



**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: APRIL 1, 2009**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: EOT-33526 EXTENSION OF TIME VARIANCE -**  
**APPLICANT/OWNER: FALCON CREST PROPERTIES, LLC**

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

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

**Planning and Development**

1. This Variance (VAR-17244) shall expire on April 4, 2011 unless another Extension of Time is approved by the City Council.
2. Conformance to all conditions of approval of Variance (VAR-17244) 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-17244) to allow a Residential Planned Development on 2.86 acres where 5.00 acres is the minimum required at the northwest corner of Bradley Road and Deer Springs Way.

It is noted that there are two (2) related Extension of Times (EOT-33528 and EOT-33428) that will be heard concurrently with this application.

**BACKGROUND INFORMATION**

| <b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>                 |   |
|---|---|
| 04/04/07  | The City Council approved a request for a Rezoning (ZON-17242) from R-E (Residence Estates) to R-PD2 (Residential Planned Development- 2 Units per Acre) on 2.86 acres at the northwest corner of Bradley Road and Deer Springs Way. The Planning Commission recommended approval on 12/21/06.                                      |
| 04/04/07  | The City Council approved a request for a Variance (VAR-17244) to allow a Residential Planned Development on 2.86 acres where 5.00 acres is the minimum required at the northwest corner of Bradley Road and Deer Springs Way. The Planning Commission recommended approval on 12/21/06.  |
| 04/04/07  | The City Council approved a request for a Site Development Plan Review (SDR-17247) for a proposed five-lot single-family residential development and a waiver of the streetscape requirements on 2.86 acres at the northwest corner of Bradley Road and Deer Springs Way. The Planning Commission recommended approval on 12/21/06. |
| 10/25/07  | The Planning Commission approved a request for a Tentative Map (TMP-24273) for a five-lot single-family residential subdivision on 2.86 acres at the northwest corner of Deer Springs Way and Bradley Road.   |
| <b><i>Related Building Permits/Business Licenses</i></b>                                  |   |
| There are no business licenses or building permits issued for the proposed development.   |   |
| <b><i>Pre-Application Meeting</i></b>   |   |
| A pre-application meeting is not required for this type of application, nor was one held. |   |
| <b><i>Neighborhood Meeting</i></b>  |   |
| A neighborhood meeting is not required for this type of application, nor was one held.    |   |

| <b>Details of Application Request</b> |      |
|---------------------------------------|------|
| <b>Site Area</b>                      |      |
| Gross Acres                           | 2.86 |

| <b>Surrounding Property</b> | <b>Existing Land Use</b>                                    | <b>Planned Land Use</b>                | <b>Existing Zoning</b>   |
|-----------------------------|---|--|--|
| Subject Property            | Undeveloped-<br>Proposed Residential<br>Planned Development | L (Low Density<br>Residential)         | R-E (Residence<br>Estates) with a<br>Resolution of Intent<br>to R-PD2<br>(Residential Planned<br>Development- 2<br>Units per Acre) |
| North                       | Single Family<br>Residences                                 | L (Low Density<br>Residential)         | R-E (Residence<br>Estates)   |
| South                       | Undeveloped land  | L (Low Density<br>Residential)         | R-E (Residence<br>Estates)   |
| East                        | Single Family<br>Residences                                 | ML (Medium-Low<br>Density Residential) | R-1 (Single Family<br>Residential)   |
| West                        | Single Family<br>Residences                                 | L (Low Density<br>Residential)         | R-E (Residence<br>Estates)   |

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

**ANALYSIS**

This is the first request for an Extension of Time for the proposed development. In the time since the original approval of the Variance (VAR-17244), the applicant received approval for a Tentative Map (TMP-24273) for a five-lot single-family residential 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**

Construction for the proposed project has not yet begun; therefore, the applicant has not yet met the requirements to exercise the entitlement of the Variance as outlined in Title 19.18.070. The applicant is requesting an extension of time to secure financing for the project, and to allow for a change in economic conditions in order to market the development. Staff recommends approval of this request with a two-year time limit. Conformance to the conditions of approval of Variance (VAR-17244) shall be required.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**      N/A

**ASSEMBLY DISTRICT**      N/A

**SENATE DISTRICT**      N/A

**NOTICES MAILED**      N/A

**APPROVALS**      0

**PROTESTS**      0