

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: SEPTEMBER 5, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ROC-23275 - APPLICANT/OWNER: D.R. HORTON, INC.**

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

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

**Planning and Development**

1. Condition number three from Variance (VAR-12588), which stated the chat area must be removed and replaced with permanent, approved paving on or before 06/07/07, or one year from the date of final approval by the city council (06/07/06), shall be removed.
2. Conformance to all other Conditions of Approval for Variance (VAR-12588) and all other applicable site related actions.

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

**PROJECT DESCRIPTION**

This is a request for a Review of Condition to remove Condition Number Three of an approved Variance (VAR-12588) which stated the chat area must be removed and replaced with permanent, approved paving on or before 06/07/07, or one year from the date of final approval by the city council (06/07/06) on 0.19 acres at 5026 Mirage Garden Street. Approval of this request to remove condition number three from Variance (VAR-12588) is recommended.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
09/03/80	The Board of City Commissioners denied a Rezoning (Z-0038-80) application for the reclassification of property generally located at 5050 North Lorenzi Boulevard (Rainbow Boulevard) from R-E (Residence Estates) to C-2 (General Commercial) for the proposed use of Retail Sales. The Planning Commission recommended denial on 05/27/80.
12/05/80	The Board of City Commissioners approved a Variance (V-0085-80) application to allow the use of the premises for the retail sale of tack, feed, and related equipment where such a use is not allowed on property located at 5050 Lorenzi Boulevard (Rainbow Boulevard). The Board of Zoning Adjustment recommended approval on 10/23/80.
03/27/86	The Board of Zoning Adjustments approved a Variance (V-0029-86) application to allow an accessory building and the keeping of horses on a property without a main dwelling, where accessory uses are not permitted, on property located at 5050 Lorenzi Boulevard (Rainbow Boulevard).
05/09/02	The Planning Commission approved a Variance (V-0018-02) application to allow an addition to an existing single-family residence to be 40 feet in height and three stories tall where the maximum allowed is 35 feet in height and two stories tall on approximately 74.46 acres located at 5050 North Rainbow Boulevard.
06/01/05	The City Council approved a General Plan Amendment (GPA-6296) to amend a portion of the Centennial Hills Sector Plan of the General Plan from O (Office) and SC (Service Commercial) to L (Low Density Residential) on a 5.0 acre portion of a 74.46 acre site, and struck a Rezoning (ZON-6302) from R-E (Residence Estates) to R-1 (Single-Family Residential). Staff and the Planning Commission recommended approval on 4/28/05.
06/05/02	The Planning Commission approved a Variance (V-18-02) to allow an addition to an existing single-family residence to be 40-feet in height and three stories tall where the maximum allowed is 35-feet in height and two stories tall. Staff recommended denial.

09/07/05	The City Council approved a petition to Vacate (VAC-6725) a portion of an existing cul-de-sac at the south end of Rebecca Road, a Rezoning (ZON-7653) from R-E (Residence Estates) to R-1 (Single-Family Residential), Special Use Permit (SUP-7656) for private streets within a proposed subdivision, and a Waiver (WVR-7659) of Title 18.12.160 to allow approximately 52 feet between street intersections where 125 feet is the minimum distance separation required. Staff and the Planning Commission recommended approval on 8/11/05.
09/22/05	The Planning Commission approved a Tentative Map for a 112-lot single family residential subdivision. Staff recommended approval.
06/07/06 *	The City Council approved a Variance (VAR-12588) to allow 0 parking spaces where 5 spaces are required and a Special Use Permit (SUP-12590) for a temporary real estate sales office for model homes located on 28.5 acres at the southwest corner of Torrey Pines Drive and Washburn Road. The Planning Commission and staff recommended denial.
10/04/06	The City Council approved by Ordinance (5859) changes to Title 19 including a change to Title 19.10 that allowed for the use of chat materials in parking lots for temporary real estate sales offices.
08/20/07	A site inspection was conducted and photographs were taken. The parking lot is in good condition.
<b><i>Related Building Permits/Business Licenses</i></b>	
01/08/07	A building permit (#7000084) was issued to convert a garage to a temporary sales office at 5027 Mirage Garden Street.
<b><i>Pre-Application Meeting</i></b>	
07/12/07	A pre-application meeting was held. Code requirements and submittal procedures were discussed.
<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>	
Net Acres	0.19

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

South	Undeveloped (Under Construction)	L (Low Density Residential)	R-E (Residence Estates) under Resolution of Intent to R-1 (Single Family Residential)
East	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
West	Undeveloped (Under Construction)	L (Low Density Residential)	R-E (Residence Estates) under Resolution of Intent to R-1 (Single Family Residential)

<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 (175-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

**ANALYSIS**

The proposed review of condition seeks to remove condition number three from Variance (VAR-12588). Since the time of the approval of this variance, there has been a change made to Title 19.10.

Title 19.10.010 D.6.A states:

Parking surfaces used for temporary real estate sales offices may consist of decomposed granite, chat, reclaimed asphalt paving or other material approved by the Department of Public Works.

The parking lot is in good condition. There were no weeds or debris in the lot, the lot is well maintained. The handicapped accessible walking aisles were concrete and signage was provided. Given this change to Code requirements subsequent to the approval of the subject variance, removal of this condition is deemed appropriate as current Code requirements would not necessitate such a condition. Approval of this request is recommended.

**FINDINGS**

The proposed removal of condition number three from Variance (VAR-125880 is deemed appropriate. Current Code would not require a condition of this nature. Approval of this request is recommended.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** N/A

**ASSEMBLY DISTRICT** N/A

**SENATE DISTRICT** N/A

**NOTICES MAILED** 899

**APPROVALS** 0

**PROTESTS** 0