

**CITY OF GOODYEAR  
CITY COUNCIL ACTION FORM**

SUBJECT: Extend the Sanctuary at Sarival Village Final Plat approval for 90 additional days to June 21, 2015

CASE NUMBER: 14-520-00003

STAFF PRESENTER: Katie Wilken,  
Planning Manager

COMPANY CONTACT: Empire Residential  
Communities Fund I, LLC, represented by  
Rich Zacher

**RECOMMENDATION:**

Approve an extension for the Sanctuary at Sarival Village Final Plat approval, extending the approval date for 90 additional days to June 21, 2015, subject to the stipulations approved by City Council on June 23, 2014, except for Stipulation 12 which is modified as follows:

12. Prior to recording the final plat, a performance bond or letter of credit shall be provided to cover all subdivision improvements that have been identified as a being the responsibility of the developer, except that a Certificate of Occupancy Hold/Building Permit Hold Agreement may be substituted for a performance bond or letter of credit as a means of insuring completion of on-site-infrastructure improvements that will serve only the development, if the following conditions are met: the developer is also the homebuilder for the subdivision and if the homebuilder provides documentation to the City that demonstrates to the satisfaction of the Director of Engineering or her designee that the homebuilder has a proven track record of completing subdivision improvements secured by Certificate of Occupancy Hold/Building Permit Hold Agreement. The agreement shall be in a form approved by the City Attorney or his designee.

**PURPOSE:**

Since the approval of the Sanctuary at Sarival Village Final Plat on July 14, 2014, Empire Residential Communities has been working with staff to finalize construction plans for the development. During this time, the applicant has been actively marketing the site to local builders. Empire Residential Communities has a desire to provide their future buyer an opportunity to review and sign the Sanctuary at Sarival Village Final Plat. The applicant hereby requests an additional 90 day extension for the previously approved final subdivision plat.

**BACKGROUND AND COMMUNITY BENEFIT:**

Sanctuary at Sarival Village is located a quarter of a mile east of the southeast intersection of Sarival Avenue and Lower Buckeye Parkway. This final plat subdivided 5.43 acres into 26 single family lots and five tracts. Empire Residential Communities Fund I, LLC, represented by Richard Zacher, has requested an extension of the final plat approval for Sanctuary at Sarival Village, which was approved by City Council on Monday July 14, 2014. A 90-day extension was approved by the City Council on October 27, 2014.

Final Plat approvals expire if the final plat is not recorded with the Maricopa County Recorder within 90 calendar days from the date that the Council approved the final plat. Prior to the expiration of the final plat approval, a subdivider may request an extension of the final plat approval. Council may grant a 90 day extension of the final plat approval if the subdivider demonstrates that:

- There has been no significant substantive change in the Engineering Standards since this Final Plat was approved. *Since the Final Plat approval on July 14, 2014 there has been no changes to the Engineering Standards and thus this Final Plat would be in compliance with current standards.*
- That the final plat, including the supporting documents, continue to comply with all applicable requirements. *Since the Final Plat approval on July 14, 2014 there has been no changes to the applicable requirements and thus this Final Plat would be in compliance with current standards and requirements.*
- That the subdivider has expended substantial effort and made substantial progress towards the completion of the engineering construction plans for the subdivision improvements. *Since the approval of this Final Plat, Empire Residential Communities have continued to pursue the completion of these plans and improvements.*

If the extension is granted, the final plat approval shall be valid for 90 days from the date Council approved the request for an extension, and the final plat approval shall expire if the final plat is not recorded with the Maricopa County Recorder within 90 days from the date the Council approved the request for an extension of the final plat approval.

One of the reasons the final plat has not been recorded is the difficulty in obtaining the required bonding for the project. A request has been made by Empire Residential Communities to allow a Certificate of Occupancy (CofO) hold in lieu of the required bonding. Per City policy, this would be acceptable for on-site improvements in a case where the homebuilder is also the developer and has a proven track record of completing these types of improvements when secured by CofO hold. In order to facilitate this request, stipulation 12 would need to be re-written. All other stipulations will be in effect as originally written.

Original stipulation of the final plat approval:

12. Performance bonding or letter of credit shall be provided to cover all subdivision improvements that have been identified as being the responsibility of the developer prior to recording of the final plat;

Proposed stipulation:

12. Prior to recording the final plat, a performance bond or letter of credit shall be provided to cover all subdivision improvements that have been identified as a being the responsibility of the developer, except that a Certificate of Occupancy Hold/Building Permit Hold Agreement may be substituted for a performance bond or letter of credit as a means of insuring completion of on-site-infrastructure improvements that will serve only the development, if the following conditions are

met: the developer is also the homebuilder for the subdivision and if the homebuilder provides documentation to the City that demonstrates to the satisfaction of the Director of Engineering or her designee that the homebuilder has a proven track record of completing subdivision improvements secured by Certificate of Occupancy Hold/Building Permit Hold Agreement. The agreement shall be in a form approved by the City Attorney or his designee.

**PREVIOUS ACTIONS AND DISCUSSION:**

At the regular meeting of City Council on June 23, 2014, Council approved the request for a final plat for Sanctuary at Sarival Village. At their regular meeting on October 27, 2014, Council approved an extension of the final plat to January 25, 2015.

**FISCAL ANALYSIS:**

At this time there no fiscal impact analysis was done.

**ATTACHMENTS:**

1. Aerial Photo Exhibit
2. Sanctuary at Sarival Village Final Plat
3. Sanctuary at Sarival Village Staff Report, dated June 23, 2014