

## ORDINANCE 10-2006

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE CITY OF ELK GROVE ZONING MAP FROM AR-5 TO LC SHELDON FARMS REZONE PROJECT NO. EG-05-963

The City Council of the City of Elk Grove does ordain as follows:

#### Section 1: Purpose and Authority

The purpose of this Ordinance is to amend the City of Elk Grove Zoning Map as shown on attached Exhibit A.

#### Section 2: Findings

##### CEQA

Finding: The proposed project is categorically exempt from CEQA review pursuant to CEQA Guidelines Section 15301, which allows for minor alterations of existing facilities involving no expansion of the use.

Evidence: The proposed rezone will not result in any physical change to the environment and will not allow for the expansion of the existing commercial use of the site. The rezone will bring the site into conformity with the General Plan land use designation of Commercial. No special circumstances exist that would create a reasonable possibility that the proposed project will have a significant adverse effect on the environment.

##### General Plan

Finding: The proposed Sheldon Farms rezone project is consistent with the goals and policies of the Elk Grove General Plan.

Evidence: The Sheldon Farms project site has a land use designation of Commercial on the General Plan land use map. The proposed rezone of the site from AR-2 to LC is consistent with this land use designation. Additionally, the rezone of the site without altering the existing use is consistent with the requirements of Land Use Policy 18, which requires consistency with the rural character of the area, encourages two gross acres lot sizes, and limited commercial uses. The rezone will not alter the existing use, which is of a rural commercial nature or existing lot size. Conditions of approval have been included to ensure consistency of the Sheldon Farms site with the area.

##### Rezone

Finding: The proposed rezone is in the public interest (Section 65358(a) of the

Government Code).

**Evidence:** The City has reviewed the proposed rezone, staff report, and has received public testimony at a duly noticed public hearing regarding the matter. As described above, the proposal is consistent with all applicable goals and policies of Elk Grove General Plan, all applicable zoning code standards, and design guidelines.

### **Section 3: Action**

The City Council hereby amends the City of Elk Grove Zoning Map for APN 127-0090-079 from AR-2 to LC as shown on attached Exhibit A and subject to conditions of approval set forth in Exhibit B. This rezone is subject to the findings contained in this Ordinance.

### **Section 4: No Mandatory Duty of Care.**

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

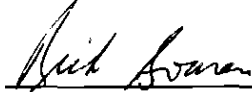
### **Section 5: Severability.**

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

### **Section 6: Effective Date and Publication**

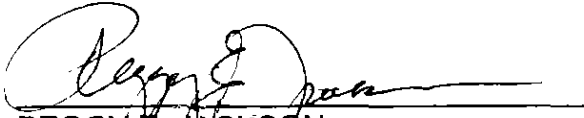
This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within 15 days after its passage, a summary of the ordinance may be published at least five days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 8th day of March 8, 2006.



RICK SOARES, MAYOR of the  
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON,  
CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,  
CITY ATTORNEY

EFFECTIVE DATE: April 7, 2006

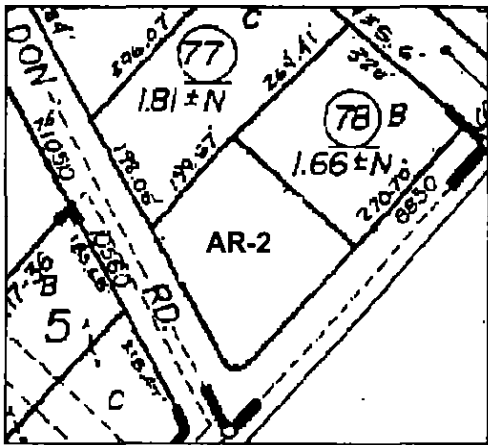
AYES: Soares, Scherman, Briggs, Cooper, Leary

NOES: None

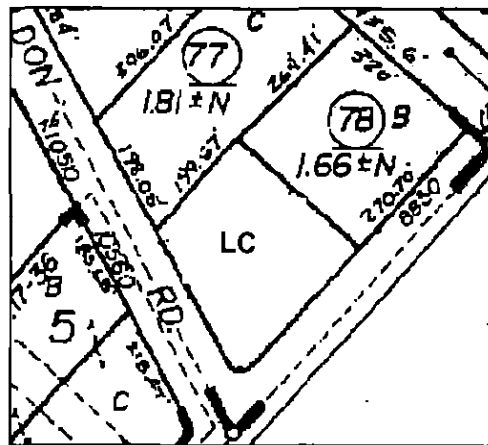
ABSTAIN: None

ABSENT: None

EXHIBIT A



Existing Zoning



Proposed Zoning

## Exhibit B – Conditions of Approval

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
1. The action approved is for a Rezone of 10527 Sheldon Road from AR-2 to LC, as shown on the rezone exhibits included as Attachment A.	On-Going	Planning	
2. The Applicant or Successors in Interest (hereby referred to as the Applicant) shall hold harmless the City, its Council Members, its Planning Commission, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.	On-Going	Planning	
3. This action does not relieve the Applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.	On-Going	Planning	
4. Any expansion or substantial change to the existing use on site is subject to further review and approval by the City of Elk Grove. Any such future development of the site is required to comply with all applicable design guidelines and development standards in effect at the time a development application is submitted to the Planning Department.	On-Going	Planning	
5. The following uses are prohibited on the Sheldon Farms market site: automotive sales, repairs, and services, alcoholic beverage sales, bars and nightclubs, business and support services, golf courses/country clubs, grocery stores, and retail accessory to primary use.	On-Going	Planning	
6. Restaurant uses are allowed upon approval of a Conditional Use Permit by the Planning Commission.	On-Going	Planning	
7. Alcoholic beverage sales shall only be allowed for the sale of wine included within a gift basket.	On-Going	Planning	
8. The Applicant shall adhere to limited hours of operation, from 6 AM to 8 PM.	On-Going	Planning	
9. The Applicant shall not allow for large spotlighting or glaring lights to advertise the business.	On-Going	Planning	