

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: FEBRUARY 21, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: EOT-19030 - APPLICANT/OWNER: J & S DIESEL SERVICE, INC.**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: APPROVAL, subject to:**

**Planning and Development**

1. This Rezoning (ZON-4215) shall expire on February 21<sup>st</sup>, 2009 unless another Extension of Time is granted.
2. Conformance to the Conditions of Approval for Rezoning (ZON-4215) and all other site related actions.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Reinstatement and Extension of Time of an approved Rezoning (ZON-4215) from R-E (Residence Estates) to R-1 (Single Family Residential) on 2.10 acres adjacent to the southeast corner of Dorrell Lane and Unicorn Street.

The proposed extension of time is requested as the applicant has experienced problems related to the requirements for off-street improvements on the subject property that are taking longer than expected to resolve. The applicant has been working with the Department of Public Works to resolve these issues. A request for a Review of Condition (ROC-19029) related to the same project shall also be considered; however, this extension of time request is independent of the review of condition. Approval of this request is recommended.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
07/08/04	The City Council approved a Rezoning [ZON-4215] application for the reclassification from R-E (Residence Estates) to R-1 (Medium-Low Density Residential) and a Waiver [WVR-4217] to Title 18.12.160 to allow approximately 186 feet between street intersections where 220 feet is the minimum distance separation required in conjunction with a proposed single-family residential development on 2.10 acres adjacent to the southeast corner of Dorrell Lane and Unicorn Street. Both the Planning Commission and Staff recommended denial.
07/17/06	The City Council approved a Special Use Permit [SUP-13209] to allow a 40-foot wide private street for a proposed eight (8) lot single-family residential development on 2.10 acres on the southeast corner of Dorrell Lane and Unicorn Street. The Planning Commission recommended approval on 06/08/06. Staff recommended denial.
07/27/06	The Planning Commission approved a request for a Tentative Map (TMP-13210) for an eight (8) lot single-family residential subdivision on 2.5 acres located adjacent to the southeast corner of Dorrell Lane and Unicorn Street. Staff recommended approval.
02/21/07	The City Council will consider an Review of Condition number 8 of Rezoning (ZON-4215) that is related to this request.
<b><i>Related Building Permits/Business Licenses</i></b>	
There are no permits or licenses related to this request.	
<b><i>Pre-Application Meeting</i></b>	
A pre-application meeting is not required, nor was one held.	
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required, nor was one held.	

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	2.5
Net Acres	2.1

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Undeveloped	ML (Medium Low Density Residential)	R-E (Residence Estates) under Resolution of Intent to R-1 (Single Family Residential)
North	Single Family Residential	ML (Medium Low Density Residential)	R-1 (Single Family Residential)
South	Single Family Residential	ML (Medium Low Density Residential)	R-E (Residence Estates)
East	Single Family Residential	ML (Medium Low Density Residential)	R-E (Residence Estates)
West	Undeveloped	ML (Medium Low Density Residential)	R-E (Residence Estates)

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

**ANALYSIS**

This is the first request for an extension of time for the proposed project. This extension of time is requested as the applicant has experienced problems regarding the requirements for off street improvements on the property that are taking longer than expected to resolve. The applicant has been working with the Department of Public Works to clear up these issues and; therefore, is progress is being made on the proposed project. There is a related Review of Condition (ROC-19029) related to this project that is also assisting in resolving the current delays on this project. As this extension of time will allow the applicant to continue to work toward completion of this project, approval of this request is recommended.

**FINDINGS**

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

**1. The proposal conforms to the General Plan.**

The proposal does not conform to the General Plan. The original request of R-2 (Medium-Low Density Residential) was in conformance with the General Plan. However; this request was modified, through a condition of approval, to R-1 (Single Family Residential). The R-1 District is consistent with the L (Low Density Residential) land use designation, while the subject property carries an ML (Medium-Low Density Residential) land use designation.

**2. The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.**

The permissible use as a single family residential development is consistent with the surrounding land uses and districts.

**3. Growth and development factors in the community indicate the need for or appropriateness of the rezoning.**

The proposed extension of time is not related a growth factor in the community, rather it would permit the applicant to continue an already approved project.

**4. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.**

The abutting streets, Unicorn Street and Dorrell Lane, are adequate in size to meet the requirements of the R-1 (Single Family Residential) zoning district.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** N/A

**ASSEMBLY DISTRICT** N/A

**SENATE DISTRICT** N/A

**NOTICES MAILED** N/A

**APPROVALS** 0

**PROTESTS** 0