

RESOLUTION #2012-35

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMOORE
MODIFYING PLANNING COMMISSION RESOLUTION #2012-12 TO MODIFY CONDITION #8
ALLOWING THE AVERAGE LOT SIZE TO BE 9,800 SQUARE FEET WHILE AFFIRMING THE REMAINDER TO
ALLOW A 40% FLOOR AREA RATIO AND APPROVE NEW ELEVATIONS AND FLOOR PLANS FOR
TRACT 872 – HERITAGE ACRES (aka SUGAR PLUM SUBDIVISION)
(Includes Rescission of City Council Resolution #2007-10)**

At a Regular Meeting of the City Council of the City of Lemoore duly called and held on September 18, 2012 at 7:30 p.m. on said day, it was moved by Council Member _____, seconded by Council Member _____ and carried that the following Resolution be adopted:

WHEREAS, Shepard Lane, LP, is the current owner of the property, known as Tract 872, Heritage Acres (aka Sugarplum Village); and

WHEREAS, Wathen-Castanos submitted an application to 1) revise the floor plans, elevations and submit individual plot plans for the entire subdivision, 2) allow floor area ratio (FAR) to be 40%, and 3) after the Planning Commission meeting requested that the average lot size be decreased from 10,300 to 9,800 square feet in Tract 872, Heritage Acres (also known as Sugarplum Village).

WHEREAS, The subdivision is located north of Daphne Lane, south of Boxwood Drive, east of Cinnamon Drive, and west of the Lemoore Canal.

WHEREAS, the Planning Commission of the City of Lemoore at a meeting on August 27, 2012 held a public hearing and passed Resolution #2012-12 recommending that the City Council approve Planned Unit Development #2012-01 with the 8 conditions of approval therein to protect the public health, safety and the general welfare; and

WHEREAS, at its September 18, 2012 meeting, City Council held a public hearing (which included notices of all three above requests from the developer) and reviewed the request to 1) revise the floor plans, elevations and allow individual plot plans for the entire subdivision, 2) allow the floor area ratio (FAR) to be 40% and 3) modify the average lot area from 10,300 to 9,800 square feet in Tract 872,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lemoore does hereby:

- I. Modify conditions #11 and #14 of City Council Resolution #2006-15 related to the subdivision's floor area ratio (FAR) and average lot size as listed herein,
- II. Supersede/Rescind City Council Resolution #2007-10 which approved the original PUD project design,
- III. Modify condition #8 to allow for a 9,800 square foot average lot size over the subdivision as generally shown in the attached "Tract No. 872 Lot Area Exhibit";
- IV. Determine that the proposed project shall not be substantially detrimental to adjacent property, and will not materially impair the purposes of the Zoning Ordinance or the public interest
- V. Approve the attached new elevations and floor plans with the following eight (8) conditions to be valid for two years, in which time building permits will need to be pulled:
 1. The Individual Plot Plan Review process shall be utilized to approve individual plans/elevation per lot with the appropriate fee to insure that all plans meet the design standards and conditions listed herein. Special attention will be paid to the requirement that "No two (2) identical looking floor plans and elevations shall be placed on lots within a group of five (5) adjacent lots. For purposes of this section, "adjacent lots" shall mean those lots on either side of a subject lot and those three (3) lots directly across the street from the subject lot (referred to as a "six pack)". A running excel spreadsheet shall also need to be submitted with each submittal showing all the plans approved to date in the subdivision with applicable provisions shown to insure the conditions of the project are met.

2. Setbacks shall continue as the original PUD was approved with varying 18-25' front yards (with a minimum of 2' stagger on adjacent lots), 5' or 10' sideyard setbacks depending on 1-story or 2-story plan, 15' street side corner lot setback, 10' or 15' rear yard setback depending on 1-story or 2-story plan. Fence setbacks shall meet current City standards in Table 9-5A-7-E1 of the Zoning Code and delineated on the plot plans. Air conditioning units shall be at least 3' away from fence line to maintain fire access.
3. The Floor Area Ratio (FAR) shall be allowed up to 40% so long as the overall lot coverage does not exceed 75%, and that the front yard coverage shall not exceed 60% of the front yard and these areas shall be submitted on the plot plan submittal. However, lots that back onto the canal with restricted access easement shall base their 40% FAR based on the useable lot area and shall be denoted on the submitted plot plans. To determine this, one "worst case" scenario plot plan will be plotted for each of the eight plans to confirm that these coverage maximums are not exceeded even with all options being incorporated.
4. No more than 14 homes of the 97 shall be swing garage Plan 2202 (aka 220L).
5. Plans 1470 & 1695 with the same elevation/style combination nor Plans 2160 & 2560 with the same elevation/style combination shall not be located within the six-pack unless four additional "substantially varying features" (such as house color, roof color, contrasting garage door color, changing window grid pattern, different garage door panels, carriage lights, different door type, 3rd car garage, etc...) are incorporated.
6. Corner lots need to "wrap" down the street side of the home with either stone wainscoting if used on the front façade or softscape shrubbery within 6" of the fence with the exception of plans 185L, 1918, 220L which have articulated house features that already avoid the visible blank house plane.
7. All residential entries shall incorporate at least two of the following characteristics: i. Awning or portico, ii. Multi-panel door, iii. Transom windows and/or sidelights, iv. Durable, high-quality door hardware, v. Solid core door with wood or wood-like finish and be shown on the plot plan submittal.
8. The subdivision shall still be subject to City Council Resolution #2006-15 predominately related to the subdivision itself, with the exception of
 - a. Modification to condition #11 related to Floor Area Ratio as stated in condition #3 above to allow 40%.
 - b. Modification to condition #14 to read "No more than 97 units shall be allowed in the subdivision, so long as the average lot size is not less than ~~40,300~~ 9,800 square feet as generally shown on the attached revised map and submitted to the Planning Department."

Passed and adopted at a Regular Meeting of the City Council of the City of Lemoore held on September 18, 2012, by the following votes:

AYES:
NOES:
ABSTAINING:
ABSENT:

APPROVED:

Willard J. Rodarmel, Mayor

ATTEST:

City Clerk

CERTIFICATE

STATE OF CALIFORNIA)
COUNTY OF KINGS)
CITY OF LEMOORE)

I, _____, City Clerk of the City of Lemoore, do hereby certify the foregoing Resolution of the City Council of the City of Lemoore was duly passed and adopted at a Regular Meeting of the City Council held on September 18, 2012.

DATED: September 18, , 2012

City Clerk