of an application for a final plat ~~approval~~ or prior to the submittal of a request for an extension of the preliminary plat approval, ~~a,~~ the preliminary plat shall be resubmitted ~~for preliminary approval~~ as a new ~~case~~ project and the ~~subdivider~~ applicant shall be required to pay ~~a~~ new fees~~.~~ in the amount of 50 percent of the original application fees.

~~f.~~ The preliminary plat shall not be recorded.

D. Final plat

1. Final plat submittal:

~~a.~~ The subdivider or his authorized representative shall submit the following materials to the planning department:

i. A completed application and supplemental forms.

ii. A nonrefundable final plat filing fee in an amount set by council resolution to compensate the town for the

F. ANN RODRIGUEZ, RECORDER
Recorded By: CML
DEPUTY RECORDER
1951

SMARA
TOWN OF MARANA
TOWN CLERK
11555 W CIVIC CENTER DR
MARANA AZ 85653

SEQUENCE: 20110470651
NO. PAGES: 2
02/16/2011
ORDIN 18:00
MAIL
AMOUNT PAID: $8.00

MARANA ORDINANCE NO. 2011.04

RELATING TO LAND DEVELOPMENT; TEMPORARILY AMENDING MARANA LAND DEVELOPMENT CODE TITLE 6 (SUBDIVISIONS), SECTION 06.02.02.D, CONCERNING THE EXPIRATION OF APPROVED PRELIMINARY PLATS; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS the Town of Marana has seen significant delays in the completion of subdivision plats due to the downturn in the economy; and

WHEREAS town staff recommends a temporary amendment of the Land Development Code to extend the preliminary plat approval period to seven years; and

WHEREAS the Marana Planning Commission held a January 26, 2011 public hearing on this request and unanimously recommended approval of the proposed temporary amendment; and

WHEREAS the Mayor and Council of the Town of Marana find that the temporary amendments adopted by this ordinance are in the best interests of the Town of Marana and the general public.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, as follows:

SECTION 1. While this ordinance is in effect, existing Marana Land Development Code Section 06.02.02.D of Title 6 (Subdivisions) is hereby deleted and replaced with the following:

D. Significance of preliminary plat approval. The Preliminary Plat approval by the Council, with the completion of the required signatures, constitutes authorization for the subdivider to proceed with preparation and submittal of the final plat and Engineering improvement plans and specifications (may be done concurrently). Preliminary Plat approval is subject to the following conditions:

1. A final plat shall be recorded by the seventh anniversary of the date of preliminary plat approval or December 31, 2017, whichever is sooner.
2. If the final plat has not been recorded within the period set forth in paragraph 1, a new preliminary plat shall be submitted, including applicable fees.
3. The preliminary plat shall not be recorded.

SECTION 2. This ordinance shall apply to all preliminary plats approved after July 1, 2006.

SECTION 3. This ordinance shall terminate, sunset, and be of no further force and effect on December 31, 2015.

SECTION 4. Upon the termination of this ordinance, any preliminary plat for which there is no recorded final plat shall comply with the requirements of Marana Land Development Code Section 06.02.02.D, as it existed before the adoption of this ordinance or as it may hereafter be superseded or amended.

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. This ordinance is effective on March 18, 2011.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this 15th day of February, 2011.

Mayor Ed Honea

ATTEST:

Jocelyn C. Bronson, Town Clerk

TOWN OF MARANA CORPORATE SEAL ARIZ. 1977

APPROVED AS TO FORM:

Frank Cassidy, Town Attorney

WHEN RECORDED, RETURN TO:
TOWN OF MARANA
ATTN: TOWN CLERK
11555 W CIVIC CENTER DRIVE
MARANA, ARIZONA 85653

(2)

OFFICIAL RECORDS OF
PINAL COUNTY RECORDER
LAURA DEAN-LYTLE

DATE/TIME: 02/22/2011 1111
FEE: $12.00
PAGES: 2
FEE NUMBER: 2011-015009

MARANA ORDINANCE NO. 2011.04

RELATING TO LAND DEVELOPMENT; TEMPORARILY AMENDING MARANA LAND DEVELOPMENT CODE TITLE 6 (SUBDIVISIONS), SECTION 06.02.02.D, CONCERNING THE EXPIRATION OF APPROVED PRELIMINARY PLATS; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS the Town of Marana has seen significant delays in the completion of subdivision plats due to the downturn in the economy; and

WHEREAS town staff recommends a temporary amendment of the Land Development Code to extend the preliminary plat approval period to seven years; and

WHEREAS the Marana Planning Commission held a January 26, 2011 public hearing on this request and unanimously recommended approval of the proposed temporary amendment; and

WHEREAS the Mayor and Council of the Town of Marana find that the temporary amendments adopted by this ordinance are in the best interests of the Town of Marana and the general public.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, as follows:

SECTION 1. While this ordinance is in effect, existing Marana Land Development Code Section 06.02.02.D of Title 6 (Subdivisions) is hereby deleted and replaced with the following:

D. Significance of preliminary plat approval. The Preliminary Plat approval by the Council, with the completion of the required signatures, constitutes authorization for the subdivider to proceed with preparation and submittal of the final plat and Engineering improvement plans and specifications (may be done concurrently). Preliminary Plat approval is subject to the following conditions:

1. A final plat shall be recorded by the seventh anniversary of the date of preliminary plat approval or December 31, 2017, whichever is sooner.
2. If the final plat has not been recorded within the period set forth in paragraph 1, a new preliminary plat shall be submitted, including applicable fees.
3. The preliminary plat shall not be recorded.

SECTION 2. This ordinance shall apply to all preliminary plats approved after July 1, 2006.

SECTION 3. This ordinance shall terminate, sunset, and be of no further force and effect on December 31, 2015.

SECTION 4. Upon the termination of this ordinance, any preliminary plat for which there is no recorded final plat shall comply with the requirements of Marana Land Development Code Section 06.02.02.D, as it existed before the adoption of this ordinance or as it may hereafter be superseded or amended.

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. This ordinance is effective on March 18, 2011.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this 15th day of February, 2011.

Mayor Ed Honea

ATTEST:

Jocelyn C. Bronson, Town Clerk

TOWN OF MARANA CORPORATE SEAL ARIZ. 1977

APPROVED AS TO FORM:

Frank Cassidy, Town Attorney