

RESOLUTION NO. 2004-242

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
APPROVING A RESCISSION OF A ZONING AGREEMENT AND DESIGN REVIEW,
FOR THE SHELDON CROSSING PROJECT NO. EG-03-560, SUBJECT TO THE
FINDINGS AND MMRP/CONDITIONS OF APPROVAL**

WHEREAS, Sheldon Crossing Rescission of Zoning Agreement 86-4728 and Design Review, represented by Su Jin Cho (hereinafter referred to as Property Owner and Applicant) filed an application with the City of Elk Grove (hereinafter referred to as City) for Assessor's Parcel Number 115-0170-037; and

WHEREAS, and a Mitigated Negative Declaration has been prepared and completed in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, the City Council is the appropriate authority to hear and take action on this project after a recommendation by the Planning Commission; and

WHEREAS, the Planning Commission considered the applicant's request at a public hearing on August 26, 2004 and recommended City Council approval of the project.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ELK GROVE
HEREBY RESOLVES AS FOLLOWS:**

1. Approve the Sheldon Crossing Rescission of Zoning Agreement, and Design Review project #EG-03-560 based on the following findings and the attached design exhibits and MMRP/Conditions of Approval included as Exhibits A and B respectively.

Findings

CEQA

Finding: The proposal will not have a significant adverse impact on the environment and a Mitigated Negative Declaration has been prepared and completed in accordance with the California Environmental Quality Act (CEQA).

Evidence: An Initial Environmental Study was prepared for the proposed project and mitigation measures have been developed that will reduce potential environmental impacts to less than significant levels. On the basis of the Mitigated Negative Declaration, comments received, and the whole record, there is no substantial evidence that the project will have a significant adverse impact on the environment.

General Plan.

Findings: The project is consistent with the goals and policies of the Elk Grove General Plan.

Evidence: The General Plan identifies the site for Commercial/Office/Multi-family uses. The project is consistent with the goals and policies of the General Plan for office/retail development with the City of Elk Grove.

Rescission of Zoning Agreement

Finding: The proposed zone agreement rescission is in the public interest and will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, or general welfare of the persons residing or working in the neighborhood, or be detrimental or injurious to property and improvements in the neighborhood or to the general Welfare of the City. (§110-30 of the City of Elk Grove Zoning Code)

Evidence: The City has reviewed the proposed zone agreement rescission. The applicant's proposal is consistent with the land use designation in the General Plan Land Use Policy Map and the requirements within the zoning code. The current zoning agreement restriction would not be compatible with the surrounding urban land uses and places a restriction on the property that is not provided for anywhere else in Elk Grove.

Design Review

Finding: The proposed project is consistent with the Citywide Design Guidelines.

Evidence: The Sheldon Crossing project is consistent with the Citywide Design Guidelines. The site plan, building elevations, and landscape plan have been reviewed against the Citywide Design Guidelines for non-residential land uses, and it is concluded that the project's architecture and site planning meet all applicable design requirements. The project is subject to conditions of approval that will ensure consistency with all standard requirements.

Finding: The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community.

Evidence: The proposed site plan, building elevations, and landscape plans provide all design elements required by the Citywide Design Guidelines, including consistent detailing of the architectural style, providing sufficient pedestrian connectivity, application of a consistent color palette throughout the project, and creation of outdoor public spaces. The project is subject to conditions of approval that will ensure consistency with all standard requirements.

Finding: The architecture, including the character, scale and quality of the design, relationship with the site and other buildings, building materials, colors, screening of exterior appurtenances, exterior lighting and signing and similar elements

establishes a clear design concept and is compatible with the character of buildings on adjoining and nearby properties.

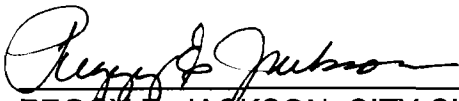
Evidence: The proposed Sheldon Crossing project will provide all required design elements that would establish an attractive bank building and will be compatible with adjoining and nearby properties. The project is subject to conditions of approval that will ensure consistency with all standard requirements.

PASSED AND ADOPTED by the City Council of the City of Elk Grove on the 15th day of September 2004.




SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:


ANTHONY B. MANZANETTI,
CITY ATTORNEY

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2004-242

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on the 15th day of September 2004 by the following vote:

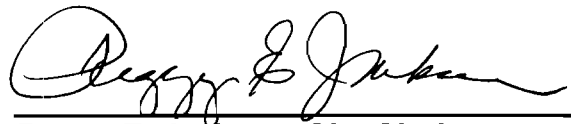
AYES 5: COUNCILMEMBERS: Scherman, Soares, Briggs, Cooper, Leary

NOES 0: COUNCILMEMBERS:

ABSTAIN 0: COUNCILMEMBERS:

ABSENT 0: COUNCILMEMBERS:





Peggy E. Jackson, City Clerk
City of Elk Grove, California