



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 16, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ROC-35306 REVIEW OF CONDITION SITE DEVELOPMENT
PLAN REVIEW APPLICANT: HARMONY 2, LLC - OWNERS: FARM/HUALAPAI
AND HARMONY 2, LLC**

***THIS ITEM WAS HELD IN ABEYANCE FROM THE SEPTEMBER 2, 2009 CITY
COUNCIL MEETING AT THE REQUEST OF COUNCILMAN ROSS.***

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If approved, subject to:

Planning and Development

1. Condition Number 6 of Site Development Plan Review (SDR-29026) shall be changed to read,

The setbacks for this development shall be a minimum of 18 feet to the front of the garage as measured from back of sidewalk or from back of curb if no sidewalk is provided, three feet on the side except for lots 5, 9, 13, 16, 18, 19, 20, 23, 24, 25, 28, 29, 30, 35, 58, and 60 which will have a five-foot side yard setback, 10 feet on the corner side, and five feet in the rear excluding rear lots backing Farm Road and lots backing residential to the west, which shall be 10 feet.

2. Conformance to all other conditions of approval for Site Development Plan Review (SDR-29026) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Review of Condition Number 6 of a previously approved Site Development Plan Review (SDR-29026) to reduce the side yard setback from five feet to a minimum of three feet for all lots of a proposed 70-lot residential subdivision with the exception of lots 5, 9, 13, 16, 18, 19, 20, 23, 24, 25, 28, 29, 30, 35, 58, and 60, which will keep the current five-foot side setback. A Final Map Technical Review (FMP-34440) was submitted on 06/22/09, but as of yet it has not been recorded. The applicant is requesting the change to Site Development Plan Review (SDR-29026) to introduce additional floor plans.

By changing the side setbacks to three feet, the dwellings will be at a closer proximity to the neighboring units, reducing privacy to the homeowners, while making it difficult to access utilities and the rear yard especially if access gates, walls, and/or air conditioning units are constructed between property lines. The proposed three-foot side setback is not acceptable as a standard for the development. Staff recommends denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/05/03	The City Council approved a request for a Petition to Annex (A-0035-02) approximately 1,056.684 acres generally located between Grand Teton Drive to the north, Hualapai Way to the east, Puli Road to the west, and Centennial Hill Parkway and the I-215 Beltway with an effective date of 02/14/03. The Planning Commission recommended approval on 09/26/02.
10/07/04	The Planning Commission approved a request for a Tentative Map (TMP-4920) for a 69-lot single-family residential subdivision on 10.52 acres adjacent to the northwest corner of Farm Road and Hualapai Way.
09/15/04	The City Council approved a request for Rezoning (ZON-4368) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] to R-PD7 (Residential Planned Development- 7 Units per Acre) on 10.52 acres adjacent to the northwest corner of Farm Road and Hualapai Way. The Planning Commission recommended approval on 07/22/04.
09/15/04	The City Council approved a request for a Site Development Plan Review (SDR-4370) for a 73-lot single-family residential development on 10.52 acres adjacent to the northwest corner of farm Road and Hualapai Way. The Planning Commission recommended approval on 07/22/04.

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
09/15/04	The City Council approved a request for a Petition to Vacate (VAC-4420) U.S. Government Patent Easements and the Donald Nelson Avenue Right-of-Way, generally located west of Hualapai Way, north of Farm Road. The Planning Commission recommended approval on 07/22/04.
11/17/04	The City Council approved a request for a Review of Condition Number 5 (ROC-5445) of a previously approved Site Development Plan Review (SDR-4370) to allow a five-foot side yard setback where 10 feet is the minimum setback required for lots that have a side property line adjacent to Hualapai Way (Lots 3, 4, 9, 10, 15, and 16 on approved Site Plan) for an approved 68-lot single-family development on 10.52 acres adjacent to the northwest corner of Farm Road and Hualapai Way.
11/29/05	The Planning and Development Department approved a request for a Final Map Technical Review (FMP-10106) for a 69-lot single-family residential subdivision on 10.52 acres adjacent to the northwest corner of Farm Road and Hualapai Way. The map was recorded on 08/04/06 as CLV Drawing #107Y4905.
10/01/08	The City Council approved a request for a Site Development Plan Review (SDR-29026) for a 70-lot single-family residential development on 10.52 acres on the east side of Tonkinese Avenue and Hualapai Way. The Planning Commission recommended approval on 08/28/08
10/15/08	The City Council approved a request for a Variance (VAR-29028) to allow 43,996 square feet of open space where 50,094 square feet are required for a 70 -lot single-family residential development on 10.52 acres on the east side of Tonkinese Avenue and Hualapai Way. The Planning Commission recommended approval on 08/28/08.
01/08/09	The Planning Commission approved a request for a Tentative Map (TMP-31945) for a 70-lot single-family residential development on 10.52 acres at the northwest corner of Farm Road and Hualapai Way.
06/22/09	The Planning and Development Department and Department of Public Works approved a request for a Final Map Technical Review (FMP-34440) for a 70-lot single-family residential development on 10.52 acres at the northwest corner of Farm Road and Hualapai Way. The map has not yet been recorded.
<i>Related Building Permits/Business Licenses</i>	
Several building permits were issued for single-family tract homes within the residential development.	
<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	10.52

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped Land- Proposed 70-lot Single-Family Residential Development	PCD (Planned Community Development)	R-PD7 (Residential Planned Development - 7 Units per Acre)
North	Single-Family Residences	PCD (Planned Community Development)	PD (Planned Development)
South	Single-Family Residences	PCD (Planned Community Development)	PD (Planned Development)
East	Park	PR-OS (Parks/Recreation/Open Space)	C-V (Civic)
	Single-Family Residences	PCD (Planned Community Development)	PD (Planned Development)
West	Single-Family Residences	PCD (Planned Community Development)	PD (Planned Development)

<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	N/A
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

DEVELOPMENT STANDARDS

Pursuant to Title 19.06.030, the following Development Standards were approved for the subject residential subdivision:

Standard	Approved (10/1/08)	Requested
Minimum Setbacks:		
• Front	18 feet to the front of the garage as measured from back of sidewalk or from back of curb if no sidewalk is provided.	Same
• <i>Side</i>	5 feet	3 feet except for lots 5, 9, 13, 16, 18, 19, 20, 23, 24, 25, 28, 29, 30, 35, 58, and 60
• Corner side	10 feet	Same
• Rear	5 feet excluding rear lots backing Farm Road and lots backing residential to the west, which shall be 10 feet.	Same

ANALYSIS

The applicant is requesting a Review of Condition Number 6 of a previously approved Site Development Plan Review (SDR-29026) to change the required five-foot side yard setback to a minimum of three feet for 54 of the lots within a 70-lot residential subdivision with the exception of lots 5, 9, 13, 16, 18, 19, 20, 23, 24, 25, 28, 29, 30, 35, 58, and 60.

The Site Development Plan Review (SDR-29026) was approved in October 2008 with the applicant agreeing to the conditions and development standards for the proposed residential subdivision. The applicant is now asking for a reduction to the side yard setback to allow additional floor plans to be introduced to potential homebuyers.

Note: Previous Site Development Plan Review (SDR-4370) approved 09/15/04 had allowed a 3-foot side yard setback, but was superseded by the new Site Development Plan Review (SDR-29026) in 2008 with 5-foot side yard setbacks.

FINDINGS

By reducing the side yard setbacks, dwellings will be even closer together diminishing the privacy to homeowners, while making it difficult to access utilities and the rear yards especially if access gates, walls, and/or air conditioning units are constructed between property lines. The proposed three-foot side yard setbacks are not acceptable as a standard for the development; therefore, staff is recommending denial of this request.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

ASSEMBLY DISTRICT

SENATE DISTRICT

NOTICES MAILED

APPROVALS 0

PROTESTS 0