



AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 1, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-33524 EXTENSION OF TIME VARIANCE -
APPLICANT/OWNER: FALCON CREST PROPERTIES, LLC.

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. This Variance (VAR-17253) shall expire on February 21, 2011 unless another Extension of Time is approved by the City Council.
2. Conformance to all conditions of approval of Variance (VAR-17253) 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-17253) to allow a Residential Planned Development on 3.58 acres where 5.00 acres is the minimum site area required at the northwest corner of Jones Boulevard and Jo Marcy Drive.

It is noted that there are two (2) related Extension of Times (EOT-33525 and EOT-33429) that will be heard concurrently with this application.

BACKGROUND INFORMATION

| <i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i> | |
|---|---|
| 02/21/07 | The City Council approved a request for Rezoning (ZON-17250) from R-E (Residence Estates) to R-PD2 (Residential Planned Development- 2 Units per Acre) on 3.58 acres at the northwest corner of Jones Boulevard and Jo Marcy Drive. The Planning Commission recommended approval on 01/25/07. |
| 02/21/07 | The City Council approved a request for a Variance (VAR-17253) to allow a Residential Planned Development on 3.58 acres where 5.00 acres is the minimum site area required at the northwest corner of Jones Boulevard and Jo Marcy Drive. The Planning Commission recommended approval on 01/25/07. |
| 02/21/07 | The City Council approved a request for a Site Development Plan Review (SDR-17254) for a proposed Six-Lot Single-Family Residential Development on 3.58 acres at the northwest corner of Jones Boulevard and Jo Marcy Drive. The Planning Commission recommended approval on 01/25/07. |
| 10/25/07 | The Planning Commission approved a request for a Tentative Map (TMP-24275) for a Six-Lot Single-Family Residential Subdivision on 3.58 acres at the northwest corner of Jones Boulevard and Jo Marcy Drive. |
| <i>Related Building Permits/Business Licenses</i> | |
| There are no business licenses or building permits issued for the subject site. | |
| <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. | |

| Details of Application Request | |
|---------------------------------------|------|
| Site Area | |
| Gross Acres | 3.58 |

| Surrounding Property | Existing Land Use | Planned Land Use | Existing Zoning |
|-----------------------------|--|-------------------------------|--|
| Subject Property | Undeveloped-Proposed Residential Development | DR (Desert Rural) | R-E (Residential Estates) with a Resolution of Intent to R-PD2 (Residential Planned Development- 2 Units per Acre) |
| North | Single-Family Residences | DR (Desert Rural) | R-E (Residential Estates) |
| South | Single-Family Residences | DR (Desert Rural) | R-E (Residential Estates) |
| East | Single-Family Residences | R (Rural Density Residential) | R-PD3 (Residential Planned Development- 3 Units Per Acre) |
| West | Single-Family Residences | DR (Desert Rural) | R-E (Residential Estates) |

| Special Districts/Zones | Yes | No | Compliance |
|---|------------|-----------|-------------------|
| Special Area Plan | | X | N/A |
| Special Districts/Zones | Yes | No | Compliance |
| Special Purpose and Overlay Districts | | X | N/A |
| Trails | | X | |
| Rural Preservation Overlay District | X | | Y |
| 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 development. In the time since the original approval of the Variance (VAR-17253), the applicant received approval for a Tentative Map (TMP-24275) for a six-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 development has not yet begun; therefore, the applicant has not 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-17253) shall be required.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0