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Item # 4

To: Lemoore City Council
From: Holly Smyth, Planning Director
Date: September 6, 2012
Subject: Planned Unit Development Application #2012-01 from Wathen-Castanos Hybrid Homes, Inc., to revised the floor plans/ elevations / plot plans, allow the floor area ratio to be 40%, and allow the average lot size to be 9,800 square feet in Tract 872 –Heritage Acres (previously known as Sugar Plum Village Subdivision)

BACKGROUND:

A planned unit development (PUD) for Tract 872 was originally approved by City Council Resolution #2006-15 with conditions on May 2, 2006 to subdivide and develop 30.51 acres into 97 single family lots through Subdivision Map #2006-20/Planned Unit Development #2006-02/Conditional Use Permit #2006-02. This original resolution pertained to the overall Subdivision Map but deferred the approval of the overall footprint plan, elevations, and floor plans under future separate review and approval, which was done with the adoption of City Council Resolution #2007-10 one year later.

In 2012, Shepard Lane, LP, purchased the entire Tract 872 (located north of Daphne Lane, south of Boxwood Drive, east of Cinnamon Drive, and west of the Lemoore Canal) from FB Holdings LLC, for Wathen Castanos, which removed the subdivision from foreclosure. Wathen-Castanos then submitted an application to the Planning Department to 1) revise the floor plans, elevations and allow an individual plot plan submittal for the entire subdivision and 2) change the floor area ratio (FAR) from 35% to 40% within the subdivision. After Planning Commission held a public hearing on August 27th, the developer also requested modification to the average lot size condition specified in City Council Resolution #2006-15. Therefore, additional notification was sent to property owners within 300' of the site notifying them of this newer request and is detailed below.

On August 27, 2012 the Planning Commission held a public hearing and passed Resolution #2012-12 recommending that the City Council supersede / rescind Resolution #2007-10 and approve the revised PUD elevations and floor plans as well as the FAR with some conditions to insure that City standards will be met. A copy of the staff report, elevations, floor plans, and resolution are available on the City website at <http://www.lemoore.com/planning/agendas/2012/aug27.htm>.

Lot Size Discussion: The original project in 2006 began with the submittal of an 89 lot subdivision, which was modified by the final City Council Resolution #2006-15 that “no more than 97 lots shall be allowed in the subdivision, so long as the average lot size is not less than 10,300 square feet as shown on the revised map and submitted to the Planning Department” which was applicable over the entire subdivision. As the new developer’s engineer has been preparing the civil plans and Final Maps for phases II and III of the subdivision, as phase I is already recorded, they noticed that the plotted lot sizes could not equate to 10,300 square foot lot size on average but would be closer to 9,800 square feet on average.

In looking at the original analysis, the overall project area was analyzed at 30.51 acres. Based on this acreage it was determined that the low-density and the low-medium density residential designation under the General Plan at that time would only allow for only 86 lots based on gross acreage. However, based on net acreage of the lots provided, the maximum units were determined to be 117 units. The developer at that time requested and the City Council allowed for no more than 97 lots only if the average lot size was not less than 10,300 square feet. According to the Tentative Subdivision Map information, the average lot size was anticipated to be around 10,700 square feet, therefore appearing to meet this standard and therefore did not appear problematic at the time.

According to the new engineer, it appears that the approved Tentative Subdivision Map, showed an acreage of 32.40 acres (which is 1.89 acres more than the initial analysis of allowed density) which appears to have been due to including land out to the center of the Lemoore Canal. According to the new developer's engineer, the property line stops at the edge of the Canal not in the center of the canal. The existing recorded Phase I of the subdivision plus the proposed Phases II and III will equate to 30.76 acres, which is just slightly higher than that shown in the original submittal and analysis documents, but is lower than the Assessor's data on the original parcels which equated to 31.23 acres. If staff were to remove the 1.89 acres out of the Low Density lots of the original Tentative Map as part of the net acreage calculation, a maximum of 104 units could be provided based on the General Plan in place at that time rather than 117 determined at that time. If staff were to remove the 1.89 acres from the Low Density lots, the average lot size would have equated to 9,154 square feet for the overall project instead of the 10,700.

The underlying zone districts in place at the time of the subdivision approval included R-1-7 and RA-20 zoning which required average lot sizes to be 7,000 square feet and 20,000 square feet respectively. The minimum lot width was 100' and a depth of 150' in the RA-20 zone district while it was generally 65' wide by 90' deep in the R-1-7 zone district. Because of the PUD overlay, the proposed lots were allowed to fluctuate from the width and depth standards due to the "blending" of the areas. However, based on the proposed lot layout and the underlying district acreage, it appeared that the overall required lot sizes would have been 11,423 if combining the districts. The smallest proposed lot size for the subdivision is 7,241 square feet with most lot widths being at least 74' wide by 116' deep.

According to the City Attorney, normally a condition of an Approved Subdivision Map cannot be modified once the first phase is recorded and would require a new Subdivision Map application be started. However, under the new 2012 Zoning Code Section 9-9B-2-C pertaining to existing Planned Unit Developments (PUD), because there is a significant change in the project design there is a way to modify the conditions through the new PUD. Because General Plan policies trump the zoning ordinance, and because the proposed subdivider is not providing any more lots than the original underlying density of the original Tentative Subdivision map and due to the error in including a portion of the canal, the proposed average lot size seems to be a reasonable modification. Therefore, staff has included a condition in the draft Resolution to modify the original condition #14 of City Council Resolution #2006-15 to allow 97 lots so long as the average lot size is not less than "9,800" square feet as requested by the applicant. A public hearing notice was published in the paper and sent to property owners within 300' of the project site regarding this potential modification, as it was not in the original proposal that went before the Planning Commission.

Budget Impact:

None.

Recommendation:

Staff recommends that the Council hold the public hearing, discuss any further modifications that may be needed and pass the attached draft Resolution #2012-35 approving the new elevations, floor plans, floor area ratio, and lowering the average lot sizes as stated therein for Tract 872-Heritage Acres.