



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 1, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: EOT-34518 EXTENSION OF TIME REZONING APPLICANT:
DR MCMILLIN - OWNER: DIAMOND SPRINGS APARTMENTS, LLC**

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL

**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject site is currently undeveloped with a previously approved Rezoning (ZON-20151) from C-V (Civic) to O (Office) on 0.69 acres on the east side of 6th Street, approximately 335 feet south of St. Louis Avenue. Additionally, the applicant received previous approval for a Site Development Plan Review (SDR-20149) and Variance (VAR-20152) for a proposed two-story 35-foot tall, 11,110 square-foot Office Building on the subject property. The Rezoning to O (Office) aligns with the General Plan designation of O (Office). There has been no new development or changes in land use in the surrounding area. The applicant is requesting an extension of time, as they have not progressed to a stage in the project to begin construction. Staff is recommending approval.

It is noted that there are two (2) related Extension of Times (EOT-34519 and EOT-34520) that will be heard concurrently with this application.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/16/07	The City Council approved a request for a Site Development Plan Review (SDR-20149) for a proposed 11,110 square-foot Office Building on 0.69 acres on the east side of 6 th Street, 335 feet south of St. Louis Avenue. The Planning Commission recommended approval on 04/12/07.
05/16/07	The City Council approved a request to amend a portion of the Southeast Sector Plan of the Master Plan (GPA-20150) from PF (Public Facilities) to O (Office) on 0.69 acres on the east side of 6 th Street, 335 feet south of St. Louis Avenue. The Planning Commission recommended approval on 04/12/07.
05/16/07	The City Council approved a request for a Rezoning (ZON-20151) from C-V (Civic) to O (Office) on 0.69 acres on the east side of 6 th Street, 335 feet south of St. Louis Avenue. The Planning Commission recommended approval on 04/12/07.
05/16/07	The City Council approved a request for a Variance (VAR-20152) to allow a two-story, 35-foot high Office Building 15 feet from residential property where Residential Adjacency Standards require 105 feet on 0.69 acres on the east side of 6 th Street, 335 feet south of St. Louis Avenue. The Planning Commission recommended approval on 04/12/07.

<i>Related Building Permits/Business Licenses</i>
There have been no building permits or business licenses 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.

<i>Details of Application Request</i>
<i>Site Area</i>
Gross Acres 0.69

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped Land- Proposed Office Building	O (Office)	C-V (Civic) with a Resolution of Intent to O (Office)
North	Church	PF (Public Facilities)	C-V (Civic)
South	Undeveloped Land- Proposed Mixed- Use development	SC (Service Commercial)	R-1 (Single Family Residential)
East	Single-Family Residences	L (Low Density Residential)	R-1 (Single Family Residential)
West	Single-Family Residences	L (Low Density Residential)	R-1 (Single Family Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Beverly Green Southridge Plan	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
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. In the time since the approval of the Rezoning (ZON-20151), the applicant has not made any progress on the project in the form of the issuance and/or finalization of building permits. Title 19.18.040 allows an extension of time or reinstatement of zoning approval as long as the zoning continues to conform to the use and density classification of the General Plan, and remains consistent with the surrounding area and pattern of development.

FINDINGS

The applicant is requesting an extension of time, as they have not progressed to a stage in the project to begin construction. The rezoning conforms to the use and density classification of O (Office) and is consistent with the surrounding area and pattern of development; therefore, staff recommends approval.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0