

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: MARCH 7, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: EOT-19548 - APPLICANT/OWNER: CAROLYN MICH'L ET AL**

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

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

**Planning and Development**

1. This Site Development Plan Review (SDR-5122) shall expire on December 15<sup>th</sup>, 2007 unless another Extension of Time is approved.
2. Conformance to the Conditions of Approval for Site Development Plan Review (SDR-5122) and all other subsequent related cases and as required by the Planning and Development Department and Department of Public Works.

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

**PROJECT DESCRIPTION**

This is a request for an Extension of Time of an approved Site Development Plan Review (SDR-5122) for a proposed 40-lot single-family residential development on 5.00 acres adjacent to the southeast corner of Charleston Boulevard and Lindell Road.

The extension of time request is due to the applicant switching builders for the project and contamination of groundwater at the subject property. The applicant is working toward cleaning the groundwater on the site; however, this project could move on to the Tentative Map stage to keep progressing. Approval of this request with a one year time limit is recommended. It is noted that two other Extensions of Time (EOT-19549 and EOT-18785) related to this project shall be heard concurrently with this item.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
05/16/01	The City Council approved a request (GPA-0006-01) to amend the Southwest Sector Plan of the General Plan for this property from SC (Service Commercial) to GC (General Commercial). The Planning Commission recommended denial on 04/12/01.
05/16/01	The City Council approved a request for Rezoning (Z-0014-01) of the subject property from C-1 (Limited Commercial) to C-2 (General Commercial); a Special Use Permit (U-0040-01) for a minor auto repair garage with service bays that face a public right-of-way; a Special Use Permit (U-0041-01) for a boat and trailer dealership; a Special Use Permit (U-0042-01) for used motor vehicle sales; and a Site Development Plan Review [Z-0014-01(1)] for a proposed 11,400 square-foot building. The Planning Commission had no recommendation for these applications at its 04/12/01 meeting because it had recommended denial of an accompanying application for a General Plan Amendment (GPA-0006-01).
08/06/03	The City Council approved an Extension of Time (EOT-2448) on an approved Special Use Permit (U-0040-01) for a Minor Auto Repair Garage with service bays that face a public right-of-way. The Planning Commission recommended approval of the application on 07/10/03, and the staff recommended denial of the application on the same date.

12/03/03	The City Council approved an Extension of Time (EOT-3126) on an approved Special Use Permit (U-0041-01), which allowed a new and used boat and trailer dealership; an Extension of Time (EOT-3127) on an approved Special Use Permit (U-0042-01), which allowed used motor vehicle sales; an Extension of Time (EOT-3230) on a request for Rezoning (Z-0014-01) from U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] to C-2 (General Commercial); and a Site Development Plan Review [Z-0014-01(1)] which allowed an 11,400 square foot commercial building. The Planning Commission recommended approval on 11/06/03, and the staff recommended denial on the same date.
12/15/04	The City Council approved a General Plan Amendment (GPA-5124) to reclassify the subject property from GC (General Commercial) to ML (Medium-Low Density Residential), a Rezoning (ZON-5121) the subject property from C-2 (General Commercial) to R-PD8 (Residential Planned Development - 8 Units Per Acre), a Variance (VAR-5124) to reduce the open space requirement, and a Site Development Plan Review (SDR-5122) for a proposed 40-lot single-family residential development on 5.00 acres adjacent to the southeast corner of Charleston Boulevard and Lindell Road (APN 163-01-501-001 and 002). The Planning Commission recommended approval on 10/07/04. Staff recommended denial.

***Related Building Permits/Business Licenses***

There are no permits or licenses related to this request.

***Pre-Application Meeting***

A pre-application meeting is not required, nor was one held.

***Neighborhood Meeting***

A neighborhood meeting is not required, nor was one held.

***Details of Application Request***

***Site Area***

Gross Acres	5.0
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<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Undeveloped	SC (Service Commercial)	U (Undeveloped) [ML (Medium Low Density Residential) land use designation] under Resolution of Intent to R-PD8 (Residential Planned Development 8 Units per Acre)
North	Commercial	SC (Service Commercial)	C-1 (Limited Commercial)
South	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
East	Commercial	SC (Service Commercial)	C-1 (Limited Commercial)



West	Commercial Undeveloped	SC (Service Commercial)	C-2 (General Commercial)  R-E (Residence Estates)
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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>			
A-O Airport Overlay District (200-foot)	X		Y
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## DEVELOPMENT STANDARDS

This Site Development Plan Review proposes the following Development Standards:

<b>Standards</b>	<b><i>Provided</i></b>
Min. Lot Size (square feet)	2,775
Min. Lot Width (feet)	37
Min. Setbacks (feet)	
• Front	5
• Side	3.5
• Corner	3.5
• Rear	10
Max. Building Height (feet)	25.3 feet

## ANALYSIS

This is the first request for an extension of time on the subject property. The applicant has changed builders, which resulted in a delay. Additionally, the underground water at this site is contaminated. The applicant is in the process of cleaning the groundwater. This set of applications could move on to the Tentative Map stage to continue progress with the proposed project. Approval of this request with a one year time limit is recommended.

### Conditions of approval from SDR-5122

1. The development shall be limited to a maximum number of 37 lots.
2. An application for a General Plan Amendment (GPA-5124), Rezoning (ZON-5087), and a Variance (VAR-5124) approved by the City Council.



3. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
4. All development shall be in conformance with the site plan and building elevations dated 10/05/04, except as amended by conditions herein.
5. The standards for this development shall include the following: minimum lot sizes of 2,775 square feet, minimum distances between buildings of seven feet, and building heights not exceeding two stories or 35 feet, whichever is less.
6. The setbacks for this development shall be a maximum of five feet to the front of the house/garage as measured from the back of sidewalk or from the back of curb if no sidewalk is provided, 3.5 feet on the side, 3.5 feet on the corner side, and 10 feet in the rear. Homes on corner lots shall be situated with the side yard opposite the corner side yard at 3.5 feet.
7. All homes developed on lots adjacent to the existing residential are to the south of the site shall be single-story homes.
8. The site plan shall be revised or corrected and approved by the Planning and Development Department staff to reflect the deficiencies noted in these conditions prior to the time application is made for a Tentative Map.
9. A detailed landscape plan shall be provided and approved by Planning and Development Department staff, prior to the time application is made for a Tentative Map to reflect minimum 24-inch box trees planted a maximum of 30 feet on-center and a minimum of four fivegallon shrubs for each tree within provided planters. The design, location, height, and type of materials of all perimeter walls shall be shown. At a minimum, the perimeter walls shall be decorative block walls, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
10. Landscaping and a permanent underground sprinkler system shall be installed and permanently maintained in a satisfactory manner.
11. Air conditioning units shall not be mounted on rooftops.
12. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
13. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
14. All City Code requirements and design standards of all City departments must be satisfied.
15. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.

16. Air conditioning units shall not be mounted on rooftops.
17. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map for this site. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
18. A Homeowner's Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
19. Landscape and maintain all unimproved right-of-way on Lindell Road adjacent to this site.
20. Submit an Encroachment Agreement for all landscaping and private improvements located in the Lindell Road public right-of-way adjacent to this site prior to occupancy of this site.
21. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).
22. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first. We note that a deviation from Standards was requested for cul-de-sac bulbs in the justification letter and that offset sidewalk is proposed on Lindell Road.
23. Site development to comply with all applicable conditions of approval for ZON-5121 and all other subsequent site-related actions.

## **FINDINGS**

Approval of the original Site Development Plan Review (SDR-5122) was granted on 12/15/04. This request for an extension of time is deemed appropriate given the circumstances currently occurring on the subject property. Approval of this request is recommended.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

N/A

**ASSEMBLY DISTRICT** N/A

**SENATE DISTRICT**            N/A

**NOTICES MAILED**            N/A

**APPROVALS**                    0

**PROTESTS**                     0