



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 1, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: EOT-34520 EXTENSION OF TIME VARIANCE APPLICANT:
DR MCMILLIN - OWNER: DIAMOND SPRINGS APARTMENTS, LLC**

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. This Variance (VAR-20152) shall expire on May 16, 2011 unless another Extension of Time is approved by the City Council.
2. Conformance to all conditions of approval of Variance (VAR-20152) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject site is currently undeveloped with a previously approved Variance (VAR-20152) to construct a two-story, 35-foot tall Office Building 15 feet from residential property where Residential Adjacency Standards require 105 feet on the east side of 6th Street, approximately 335 feet south of St. Louis Avenue. Since the original approval, no permits or business licenses have been issued for the project, nor have there been any Code Enforcement violations processed for the parcel. There has been no new development or changes in land use in the surrounding area. The applicant is requesting a two-year Extension of Time, as they have not progressed to a stage in the project to apply for building permits. Staff is recommending approval.

It is noted that there are two (2) related Extension of Times (EOT-34518 and EOT-34519) 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 of a previously approved Variance (VAR-20152) for a two-story, 35-foot tall Office Building 15 feet from residential property where Residential Adjacency Standards require 105 feet on the east side of 6th Street, 335 feet south of St. Louis Avenue. 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

The Variance (VAR-20152) has not met the requirements outlined in Title 19.18.070, since neither permits or a business license have been issued for the proposed project. No new development or changes in land use in the surrounding areas have occurred, nor is there any recent Code Enforcement violations cited for the subject property. The applicant is requesting a two-year extension of time, since they have not progressed to a stage in the project to begin construction. Staff recommends approval of this request with a two-year time limit. Conformance to the conditions of approval of Variance (VAR-20152) shall be required.

<u>NEIGHBORHOOD ASSOCIATIONS NOTIFIED</u>	N/A
--	-----

<u>ASSEMBLY DISTRICT</u>	N/A
---------------------------------	-----

<u>SENATE DISTRICT</u>	N/A
-------------------------------	-----

<u>NOTICES MAILED</u>	N/A
------------------------------	-----

<u>APPROVALS</u>	0
-------------------------	---

<u>PROTESTS</u>	0
------------------------	---