



**AGENDA**  
**NEWMAN PLANNING COMMISSION**  
**REGULAR MEETING OF AUGUST 15, 2013**  
**CITY COUNCIL CHAMBERS, 7:00 P.M., 938 FRESNO STREET**

1. Call To Order.
2. Pledge Of Allegiance.
3. Roll Call.
4. Approval Of The Agenda.
5. Approval Of Minutes From The July 18, 2013 Meeting. ([View Minutes](#))
6. Items From The Public.
7. New Business
  - a. Public Hearing ([View Report](#))  
**Zone Change No. 2013-01**  
**Applicant:** The Villas, LLC  
**Description:** Consider A Proposal To Revise An Existing P-D (Planned Development).  
Revisions Include A Revised Layout, Wider Lots, Reduced Density,  
Replacement Of Two-Story With Single Story Plans, Elimination Of Paseos  
And Creation Of Alleys.  
**Location:** The Subject Properties Are Located North Of Hills Ferry Road, West Of  
Sherman Parkway And South Of Cinnamon Teal Way; More Specifically  
Described As Park Villas At Sherman Ranch.
8. Items From Commissioners.
9. Items From Director And Staff.
10. Adjournment.



**MINUTES**  
**NEWMAN PLANNING COMMISSION**  
**REGULAR MEETING OF JULY 18, 2013**  
**CITY COUNCIL CHAMBERS, 7:00 P.M., 938 FRESNO STREET**

1. **Call To Order** - 7:00 P.M.
2. **Pledge Of Allegiance.**
3. **Roll Call PRESENT:** Sloan, Lucas, Maurer And Allan  
**ABSENT:** Coleman (Excused).
4. **Approval Of The Agenda.**

**ACTION:** On Motion By Maurer Seconded By Sloan And Unanimously Carried, The Agenda Was Approved.

5. **Approval of Minutes From The January 17, 2013 Meeting.**

**ACTION:** On Motion By Sloan Seconded By Lucas And Unanimously Carried, The Minutes From The January 17, 2013 Meeting Were Approved.

6. **Items From The Public** - None.

7. **New Business**

- a. **Public Hearing**

**Use Permit No. 2013-01**

**Variance No. 2013-01**

**Applicant:** Ana Corona

**Description:** The Operation Of A Child Care Center/Preschool In The P-O Professional Office District And Approval Of Parking That Is Inconsistent With Adopted Off-Street Parking Standards.

**Location:** The Subject Property Is Located At 1017 "N" Street, Approximately 75 Feet South Of Yolo Street.

City Planner Ocasio Reviewed Use Permit No. 2013-01 And Variance No. 2013-01.

Chairperson Allan Opened The Public Hearing At 7:14

Ana Corona, 1614 Glacier Bay, Stated That She Wanted Provide A Dual Languge Pre-School That Included An All Day Child Care Component With Meals. Corona Mentioned That She Felt Early Education Is Key To Future Success Of Children.

Steve Mikulka, 1026 Main Street, Noted That He Was Concerned About Additional Alley Traffic And Times That Children Would Be Outside.

Ocasio Noted That This Project Will Not Have Alley Access And That The City Does Not Anticipate Increased Alley Traffic.

Ana Corona, 1614 Glacier Bay, Noted That The Children Would Be Outside A Couple Of Hours A Day And Most Likely Not In The Early Morning.

There Being No Further Public Comment, Chairperson Allan Closed The Public Hearing At 7:28 P.M.

**ACTION:** On Motion By Maurer Seconded By Lucas And Unanimously Carried, The Planning Commission Approved Use Permit No. 2013-01 And Variance No. 2013-01 With The Added Condition That The Exterior Landscaping Strip Along The Frontage Of The Property (Closest To "N" Street) Shall Be Paved Within One Year.

#### **8. Items From Commissioners.**

Commissioner Sloan Inquired About Memorial Building Renovations. She Noted That She Had Reported The Fire Hazard At That The Vacant Property Located At 27143 Highway 33.

City Planner Ocasio Noted That Since The Property Was Outside The City Limits , Staff Submitted A Formal Complaint With Stanislaus County Environmental Resources Regarding The Property.

Commissioner Maurer Inquired The Status Of About Patchetts' Building And The Progress Of The Dollar General Building.

Commissioner Allan Made Mention Of Various Illegal Activities Taking Place In Her Neighborhood.

City Planner Ocasio Encouraged Commissioner Allan And Her Neighbors To Promptly Report Any Illegal Activity To The Police Department.

#### **9. Items From Director And Staff.**

City Planner Ocasio Mentioned That The Northwest Master Plan Was Progressing And That A Draft Master Plan Should Be Available Soon. Ocasio Noted That The City Had Been Invited To Sit On Panel At The American Planning Association - California Chapter Conference Later This Year. She Reported That SCM Homes Would Most Likely Come Before The Planning Commission On August 15<sup>th</sup> To Review Changes To The Park Villas Project.

#### **10. Adjournment.**

**ACTION:** On Motion By Lucas Seconded By Sloan And Unanimously Carried, The Meeting Was Adjourned At 7:51 P.M.

# CITY OF NEWMAN COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

**PLANNING COMMISSION MEETING DATE:** August 15, 2013

**AGENDA ITEM: 7.a.**

<b>ZC</b>	#13-01	<b>Revise existing Planned Development</b>
<b>APN</b>	049-061,062 & 063	<b>Applicant/Owner:</b> The Villas, LLC
<b>CEQA</b>	Completed Under GP EIR	

## **REQUEST:**

Revise existing Planned-Development (P-D). Revisions include a revised layout, wider lots, reduced density, replacement of two-story with single story plans, elimination of paseos and creation of alleys.

## **LOCATION:**

The subject properties are located north of Hills Ferry Road, west of Sherman Parkway and south of Cinnamon Teal Way; more specifically described as The Villas at Sherman Ranch.

## **ENVIRONMENTAL ASSESSMENT:**

Pursuant to the California Environmental Quality Act (CEQA) and the City of Newman Environmental Quality Guidelines, it has been determined that this project has already met environmental review requirements through the adopted General Plan EIR.



**LAND USE:**

<u>Property</u>	<u>Land Use</u>	<u>Zone</u>	<u>General Plan</u>
Subject site	Residential	P-D	HD
North	Agricultural	N/A	LI
South	Park	OS	PQP
East	Agricultural	N/A	IR/LI
West	Residential	R-1	LD

R-1 = Single Family Residential  
HD = High Density Residential  
IR = Industrial Reserve  
OS = Open Space

P-D = Planned Development  
LI = Light Industrial  
LD = Low Density Residential  
PQP = Public/Quasi Public

**SIZE OF PROPERTY:** 10.23 acres

**ACCESS:** Lucca Drive, Monville Way and Tivoli Drive via Edinburgh Way and Cinnamon Teal Way

**ORDINANCES:**

NMC 5.12: P-D Planned Development District  
NMC 5.26: Amendments

**PROJECT DESCRIPTION:**

The submitted preliminary site plan and accompanying statement propose the following changes to the existing P-D:

1. The project density will be reduced from the current 123 lots to 105 lots.
2. A new lot configuration will provide wider lots than the existing plan.
3. Four of the five two story home plans will be replaced with single story plans all of which will have two car side by side garages.
  - a. Optional bonus space or alternative living space over the garages.
4. Homes within the redesigned areas will front on streets or alleys rather than the paseos.
  - a. 31 lots (45.5% of redesigned lots) will have their garages accessed from an alley
  - b. 16 lots will face the backside of the lots across the street (Tivoli Drive)
  - c. 12 lots will front on Hills Ferry Road

**BACKGROUND:**

In 2005, the Newman City Council approved Ordinance # 2005-2 rezoning the area now known as The Villas from R-3 (Multiple Residential) to P-D. The Villas are a high density single family community of 123 lots in a style referred to as “pull-a-parts” by the home building industry. The project was arranged so that each block had a five lot configuration that was repeated throughout (see Exhibit A). Upon project approval, construction began and 32 homes were built and sold. Construction and sales stalled in 2007 with the housing market downturn.

The developer has analyzed the project and determined that the project’s current form is not economically feasible. Therefore, they are requesting a zone change to modify the Planned-

Development as follows: revised layout, wider lots, reduced density (elimination of 18 lots), replacement of four of the five two-story plans with single story plans, option of additional living space over garages, elimination of paseos and creation of alleys

On August 1, 2013 the Architectural Review Committee conditionally approved the project's new conceptual elevations contingent upon final elevations being returned to the Committee for formal approval.

#### **ANALYSIS:**

*Land Use:* The subject site and immediate western parcels are zoned P-D and R-1 respectively (both residential). Parcels to the north and east are residential while the parcel to the south is zoned OS (open space). The proposed use is consistent with the zoning district however the density is less than prescribed by the General Plan. The General Plan Land Use Element mandates that High Density Residential densities be in the range of 12 to 30 units per gross acre (LU-16); the proposed project has a density of 10.3 lots per acre.

Should the Planning Commission and City Council approve the proposed zone change, a new final map will need to be prepared and recorded reflecting the project's new site plan layout.

#### *Utilities:*

Some utility services will need to be capped off and/or redirected due to the new lot configuration. According to the City Engineer, "The fact that the existing water and sewer stub-outs will no longer line up with the homes in the proposed layout will require easements where the laterals for water and sewer cross other parcels. The extent of these crossings may vary significantly and may preclude construction of some permanent improvements on some of the lots". He recommended that the City require review and approval of said easements to reduce future potential liability issues.

Additionally, Lot 66 (as shown on the new layout), is configured in such a manner that "wet" and "dry" utility services are not immediately available. Lot 66 will require entirely new sewer lateral and water service/lateral connections to the main lines in the adjacent street.

#### **FINDINGS:**

No specific guidelines for the adoption of a P-D are provided in the municipal code. To better provide the Planning Commission with information in its decision making process, staff has utilized use permit findings from NMC §5.25.020 E for reference and analysis.

1. Are the changes substantially consistent with the General Plan and the Newman Municipal Code?

Pro: The proposed use is permitted within the zone district. As mentioned in NMC 5.12.010, "The intent [of a P-D] is to allow flexibility in the design of a project and a mix of densities and/or uses within the parameter of quality design and consistency with the General Plan." The proposed changes, albeit different from the original design, are not contradictory to the original planned development.

Con: The project's proposed density is inconsistent with the General Plan. Additionally, the project's proposed redesign differs from that of the original planned development and is therefore inconsistent with the above mentioned title.

2. Are the changes in the best interest of public convenience and necessity?

Pro: According to the developer, the proposed new plan is more economically feasible for both the builder and home buyers. Additionally, the reduction in density (i.e. number of units) will allow for more open space, a decreased need for street parking and less traffic; thus being in the best interest for the immediate neighborhood. Given that less residents will occupy the area, it is expected that less parked cars will be visible on the project rights-of-way; creating a better aesthetic for the general area and its residents.

Con: The proposed decrease in density would eliminate 18 potential housing opportunities (i.e. units), not in the best interest of the general public.

3. Is the site adequate in size and shape to accommodate the changes?

Pro: The proposed new layout will result in wider and larger lots. The original P-D lots ranged in size from approximately 2,200 to 3,800 square feet, the proposed new lots will range from approximately 2,300 to 4,400 square feet; an increase ranging from 4.5-15.7% (depending on the lot). Additionally, the original P-D offered five plans, measuring 964; 1,260; 1,446; 1,532 and 1,711 square feet. The new proposal includes four plans, measuring 980; 1,033; 1,189 and 1,287 square feet; a decrease ranging from 16-18% (excluding plan 1). Given that the majority of the lots will be one-story (assuming that the optional over-garage living space is not predominant) an increase in airspace is also anticipated. The initial presentation of The Villas presented a "mix" of home styles and sizes so that the development would not have a canyon-like and cookie cutter appearance, the proposed changes are consistent with this goal.

Con: Given that the proposed plans are single-story, an increase in lot coverage may occur as compared to the original P-D. However, given that it is a high-density development, the difference should be negligible.

4. Will the changes have an adverse impact on the surrounding area?

Pro: Each plan will have a two-car garage, coupled with the reduction in units and creation of 18 off-street parking spaces; on-street parking should be reduced in the project area. Additionally, with the majority of the units being alley loaded, parking and loading/unloading activities will be less visible.

Con: None

5. Are the proposed changes compatible with the surrounding neighborhood?

Pro: The proposed changes are compatible with the surrounding neighborhood; the Architectural Review Committee conditionally approved the project's new conceptual elevations. The project will change from a majority of two-story homes to a potential

majority of single-story homes; consistent with neighboring projects (Heritage and Classic model lines)

Con: Although architecturally compatible with the surrounding neighborhood, the changes will substantially change both the appearance and layout of the planned development. The project will change from a majority of two-story homes to a potential majority of single-story homes; causing a potential visual conflict along transitional areas such as Novella, Castellona and Tivoli Drives.

#### Public Comment

A Public Notice was published in the West Side Index on August 1, 2013 and mailed out to surrounding property owners within a 300' radius on August 2, 2013. As of this date (8-8-13), one project inquiry has been received; no formal comments were submitted.

#### **CONCLUSION:**

The proposed changes to the The Villas Planned Development project are compatible with the approved use (residential) but technically inconsistent with the General Plan's density for that area. The initial presentation of The Villas to the Planning Commission and City Council in 2005 indicated the desire to combine a variety of designs, plans and elevations that would benefit from the Pull-a-Part design concept. In addition to this concept, a variety of home plans were presented to help ensure a visually appealing housing development that would please its residents and those in surrounding areas.

The proposed reconfiguration, new plans and elevations are significantly different from the original development. However, given the changes in the housing market, housing trends and valley housing tendencies, staff believes that the revised Planned Development is consistent with the original intent of The Villas P-D and will provide an additional housing option in the community.

Therefore, staff recommends that the Commission recommend approval of the proposed Zone Change to the City Council. As required by law; advisory groups such as the Planning Commission must make their decisions based on existing laws and mandates, said decisions are usually made through findings; staff has provided the Commission findings supporting both approval and denial of the project.

#### **CONDITIONS OF APPROVAL:**

Should the Planning Commission recommend approval of the proposed Zone Change to the City Council; staff recommends the following conditions of approval:

1. All prior project conditions of approval shall remain in effect.
2. A minimum 25% of Plans 3 and 4 shall include the above-garage bonus room option.
3. The developer shall submit the following for City review and approval:
  - a. A detailed Sewer Plan to address each lot's sewer service and to identify services to be abandoned.
  - b. A detailed Water Plan to address each lot's water service connection and to identify services to be abandoned.

- c. A detailed Storm Drain Plan to address specific modifications to the existing drainage collection system, including the new alley way and any necessary landscape drainage.
- d. A Grading and Drainage Plan for construction of the new interior alley way.
4. Per the Environmental Noise Assessment, all windows with a direct line of site to Hills Ferry Road should be fitted with sound transmission class (STC) 28, or higher, rated window assemblies.

Architectural Review

5. Final project elevations shall be returned to the Committee for formal approval.

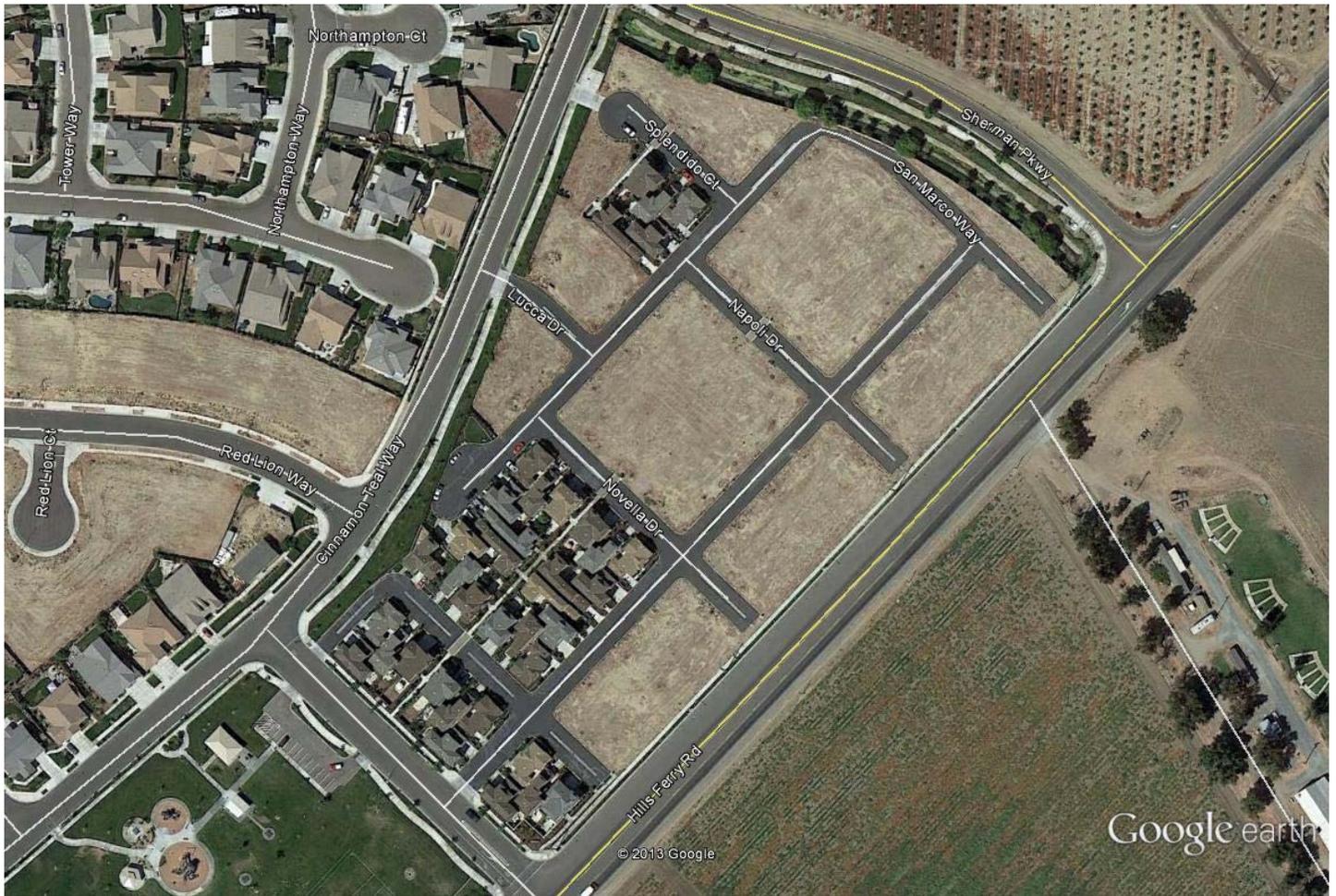
Standard Conditions

6. This application shall become null and void if the project is not initiated within one year from the date of approval.
7. All electrical, plumbing and mechanical equipment shall be screened. There shall be no new above-ground utility lines placed, or exposed conduits installed as a result of the project.
8. The applicant and/or property owner shall comply with, and be responsible for obtaining encroachment permits from the City of Newman for work performed within the City's right-of-way.
9. All plans shall be consistent with the site plan, reflecting amendments as approved.
10. Any proposed modifications of a significant and/or permanent nature to the approved site plan or elevations, involving building exteriors or square footage, fence/walls, or major landscaping modifications, may require approval of a new P-D application.
11. All night lighting shall be hooded and/or fitted with prismatic directional lenses to prevent illumination onto adjoining properties and glare into on-coming traffic.
12. It shall be the responsibility of the applicant to convey copies of the conditions of approval to all contractors and sub-contractors.
13. During Construction, and for safety purposes, the applicant and assigned contractors shall keep the public right-of-way clear of obstructions, and provide for clean-up on a daily basis.
14. For safety purposes, the construction area shall be fenced off with a chain link or another type of acceptable fencing as determined by the planning department.
15. All contractors performing work relative to this project shall obtain City of Newman Business Licenses, prior to start of work on the project. All work performed on the project shall comply with the requirements of the State and Professions Code.

**ATTACHMENTS:**

1. Exhibit A, Original Project Layout
2. Exhibit B, Aerial Photograph
3. Exhibit C, Site Illustrative
4. Exhibit D, Original Elevations & Floor Plans
5. Exhibit E, Street Scenes/Elevations
6. Exhibit F, Proposed Floor Plans
7. Exhibit G, Alley Loading Samples
8. Exhibit H, Resolution Approving the Project





Google earth

feet  
meters





Site Illustrative

Sherman Ranch | Park Villas  
City of Newman, California



1

**RESIDENCE ONE**

2 Bedroom • 2 Bath  
1 Car Garage  
964 Sq. ft.  
Optional Den  
Optional Fireplace



- A -



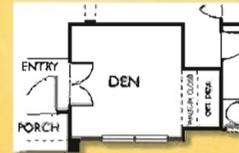
- B -



- C -



Optional Fireplace  
At Great Room



Optional Den  
At Bedroom 2

*The floorplan in this brochure are illustrations only and are subject to change without notice. All square footage are approximate. Exterior renderings are architectural drawings. They are for illustration only and may not accurately reflect standard features.*

2

**RESIDENCE TWO**

3 Bedroom • 2.5 Bath  
2 Car Garage  
1,260 Sq. ft.



- A -



- B -



- C -



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3

### RESIDENCE THREE

3 Bedroom • 2.5 Bath  
2 Car Garage  
1,446 Sq. Ft.  
Optional Fireplace



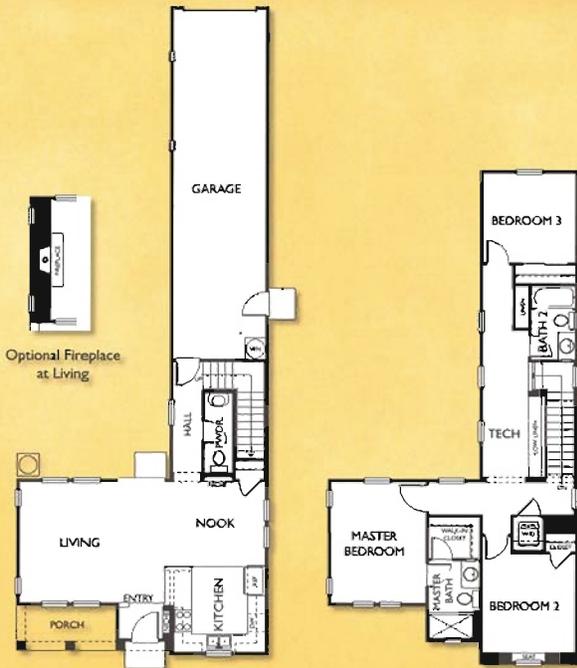
- A -



- B -



- C -



*The fireplace in the brochure are illustrations only and are subject to change without notice. All square footages are approximate. Exterior renderings are architectural drawings. They are for illustration only and may not necessarily reflect standard features.*

4

### RESIDENCE FOUR

3 Bedroom • 2.5 Bath  
2 Car Garage  
1,532 Sq. Ft.  
Optional Fireplace



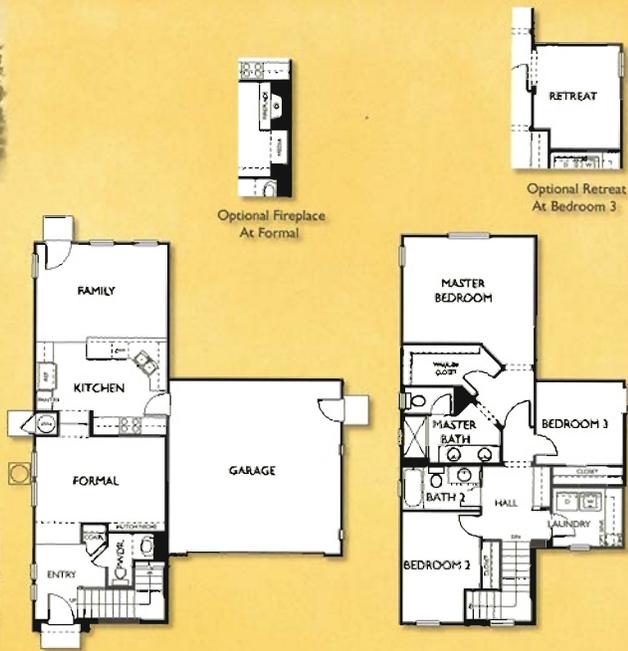
- A -



- B -



- C -



*The fireplace in the brochure are illustrations only and are subject to change without notice. All square footages are approximate. Exterior renderings are architectural drawings. They are for illustration only and may not necessarily reflect standard features.*

5

RESIDENCE FIVE

4 Bedroom • 2.5 Bath  
2 Car Garage  
1,711 Sq. ft.  
Optional Den  
Optional Media  
Optional Fireplace



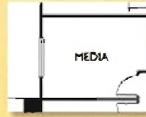
- A -



- B -



- C -



Optional Media  
At Bedroom 3



Optional Den  
At Bedroom 3



Optional Fireplace  
At Great Room

The fireplace in this brochure is illustrative only and is subject to change without notice. All square footages are approximate. Exterior renderings are architectural drawings. They are for illustrative ends and may not necessarily reflect standard features.



Alley Streetscene



Alley Streetscene with Bonus Options



Left



Right



Front

Illustrative Streetscenes

THE VILLAS AT SHERMAN RANCH  
City of Newman, California

NTS



PLAN 4 - COTTAGE - FRONT - FLAT OPTION



PLAN 4 - BUNGALOW - FRONT - FLAT OPTION



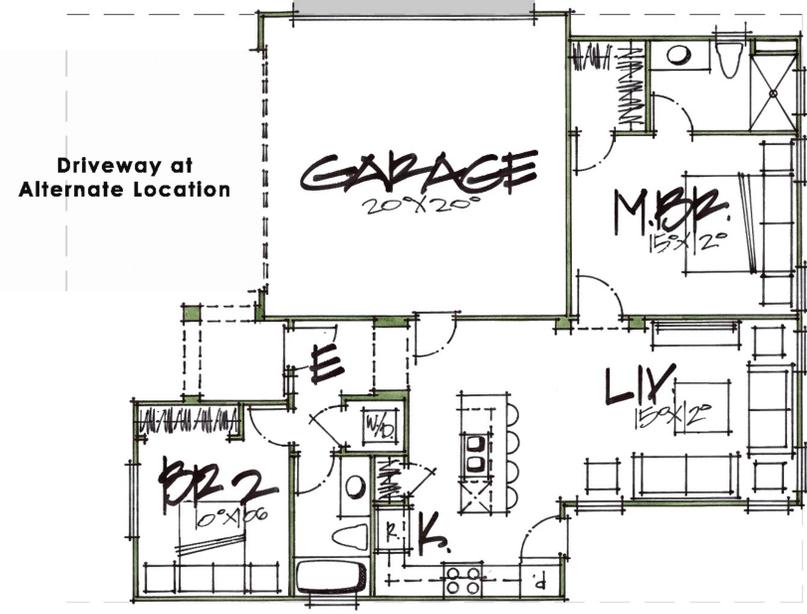
PLAN 3 - COTTAGE - FRONT - FLAT OPTION



PLAN 3 - BUNGALOW - FRONT - FLAT OPTION

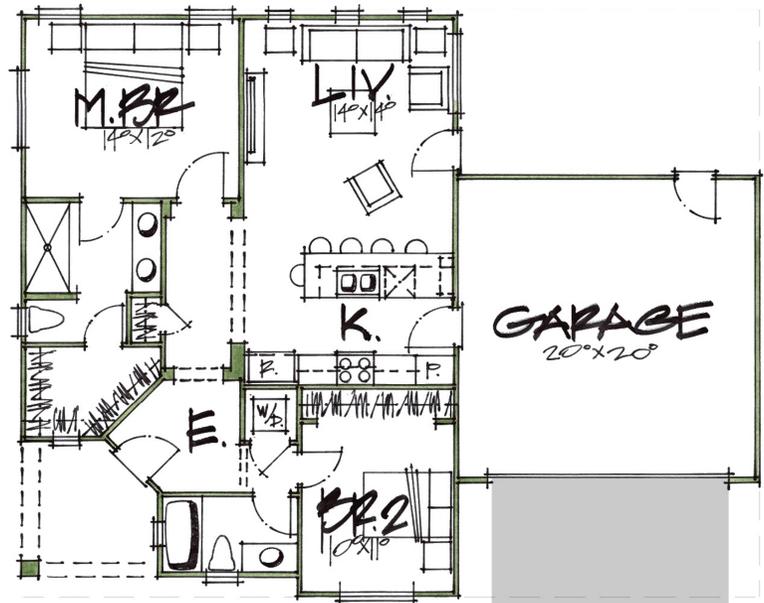
Alley

Plan 1  
980 SF

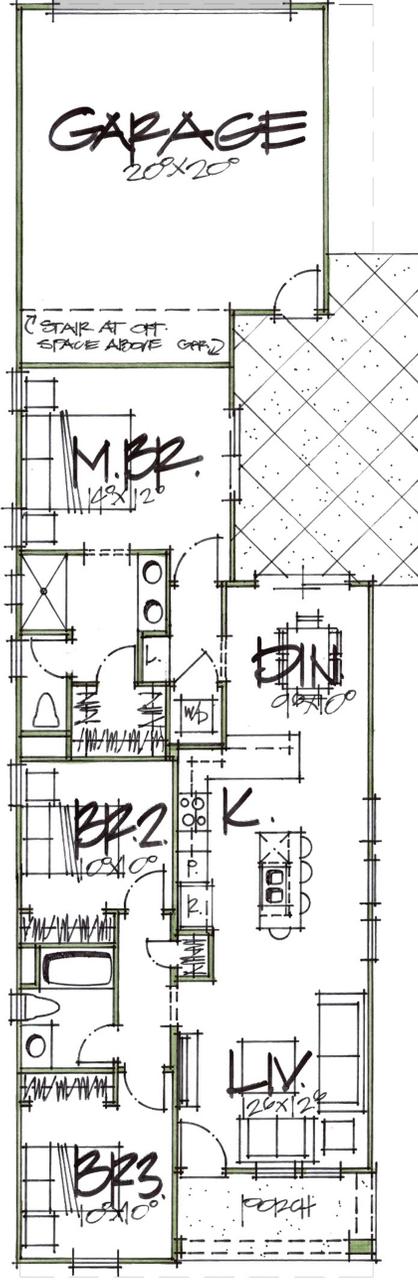


Street

Plan 2  
1033 SF

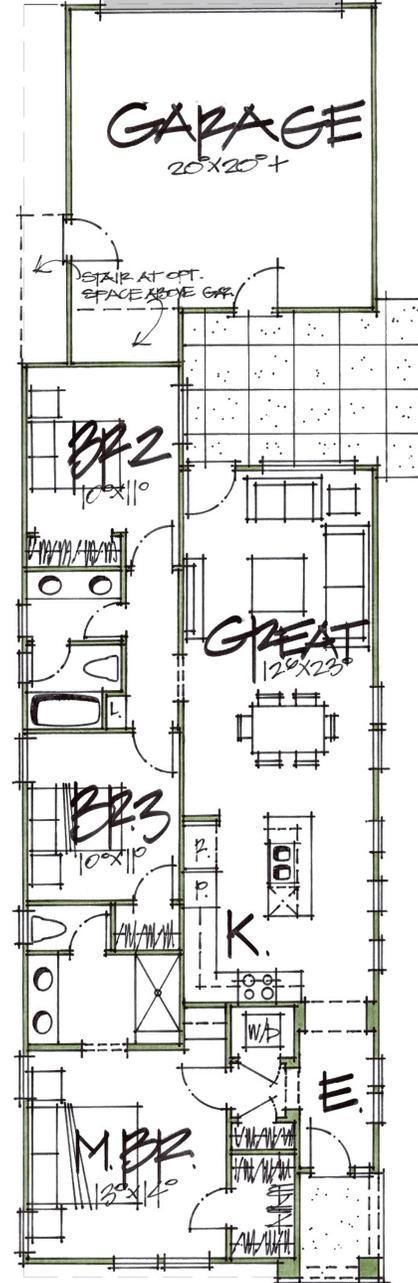


GARAGE  
20'x20'



Plan 3  
1189 SF

GARAGE  
20'x20'+



Plan 4  
1287 SF

Street

Schematic Floor Plans | Typical 1/4 Block

Sherman Ranch | Park Villas  
City of Newman, California





**PLANNING COMMISSION RESOLUTION No. 2013-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWMAN  
RECOMMENDING APPROVAL TO THE CITY COUNCIL FOR ZONE CHANGE  
No.13-01**

**PROJECT NAME:** Zone Change No. 2013-01

**PROPOSAL DESCRIPTION:**

Revise existing Planned-Development (P-D). Revisions include a revised layout, wider lots, reduced density, replacement of two-story with single story plans, elimination of paseos and creation of alleys.

**PROJECT APPLICANT:** The Villas, LLC

WHEREAS, the City Planning Commission having reviewed the proposal and having reviewed any written or verbal comments received prior to the public hearing, including the recommendations of City Staff and having heard oral comments received during the Planning Commission public hearing, does hereby find and declare that the proposal will not have a significant effect on the environment and recommends approval of Zone Change No.13-01 to the City Council based on the following findings and conditions of approval:

**FINDINGS FOR APPROVAL:**

1. The proposed changes are substantially consistent with the Newman Municipal Code.
2. The changes are in the best interest of public convenience and necessity.
3. The project site is adequate in size and shape to accommodate the changes.
4. The changes will not have an adverse impact on the surrounding area.
5. The proposed changes are compatible with the surrounding neighborhood.

**CONDITIONS OF APPROVAL**

1. All prior project conditions of approval shall remain in effect.
2. A minimum 25% of Plans 3 and 4 shall include the above-garage bonus room option.
3. The developer shall submit the following for City review and approval:
  - a. A detailed Sewer Plan to address each lot's sewer service and to identify services to be abandoned.
  - b. A detailed Water Plan to address each lot's water service connection and to identify services to be abandoned.
  - c. A detailed Storm Drain Plan to address specific modifications to the existing drainage collection system, including the new alley way and any necessary landscape drainage.
  - d. A Grading and Drainage Plan for construction of the new interior alley way.
4. Per the Environmental Noise Assessment, all windows with a direct line of site to Hills Ferry Road should be fitted with sound transmission class (STC) 28, or higher, rated window assemblies.
5. Final project elevations shall be returned to the Committee for formal approval.
6. This application shall become null and void if the project is not initiated within one year from the date of approval.

7. All electrical, plumbing and mechanical equipment shall be screened. There shall be no new above-ground utility lines placed, or exposed conduits installed as a result of the project.
8. The applicant and/or property owner shall comply with, and be responsible for obtaining encroachment permits from the City of Newman for work performed within the City's right-of-way.
9. All plans shall be consistent with the site plan, reflecting amendments as approved.
10. Any proposed modifications of a significant and/or permanent nature to the approved site plan or elevations, involving building exteriors or square footage, fence/walls, or major landscaping modifications, may require approval of a new P-D application.
11. All night lighting shall be hooded and/or fitted with prismatic directional lenses to prevent illumination onto adjoining properties and glare into on-coming traffic.
12. It shall be the responsibility of the applicant to convey copies of the conditions of approval to all contractors and sub-contractors.
13. During Construction, and for safety purposes, the applicant and assigned contractors shall keep the public right-of-way clear of obstructions, and provide for clean-up on a daily basis.
14. For safety purposes, the construction area shall be fenced off with a chain link or another type of acceptable fencing as determined by the planning department.
15. All contractors performing work relative to this project shall obtain City of Newman Business Licenses, prior to start of work on the project. All work performed on the project shall comply with the requirements of the State and Professions Code.

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Newman held on the 15<sup>th</sup> day of August, 2013, by Commissioner \_\_\_\_\_, who moved its adoption, which motion was duly seconded by Commissioner \_\_\_\_\_, and the Resolution adopted by the following vote:

AYES: \_\_\_\_\_  
 NOES: \_\_\_\_\_  
 ABSENT: \_\_\_\_\_

APPROVED:

\_\_\_\_\_  
 Planning Commission Chairman

ATTEST:

\_\_\_\_\_  
 Planning Commission Secretary

**I HEREBY CERTIFY THAT THE FOREGOING IS A FULL, CORRECT, AND TRUE COPY OF RESOLUTION NO. 2013- AS ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF NEWMAN, A MUNICIPAL CORPORATION OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, AT A REGULAR MEETING HELD ON AUGUST 15, 2013, AND TO FURTHER CERTIFY THAT SAID RESOLUTION HAS NEVER BEEN RESCINDED OR MODIFIED.**

\_\_\_\_\_  
Planning Commission Secretary

\_\_\_\_\_  
Dated