



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 2, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-28163 - EXTENSION OF TIME VARIANCE -
APPLICANT/OWNER: CASIDO FERDINAND & GLORIA

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. This Variance (VAR-12784) will expire on 06/21/10, unless another Extension of Time is approved by the City Council.
2. Conformance to the Conditions of Approval for Variance (VAR-12784) and all other subsequent related actions as required by the Planning and Development Department and Department of Public Works.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is the first request for a Two-Year Extension of Time of an approved Variance (VAR-12784) to allow a no Side Yard Setback where 10 feet is required, no Rear Yard Setback where 20 feet is required, and a Residential Adjacency Setback of 46 feet where 72 feet is required on 0.62 acres adjacent to the north side of Cheyenne Avenue, approximately 580 feet east of Jones Boulevard.

There are two related requests for a two-year Extension of Time for another Variance (VAR-13307) and Site Development Plan Review (SDR-12783) that will be heard with this item.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
10/24/62	The Board of City Commissioners approved a Rezoning from R-E (Residence Estates) to R-1 (Single Family Residence) on the subject site as part of a larger request (Z-0107-62). The Planning Commission recommended approval.
02/21/79	The Board of City Commissioners approved a Rezoning (Z-0120-78) from R-1 (Single Family Residence) to C-1 (Limited Commercial) on the subject site. The Planning Commission recommended denial.
09/05/79	The Board of City Commissioners approved a Plot Plan Review (Z-0120-78) for a proposed shopping center on 8.2 acres at the northeast corner of Jones Boulevard and Cheyenne Avenue. The Planning Commission and staff recommended approval.
11/13/91	The Planning Commission approved a Tentative Map (TM-0035-91) for a seven-lot commercial subdivision at the northeast corner of Jones Boulevard and Cheyenne Avenue. Staff recommended approval.
08/12/99	The Planning Commission approved a Site Development Plan Review [Z012078(2)] for a proposed 5,500 square foot retail store on property to the south of the subject parcel. Staff recommended approval.
06/21/06	The City Council approved a Site Development Plan Review (SDR-12783), a Variance (VAR-12784) to allow a no Side Yard Setback where 10 feet is required, no Rear Yard Setback where 20 feet is required, and a Residential Adjacency Setback of 46 feet where 72 feet is required, and a Variance (VAR-13307) to allow 12 parking spaces where 28 spaces are required for the subject development. The Planning Commission recommended approval on 05/25/06 with staff recommending denial.
<i>Related Building Permits/Business Licenses</i>	
There are no plan checks or building permits that have been review or issued for this proposal.	

<i>Pre-Application Meeting</i>
A pre-application meeting is not required, nor was on held.
<i>Neighborhood Meeting</i>
A neighborhood meeting is not required, nor was on held.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.62 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped, Parking lot (with access to Cheyenne Avenue)	SC (Service Commercial)	C-1 (Limited Commercial) Zone
North	Parking lot	SC (Service Commercial)	C-1 (Limited Commercial)
South	Parking lot	SC (Service Commercial)	C-1 (Limited Commercial)
East	Single Family Dwellings	L (Low Density Residential)/ SC (Service Commercial)	C-1 (Limited Commercial)
West	Parking lot	SC (Service Commercial)	C-1 (Limited Commercial)

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

ANALYSIS

The applicant is requesting a two-year Extension of Time for an approved Variance (VAR-12784) to allow no Side Yard Setback where 10 feet is required, no Rear Yard Setback where 20 feet is required, and a Residential Adjacency Setback of 46 feet where 72 feet is required. This Variance

was approved as a prerequisite to the proposed 7,000 square-foot addition to an existing commercial development that was approved under Site Development Plan Review

(SDR-12783). The applicant has not submitted any permits for plan check review or taken any actions towards constructing the proposed addition since the initial approval granted by City Council on 06/21/06. In order to fully exercise the approved Variance, the associated Site Development Plan Review (SDR-12783) must have building permits issued.

FINDINGS

The proposed expansion of the commercial development remains compatible with the area. This Extension of Time request is deemed appropriate with a two-year time limit; therefore approval of this request is recommended. This Variance (VAR-12784) will expire on 06/21/10, unless another Extension of Time is approved by the City Council.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0