



## **CITY OF MENIFEE**

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SUBJECT: Tract No. 32102 "Banner Park" Minor Tract Condition Change

MEETING DATE: May 10, 2023

TO: Planning Commission

PREPARED BY: Brandon Cleary, Associate Planner

REVIEWED BY: Orlando Hernandez, Planning Manager

APPROVED BY: Cheryl Kitzerow, Community Development Director

APPLICANT: Darren Warren, Pulte Home Co, LLC

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### **RECOMMENDED ACTION**

1. Approve Minor Modification for Tract 32102 "Banner Park" Condition of Approval No. 271 and the updated park construction timing with the added security fencing condition and \$1M cash deposit for park construction.

### **PROJECT DESCRIPTION**

**Minor Modification for Tract 32102 Banner Park PLN 23-00574** proposes to modify Condition of Approval No. 271 for Tract Map No. 32102, which requires the five-acre future City park to be constructed, installed and open to the public prior to the 200th occupancy within the Tract. The condition gave authority to the Community Services Director to approve up to an 80% deferral of the park construction or 204 units with the tract, an additional 4 units above the original condition threshold. The applicant proposes to modify the condition to allow for up to 226 (88%) of the total 256 units in the tract to be occupied (22 over the current condition threshold) prior to the completion of the park to facilitate the updated park construction timeline. The park is anticipated to be completed and open to the public by July 1, 2023. With the modified condition, the applicant will also provide security fencing in the park between the playground equipment and nearby Domenigoni and Lindenberger Road, as well as additional construction security cash deposit to guarantee the work.

## **PROJECT LOCATION**

The Project site is located north of Domenigoni Road, east of Lindenerger Road, south of the Salt Creek Channel and west of Briggs Road within the City of Menifee (APN: 340-640-029).

Vicinity Map



## **BACKGROUND**

Banner Park, Tract No. 32102, was approved by Riverside County on September 27, 2005, for a 277-unit single family subdivision. Originally set to expire on September 27, 2008, the previous owner applied for five 1-year extension of times bringing the ultimate expiration to August 28, 2019. Additional Covid-19 state and local ordinances allowed the City to add an additional 12-18 months on the map expiration. On July 14, 2020, the previous owner submitted a substantial conformance that reduced the overall number of units to the current 256. The map was recorded on September 30, 2020, with the first building permits being issued on July 9, 2021.

## **DISCUSSION**

The Minor Modification for Tract 32102 "Banner Park" Condition of Approval No. 271 is presented to Planning Commission for approval. While a minor modification to a tract map condition of approval can be approved administratively, the Community Development Director has elevated the approval to Planning Commission due to the importance of providing recreation amenities for the residents of this development. Modifications are noted in red below.

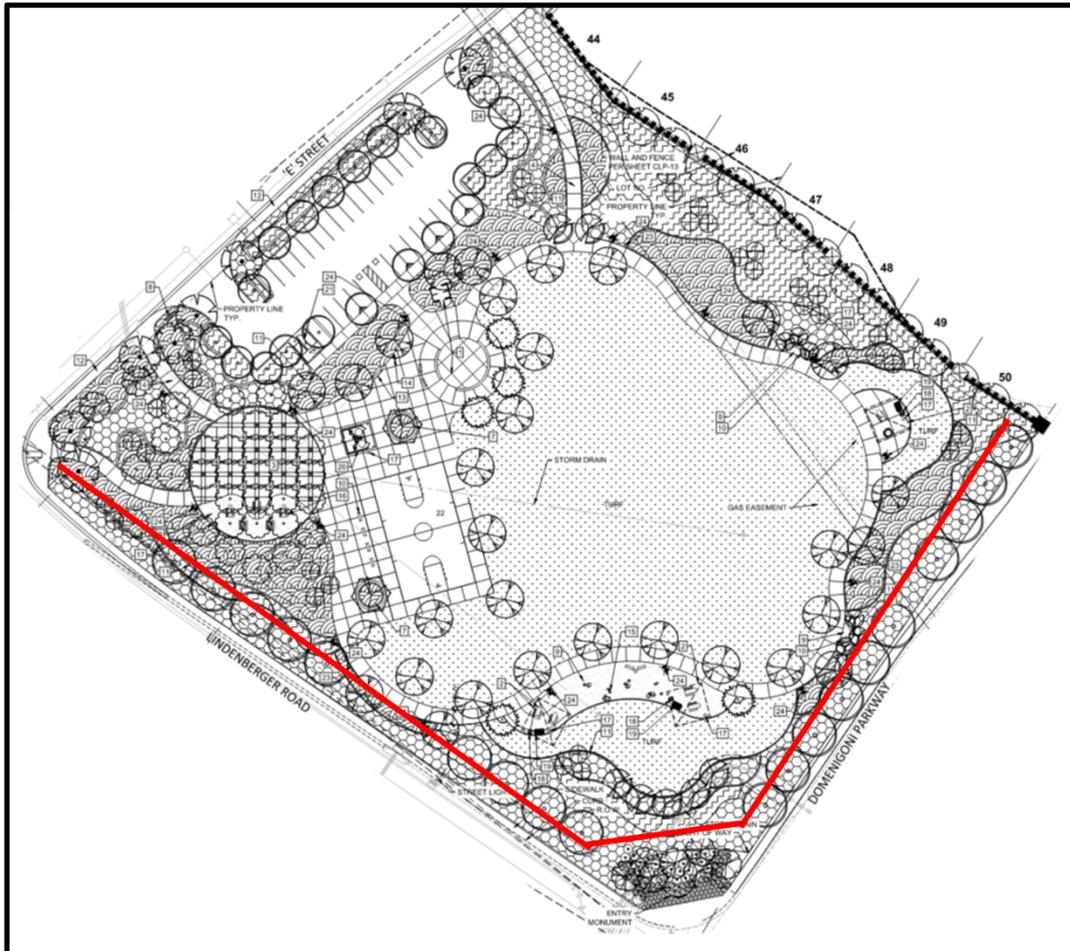
### Proposed Modified Condition of Approval

**271. Park Construction.** The park and amenities located within Planning Area 4-7B of the Menifee Village Specific Plan (Lot 277 as shown on the tentative map) shall be installed and open to the public prior to issuance of the ~~200th~~ **226th** building permit within the subdivision (all phases). The park and amenities shall be installed per City approved park plans. The park and amenities will be inspected by City staff to verify that this has occurred. Failure to comply with any deadline for the development of the improvements and/or amenities shall halt the issuance of building permits and suspension of all building inspections for residential dwelling units within the subdivision. The Community Services Director shall have the ability to defer the installation of the park landscaping and amenities as noted below but may require performance securities and additional deposits to cover administrative costs. Under no circumstance shall landscaping be deferred if 80% of the tract has been occupied.

A). An approximately 850 foot long and 5-foot-tall black security fence shall be installed between the sidewalk along Domenigoni and Lindenberger and the remainder of the park as determined by City Staff to protect public safety.

B). A \$1M cash deposit shall be posted with the City of Menifee prior to the occupancy of the 205th building permit which will be released upon the park being installed and open to the public.

Conceptual Park Plan



\*The red line indicates proposed security fencing.

Due to various unavoidable construction, processing and weather delays relating to the splash pad, the park is now expected to be completed approximately on July 1, 2023. The applicant is hereby requesting that the Community Development Department approve a minor modification to the condition allowing for up to 226 units (or 88%) of the homes to be granted occupancy prior to the planned park completion date to help facilitate their timeline.

To accommodate this request, Community Development in coordination with Community Services added two conditions to this approval that the applicant must accomplish prior to the park being built and open to the public:

- Provide additional security fencing on the park between the main roads (Domenigoni and Lindemberger) and park equipment/open turf areas to protect children from running into traffic. This equates to approximately 850' of new security fencing for public safety.

- Pulte Home Company will provide a performance security cash deposit in the amount of \$1M to ensure the park is completed. The \$1M will be refunded when the park is complete and open to the public.

Additionally, Community Services presented the proposed minor modification to the Parks, Recreation and Trails Commission on May 4, 2023, for consideration. A summary of their consideration will be provided to the Planning Commission on May 10th.

In conclusion, staff recommends approval of the modified Condition of Approval No. 271 to help facilitate the buildout of Tract 32102 "Banner Park" and to help ensure the future City park is completed and open to the public in a timely manner.

### **ATTACHMENTS**

None.