

RESOLUTION NO. 2005-188

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE DENYING A CONDITIONAL USE PERMIT
BELTWAY VENTURES INC – PUMP IT UP PARTY ZONE
#EG-05-799 – APN: 134-0640-021**

WHEREAS, the Planning Division of the City of Elk Grove received an application on January 13, 2005 from Susan Maddox requesting a Conditional Use Permit to operate an indoor recreation facility for children in the M-1 zone; and

WHEREAS, the Planning Commission considered the Applicant's request at a public hearing on May 19, 2005 and denied the proposed project; and

WHEREAS, the City Clerk received a Notice of Appeal on May 31, 2005 from Bryan and Susan Maddox requesting an appeal of the Planning Commission's denial of the Conditional Use Permit; and

WHEREAS, the City Council is the appropriate authority to hear and take action on this project after an appeal of the denial by the Planning Commission; and

WHEREAS, the proposed project is located on real property in the incorporated portions of the City of Elk Grove more particularly described as 134-0640-021; and

WHEREAS, the City Council held a duly noticed public hearing as required by law to consider all of the information presented by staff, information presented by the project proponent, and public testimony presented in writing and at the meeting;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby denies the appeal based on the following findings:

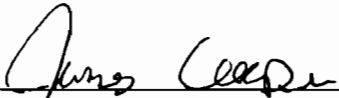
Findings for the Conditional Use Permit

Finding: The establishment, maintenance and operation of the use, building, or structure applied for will under the circumstances of the particular case be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City (Zoning Code §110-30).

Evidence: The project site is adjacent to industrial uses that are not compatible with a children's indoor recreational facility. Because the proposed use is targeted to children, the proposed project will expose sensitive receptors to noise, traffic, and safety issues associated with industrial uses. Six large transport trucks and approximately 20 smaller

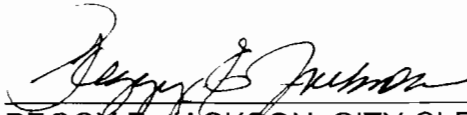
trucks come in and out of the site all afternoon. Other incompatible uses adjacent to the project site include pest management, tire equipment distribution, contractors, and a lumber company. Additionally, the project does not include adequate parking per the Zoning Code. The project would result in serious parking impacts on adjacent parcels, businesses, and neighborhoods. As such, the proposed use will be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 22nd day of June 2005.

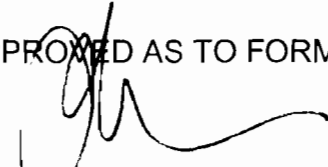


JAMES COPER, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:


ANTHONY B. MANZANETTI,
CITY ATTORNEY

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2005-188

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 22nd day of June, 2005 by the following vote:

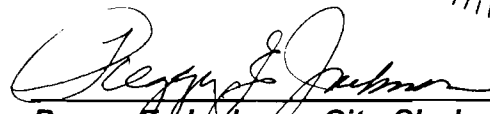
AYES 3: COUNCILMEMBERS: Scherman, Soares, Leary,

NOES 1: COUNCILMEMBERS: Cooper

ABSTAIN 0: COUNCILMEMBERS:

ABSENT 1: COUNCILMEMBERS: Briggs





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