



AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 4, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: EOT-33158 EXTENSION OF TIME VARIANCE APPLICANT:
DESERT CAPITAL GROUP - OWNER: CRAIG TENAYA LLC**

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. This Variance (VAR-18820) will expire on March 21, 2011 unless another Extension of Time is approved by the City Council.
2. Conformance to all conditions of approval of Variance (VAR-18820) and all other site related actions 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 Variance (VAR-18820) to allow a 72-foot high building where 35 feet is the maximum height allowed on 7.49 acres adjacent to the east side of Tenaya Way, approximately 970 feet south of Craig Road.

It is noted that there are three (3) related Extension of Times (EOT-33159, EOT-33160, and EOT-33136) that will be heard concurrently with this application.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
09/05/90	The City Council denied a request for Rezoning (Z-0080-90) from N-U (Non-Urban) to C-1 (Limited Commercial) for a proposed Shopping Center on property located on the southeast corner of Craig Road and Tenaya Way. The Planning Commission recommended denial on 07/24/90.
11/06/96	The City Council accepted the applicants request to Withdraw Without Prejudice a request for Rezoning (ZON-0094-96) from N-U (Non-Urban) to C-2 (General Commercial) for a proposed 105,744 square-foot Home Depot Retail Warehouse on property located on the southeast corner of Craig Road and Tenaya Way. The Planning Commission recommended approval on 09/26/96.
01/08/98	The Planning Commission accepted the applicants request to Withdraw Without Prejudice a request for Rezoning (Z-0081-97) from U (Undeveloped) [SC (Service Commercial) General Plan Designation] to C-1 (Limited Commercial) for a proposed 130,858 square-foot Home Depot Store on property located at the southeast corner of Craig Road and Tenaya Way.
01/12/98	The City Council accepted the applicants request to Withdraw Without Prejudice a request for Rezoning (Z-0115-97) from U (Undeveloped) [SC (Service Commercial) General Plan Designation] to PD (Planned Development) for a proposed commercial retail center and office development on property located at the southeast corner of Craig Road and Tenaya Way. The Planning Commission recommended denial on 12/04/97.

01/19/00	The City Council approved a request for Rezoning (Z-0071-99) from U (Undeveloped) [SC (Service Commercial) and O (Office) General Plan Designation] to C-1 (Limited Commercial) and O (Office) for a proposed 163,281 square-foot Retail Shopping Center on property located on the southeast corner of Craig Road and Tenaya Way. The Planning Commission recommended denial on 12/02/99.
10/28/03	A Code Enforcement case (6254) was processed for illegal dumping on a vacant lot between Craig Road/Alexander Road on Tenaya Way. The case was closed on 12/19/03.
03/21/07	The City Council approved a request to amend a portion of the Centennial Hills Sector Plan of the Master Plan (GPA-18818) from O (Office) to H (High Density Residential) on 7.49 acres adjacent to the east side of Tenaya Way, approximately 970 feet south of Craig Road. The Planning Commission recommended approval on 01/25/07.
03/21/07	The City Council approved a request for Rezoning (ZON-18819) from O (Office) to R-4 (High Density Residential) on 7.49 acres adjacent to the east side of Tenaya Way, approximately 970 feet south of Craig Road. The Planning Commission recommended denial on 01/25/07.
03/21/07	The City Council approved a request for a Variance (VAR-18820) to allow a 72-foot high building where 35 feet is the maximum height allowed on 7.49 acres adjacent to the east side of Tenaya Way, approximately 970 feet south of Craig Road. The Planning Commission recommended approval on 01/25/07.
03/21/07	The City Council approved a request for a Special Use Permit (SUP-18821) for a proposed mixed-use development adjacent to the east side of Tenaya Way, approximately 970 feet south of Craig Road. The Planning Commission recommended approval on 01/25/07.
03/21/07	The City Council approved a request for a Site Development Plan Review (SDR-18822) for a proposed five-story mixed-use development consisting of 213 condominium units and 29,717 square feet of commercial space on 7.49 acres adjacent to the east side of Tenaya Way, approximately 970 feet south of Craig Road. The Planning Commission recommended approval on 01/25/07.
01/02/08	A Code Enforcement case (60942) was processed for a big rig parked with a sign on a vacant lot at the southeast side of Craig Road and Tenaya Way. The case was closed on 02/01/08.
<i>Related Building Permits/Business Licenses</i>	
04/25/03	A building permit (3008355) was issued to install power supply for Cox Communications at 4212 North Tenaya Way. The permit was finalized on 05/14/03.
No business licenses have been issued for the subject property.	

<i>Pre-Application Meeting</i>
A pre-application meeting is not required for this type of application, nor was one held.
<i>Neighborhood Meeting</i>
A neighborhood meeting is not required for this type of application, nor was one held.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	7.49

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped Land- Proposed Mixed- Use Development	H (High Density Residential)	O (Office) with a Resolution of Intent to R-4 (High Density Residential)
North	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Single Family Residences	ML (Medium-Low Density Residential)	R-CL (Single Family Compact Lot)
	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)
East	Undeveloped Land	SC (Service Commercial)	C-1 (Limited Commercial)
West	Single Family Residences	ML (Medium-Low Density Residential)	R-PD8 (Residential Planned Development- 8 Units per Acre)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts	X		Y
A-O (Airport Overlay) District (175 feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is the first request for an extension of time for the proposed project. Since the approval of the Variance (VAR-18820), the applicant has not yet been issued a building permit for the construction of the development. Title 19.18.070 deems a Variance exercised when a business license is issued to conduct the activity, if required, or upon the issuance of a certificate of occupancy or approval of a final inspection.

FINDINGS

Title 19.18.070 requirements have not been met in order to exercise the entitlement. The applicant is requesting a two-year extension of time to secure financing. Staff recommends approval of this request with a two-year time limit. Conformance to the conditions of approval of the Variance (VAR018820) shall be required.

<u>NEIGHBORHOOD ASSOCIATIONS NOTIFIED</u>	N/A
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<u>ASSEMBLY DISTRICT</u>	N/A
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<u>SENATE DISTRICT</u>	N/A
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<u>NOTICES MAILED</u>	N/A
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<u>APPROVALS</u>	0
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<u>PROTESTS</u>	0
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