

AGENDA MEMO

CITY COUNCIL MEETING DATE: DECEMBER 20, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: EOT-18040 - APPLICANT/OWNER: NEVADA H.A.N.D., INC.

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. This Extension of Time will expire on November 17, 2008 unless another Extension of Time is approved by the Planning Commission.
2. Conformance to the Conditions of Approval for Rezoning (ZON-5176) and all other subsequent related actions as required by the Planning and Development Department and Department of Public Works.

**** STAFF REPORT ****

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
11/17/04	The City Council approved a Rezoning (ZON-5176) from R-3 (Medium Density Residential) to R-5 (Apartment) and Site Development Plan Review (SDR-5177) for a proposed 5-story, 60 unit, multi-family development on 0.80 acres. The Planning Commission and staff recommended approval on 10/21/04.
12/20/06	The City Council will consider a related Extension of Time (EOT-18039) of an approved Rezoning (ZON-5176) from R-3 (Medium Density Residential) to R-5 (Apartment) on 0.80 acres adjacent to the southwest corner of Stewart Avenue and 13th Street. Staff is recommending approval of the related application.
<i>Related Building Permits/Business Licenses</i>	
11/13/06	A Final Map (FMP-18139) was submitted on 11/13/06 for blue line technical review, so the Final Map has not yet been reviewed. Staff has thirty days to review and submit its comments, after which the Final Map Mylar may be submitted for review. Upon submission of the Final Map Mylar, the staff has 10 days to review the Map for compliance before it can be recorded. The Final Map could record at or around the end of December or the middle of January at the earliest.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.80

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	MXU (Mixed Use)	R-3 (Medium Density Residential) under Resolution to R-5 (Apartment)
North	Retail Use	MXU (Mixed Use)	C-2 (General Commercial)
South	Multi-Family Residential	MXU (Mixed Use)	R-3 (Medium Density Residential) under Resolution to R-5 (Apartment)
East	Multi-Family Residential	MXU (Mixed Use)	R-3 (Medium Density Residential) under Resolution to R-5 (Apartment)
West	Multi-Family Residential/Retail	MXU (Mixed Use)	C-2 (General Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan	X		
Redevelopment Plan Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	
Trails		X	
Rural Preservation Overlay District		X	
Development Impact Notification Assessment		X	
Project of Regional Significance		X	

PROJECT DESCRIPTION

This is a request for an Extension of Time of an approved Rezoning (ZON-5176) from R-3 (Medium Density Residential) to R-5 (Apartment) on 0.80 acres adjacent to the southwest corner of Stewart Avenue and 13th Street.

ANALYSIS

This is the first Extension of Time for the subject Rezoning (ZON-5176), which was approved by the City Council on 11/17/04. The City Council will consider a related Extension of Time (EOT-18039) of an approved Site Development Plan Review (SDR-5177) on the subject site. The applicant indicates that they have financing ready to begin construction of the proposed multi-family development. A Final Map (FMP-18139) was submitted on 11/13/06, but has not been reviewed. This demonstrates that the applicant is moving forward with the intent to develop the subject site. The Site Development Plan is exercised upon the issuance of a building permit for the principal structure on this site. Therefore, the Extension of Time can be supported to allow for additional time.

Previous Conditions of Approval from Rezoning (ZON-5176)

1. A Resolution of Intent with a two-year time limit.
2. A Site Development Plan Review (SDR-5177) and Variance (VAR-5178) application approved by the Planning Commission and City Council prior to issuance of any permits, any site grading, and all development activity for the site.
3. Dedicate a 15-foot radius on the southwest corner of Stewart Avenue and Thirteenth Street prior to the issuance of any permits.
4. Construct all incomplete half-street improvements on 13th Street, Stewart Avenue, and the full width of the alley adjacent to this site concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.

5. Landscape and maintain all unimproved rights-of-way on Stewart Avenue and 13th Street adjacent to this site.
6. Submit an Encroachment Agreement for all landscaping and private improvements located in the Stewart Avenue and 13th Street public rights-of-way adjacent to this site prior to occupancy of this site.
7. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.

FINDINGS

As there have been no notable changes on the site since the approval of the original application, staff has no objection to this request for an Extension of Time. The Extension of Time will allow enough time for the applicant to continue with the plan review and permitting process. A condition of approval has been added, which recommends that the extension be allowed for two years or until such time as another Extension of Time application is approved.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0