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Staff Report

Item # 5F

To: Lemoore City Council
From: Holly Smyth, Planning Director
Date: March 14, 2007
Subject: Amending of City Council Resolution 9224 relating to Tract 752

Discussion:

The Planning Commission of the City of Lemoore conducted a Public Hearing on January 10, 2005 for Planned Unit Development #2004-04 / Conditional Use Permit #2004-10 / Vesting Tentative Subdivision Map #2004-06 regarding Tract 752 by Coker Ellsworth. They recommended that the City Council approve the project with 33 conditions of approval.

On February 1, 2005 the City Council approved Resolution 2005-04 approving Tract 752 Fairway Homes Phases I and II with the 33 conditions, including condition # 23 which required the amending of condition #5 of City Council Resolution 9224. Part of this original condition required a 20' rear yard set back for all homes facing onto the Lemoore Municipal Golf Course. This would exclude the inclusion of architectural features such as patios, arbors, or similar features, attached to the main house which would improve the view from the golf course.

This original Resolution 9224 was applicable to all golf course properties as it was created and then recorded in CC&R's when the City owned all of the land. Because the various subdivision's on the golf course are owned by different individuals and have their own Homeowner's Association, the amending of this resolution can only be applicable to the subdivision map at hand and will require the amending of the CC&R's relating to Tract 752. Therefore the attached resolution amending Resolution 9224 will only be applied to Tract 752. If other Homeowner's Associations of golf course properties would like to be included in this allowance, they would need to amend their CC&R's and the City, under the attached resolution would allow for this same modification.

Budget Impact:

None.

Recommendation:

Council should approve the attached Resolution 2007-12.

RESOLUTION NO. 2007- 12

RESOLUTION AMENDING CONDITION #5 OF CITY COUNCIL RESOLUTION 9224 BY THE CITY OF LEMOORE

At a Regular Meeting of the Lemoore City Council duly called and held on April 17, 2007 it was moved by Councilmember _____, seconded by Councilmember _____ and carried that the following Resolution be adopted:

WHEREAS, on June 2, 1992, City Council approved Resolution No.9224 granting Planned Unit Development No.9201 with certain conditions pertaining to development on a 65.37 portion of Assessor Parcel No.024-052-38 located within the Lemoore Golf Course and comprised of Parcel Nos. 1, 2, and 3 of Parcel Map No.9204; and

WHEREAS, Planned Unit Development No.9102 was approved with seven conditions of approval; and

WHEREAS, Condition #5 required "that all lots abutting the golf course shall maintain a minimum clear area of 20 feet adjacent to the golf course. No permanent structures shall be placed in the clear area and no recreation vehicles, boats, motorcycles or other vehicle shall be stored or parked within the clear area. No temporary structure will exceed 100 square feet in area".

WHEREAS, the Planning Commission of the City of Lemoore conducted a Public Hearing on January 10, 2005 for Planned Unit Development #2004-04 / Conditional Use Permit #2004-10 / Vesting Tentative Subdivision Map #2004-06 for Tract 752 by Coker Ellsworth as required by the City of Lemoore Municipal Code, it being established that all notice requirements as set forth in Section 9-15G2.D of the said code have been complied with; and

WHEREAS, the City Council of the City of Lemoore conducted a Public Hearing on February 1, 2005 as required by the City of Lemoore Municipal Code, it being established that all notice requirements as set forth in Section 9-15G2.G of the code have been complied with.

WHEREAS, it was determined by the Planning Commission and the City Council that the project would not have any significant adverse effect on the environment and found it to be Categorically Exempt from CEQA as per Section of the Guidelines; and

WHEREAS, on February 1, 2005 the City Council approved Resolution 2005-04 approving Tract 752 Fairway Homes Phases I and II with condition # 23 requesting that condition #5 of City Council Resolution 9224 be amended for Tract 752; and

WHEREAS, condition #5 of Resolution No. 9224 should be modified to allow architectural features to be located in the 20' clear area as approved by the Community Development Department.

NOW, THEREFORE, BE IT RESOLVED that the Lemoore City Council does hereby grant the amendment to Condition No.5 of Resolution 9224 for Tract 752, Fairway Homes to read as follows:

"that all lots abutting the golf course shall maintain a minimum clear area of 20 feet adjacent to the golf course, with the exception of architectural features approved by the Community Development Department in Tract 752 or other Lemoore Municipal Golf Course subdivisions as requested by their independent homeowner's associations. No permanent structures shall be placed in the clear area and no recreation vehicles, boats, motorcycles or other vehicle shall be stored or parked within the clear area. No temporary structure will exceed 100 square feet in area".

Staff is further directed to insure that the CC&R's for the Tract are also amended to include this modification to the subdivision and allow the amending of other CC&R's if requested by other golf course subdivisions as well.

Passed and adopted at a Regular Meeting of the Lemoore City Council held on the _____ day of _____, 2007, by the following vote:

AYES:
NOES:
ABSTAINING:
ABSENT:

APPROVED:

John Murray, Mayor

ATTEST:

Nanci C.O. Lima, City Clerk

CERTIFICATE

**STATE OF CALIFORNIA
COUNTY OF KINGS) ss.
CITY OF LEMOORE)**

I, Nanci C.O. Lima, City Clerk of the City of Lemoore, do hereby certify the foregoing Resolution of the Lemoore City Council was duly passed and adopted at a Regular Meeting of the City Council held on _____ ,2007.

DATED: _____ , 2007

**Nanci C.O. Lima
City Clerk**