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CITY of
LEMOORE
CALIFORNIA

**Planning
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Item # 6

To: Lemoore City Council
From: Gloria Hobbs, Assistant Planner and Holly Smyth, Planning Director
Date: December 15, 2011
Subject: Appeals Hearing: Lennar Fresno, Inc. application to Revise floor plans, elevations, and overall plot plans for 37 lots in Planned Unit Development for Tract 821 Phase II

BACKGROUND:

On November 28, 2011, the Lemoore Planning Commission held a public hearing on an application by Lennar Fresno, Inc., to modify floors plans, elevations and the overall plot plan for the remaining 37 lots in Tract 821 Phase II. The original developer, Davante Homes, of Phase II is in the process of trying to sell the 37 remaining lots of Tract 821 Phase II to Lennar Fresno, Inc. Prior to Planning Commission public hearing, the developer mailed letters to the current occupants of the subdivision to invite them to a community meeting on October 18, 2011 to get input.

The staff report presented information and a draft resolution to approve the revised plans and a public hearing was held by the Commission. The revised floor plans presented included five new floor plans with two different elevations with 1,694, 1,905, 2,000, 2,223, and 2,257 square foot single story homes floor plans. The applicant agreed to modify house details included removing siding from all plans, utilizing a compatible color palette, incorporating flat and barrel tile roofs, incorporating a ½ wall porch feature into one of the plans, incorporating Mediterranean style decorative transom windows with iron bar accents, incorporating windows on the top portion of the garage doors to help the project blend with the existing subdivisions. None of the plans incorporate a two-story plan, but plan 2306 incorporates dormer windows on top of the main roof to try to give plan some height.

During the public hearing four community members spoke in opposition of the proposed revised plans with one member requesting that his letter of the first public hearing in June, 2011 be included as part of the City Council's discussion. Much of the opposition was on the square footage of the existing one and two story plans versus the proposed single story product and the quality of the revised plans not meeting the DeVante Villas standard. Based on questions by the Planning Commission, Planning Director noted that the applicant does meet the Planned Unit Development Guidelines and the applicants made the changes to the exterior design that were requested at the June 2011 public hearings. However, item #28 of the PUD guidelines states that new or modified plans shall incorporate aesthetics and variety in home types and be of a **similar quality to the originally approved plans** which is more of a subjective determination for the approving bodies.

Based on community input and staff report, Planning Commission voted 5-2 to pass the attached Resolution #2011-13 denying the revised overall plot plan, elevations, and floor plans as proposed for the 37 lots located in Tract 821 Phase II. A copy of the June 27, 2011 and November 28, 2011 Planning Commission staff reports, elevation, floor plans, overall plot plan and resolution are available on the City website at <http://www.lemoore.com/planning/agendas/2011/jun27.htm> and <http://www.lemoore.com/planning/agendas/2011/nov28.htm> .

"In God We Trust"

Pursuant to Lemoore Municipal Code, the Council may review the Planning Commission decision to deny the revised plot plan, floor plans, and elevations in a meeting to be held at least 10 days after the Planning Commission decision and choose to affirm, modify or reverse their decision.

On December 7, 2011, Lennar submitted a letter to appeal the Planning Commission decision as they incorporated all previously requested changes into their revised submittal and verbally agreed to incorporate a courtyard into one of their plans. Per Municipal Code section 1-5-3C, an Appeal Hearing has been noticed in the newspaper and notices sent to property owner's within 300' of the 37 lots for Council's consideration at the December 20, 2011 meeting.

Given the appeal hearing request, staff has prepared two draft resolutions so that depending on City Council's determination, they can finalize a decision without coming back to another future meeting if so desired. The first draft resolution affirms Planning Commission's Resolution #2011-13 which denies the project. The second draft resolution reverses Planning Commission's decision by approving the project with the attached overall plot plan, elevations, and floor plans.

Budget Impact:

None.

Recommendation:

Hold the Appeal Hearing, and consider adopting:

- Resolution 2011-46 –Denial (which affirms Planning Commission Resolution #2011-13) or
- Resolution 2011-46 –Approval (which approves the revised overall plot plan, elevations and floor plans for the remaining 37 lots in Phase II of Tract 821 and reverses Planning Commission's decision) or
- Revise one of the draft resolution to include any modifications the Council believes is necessary based on the testimony.

June 27, 2011

Lemoore Planning Department
210 Fox Street
Lemoore, CA 93245

Subject: Liberty Phase II -- Devante Villas

To Whom It May Concern:

My name is John L. Palisoc II, a homeowner living at the Devante Villas located on 1021 Columbus Way. I will not be able to make the scheduled hearing regarding the homes proposed by Lenna at the Liberty Phase II -- Devante Villas.

I am in the opinion along with many of my neighbors that the planned homes for 37 Lots Tract 821 will in many ways lower the property value of the neighborhood. We all know the economic downturn of the home market and building cheaper homes in our neighborhood will not do us any favor by any means. I'm opposed to these plans.

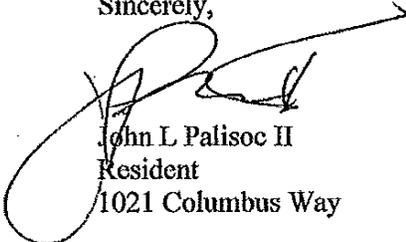
What happened to the plans for the lots by Devante Villas? It would have made more sense that Lennar build the homes that were meant to be in those Lots. If Lennar is successful in building these homes, the neighborhood would not have the same consistency of homes and the neighborhood would look mix-matched thus making the neighborhood look cheaper than what it really is.

We have been in this neighborhood for three years now and our home value has decreased. Building homes that are not consistent with the neighborhood will only lower the value of our homes, which would mean most of us or all of us will be upside down on our loan (most of us are already).

If Lennar is successful in building these types of home, then I will protest along with my neighbors. Times are tough enough and by having Lennar come in and build cheap homes causing the average homes to go lower will put us in a tough bind. I will also look into legal actions.

It is my hope that the council takes into consideration my opinion stated in this letter along with my neighbors attending the meeting.

Sincerely,



John L. Palisoc II
Resident
1021 Columbus Way

LENNAR

December 7, 2011

Ms. Holly Smyth, Director
City of Lemoore Planning Department
711 Cinnamon Drive
Lemoore, California 93245

Subject: Tract No. 821, Phase 2
Conditional Use Permit Amendment

Dear Holly,

On November 28, 2011, the Lemoore Planning Commission denied our application to amend the Conditional Use Permit for the subject tract and allow Lennar Fresno to proceed with the development of the 37 remaining lots. We are herewith appealing the decision of the Planning Commission and request a hearing before the City Council on our request.

The staff report to the Planning Commission essentially stated that we had incorporated all of the suggested changes from our first attempt, with the exception of incorporating a courtyard on one of the plans. We agreed verbally at the Planning Commission hearing to add a courtyard to one of the plans.

We have engaged our architect to design the courtyard which will be added to our Plan 155 and wish to present that plan to the Council, as well as additional information on the project.

Thank you for your consideration of this matter. Please don't hesitate to contact me if you require additional information or have any questions.

Sincerely,



Les Peterson
Vice President of Community Development

