

ORDINANCE NO. 35-2008

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE CITY OF ELK GROVE ZONING MAP FROM GC AND M-2 TO SPECIAL PLANNING AREA FOR CMD COURT PROJECT NO. EG-07-050, ASSESSOR PARCEL NUMBERS: 134-0600-014,-016,-029,-031,-032,-034,-040,-049

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 from GC and M-2 to Special Planning Area (SPA), as shown in Exhibit A, to allow General Commercial uses as permitted in the Elk Grove Zoning Code and to allow a 45-foot high freestanding sign subject to the regulations attached as Exhibit B.

Section 2: Findings

California Environmental Quality Act (CEQA)

Finding: On the basis of the whole record, there is no substantial evidence that the project as designed, conditioned and mitigated, will have a significant effect on the environment. A Mitigated Negative Declaration has been prepared and completed in accordance with the California Environmental Quality Act (CEQA). The Mitigated Negative Declaration reflects the independent judgment and analysis of the City.

Evidence: Pursuant to CEQA guidelines, City staff prepared an Initial Study evaluating the potential environmental effects of the project. The Initial Study identified a potentially significant adverse effect in the areas of biological resources. A mitigation measure that avoids or mitigates the potentially significant effects to a point where clearly no significant effects would occur was identified in the Initial Study and a Mitigated Negative Declaration was prepared. The Initial Study/Mitigated Negative Declaration was distributed for a 30 day review and comment period between March 26, 2008 and April 24, 2008. The City received written comment letters within the 30 day public review period and responded to those comments in the project staff report. The City has considered the comments received during the public review period, and they do not alter the conclusions in the Initial Study and Mitigated Negative Declaration.

Special Planning Area

Finding: The proposed Special Planning Area is consistent with the goals, policies, and objectives of the General Plan.

Evidence: A General Plan Amendment is proposed for the project, which will change the General Plan land use designation for areas designated as Heavy Industry to Commercial. Thus, the proposed General Plan land use designation for the site will be entirely Commercial. No development has been proposed for the site. However, any future development of the project site for commercial use will remain consistent with the General Plan.

Finding: The Special Planning Area meets the requirements set forth in the Article II of the Zoning Code.

Evidence: The proposed Special Planning Area will satisfy the requirements of Zoning Code Article II. All development standards established for the General Commercial zoning district will apply to any future development on the site.

Finding: The area included within the SPA Zone has one or more unusual environmental, historical, architectural, or other specified significant features which justify the adoption of the SPA.

Evidence: The project site is unique in that the area is bordered by commercial lands on the west and south sides, and situated near the Promenade Square project that is located across State Route 99. The Promenade Square project is part of the Lent Ranch Marketplace Special Planning Area that is envisioned to create a regional retail environment to serve the City of Elk Grove and South Sacramento. The project consists of 187,000 square feet of future commercial, 69,000 square feet of medical office buildings, and a four-story, 118 room hotel. As such, the proposed SPA will provide a contiguous extension of commercial lands that would complement and support the Promenade Square project.

Finding: The said features cannot be adequately protected by the adoption of any other land use regulation.

Evidence: The reservation to allow the establishment of a 45-foot high freestanding project identification sign may occur with the establishment of a Uniform Sign Program. However, the establishment of the Uniform Sign Program may not occur until a multi-tenant development is proposed on the site which will require future discretionary approval including Design Review. In order to allow the reservation of a 45-foot high freestanding project identification sign, the only option is to establish a SPA zoning district that allows flexibility for development requirements.

Rezone

Finding: The proposed rezone is consistent with the General Plan goals, policies, and implementation programs.

Evidence: The Rezone to Special Planning Area (SPA) will allow General Commercial permitted uses as established in the Zoning Code. As such, the rezone for commercial use will be consistent with the proposed General Plan Amendment that would result in the General Plan land use designation of Commercial for the project site. The rezone of the site will also be consistent with the existing businesses occupying a small portion of the site.

Section 3: Action

The City Council hereby amends the City of Elk Grove Zoning Map for APNs: 134-0600-014, -016, -029, -031, -032, -034, -040, and -049 as shown on attached Exhibit A

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).

ORDINANCE: 35-2008
INTRODUCED: July 23, 2008
ADOPTED: August 27, 2008
EFFECTIVE: September 26, 2008



GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:



SUSAN J. BLACKSTON, CITY CLERK

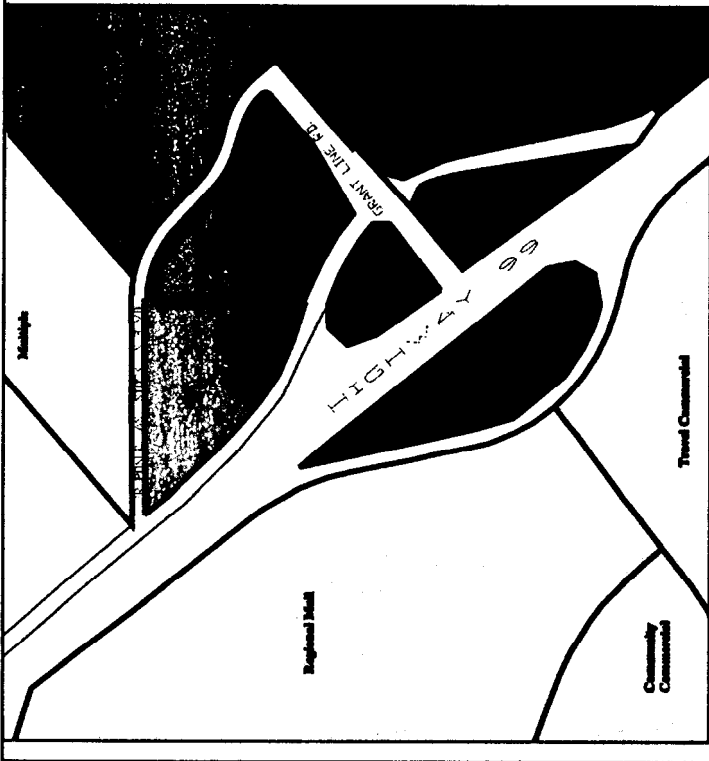
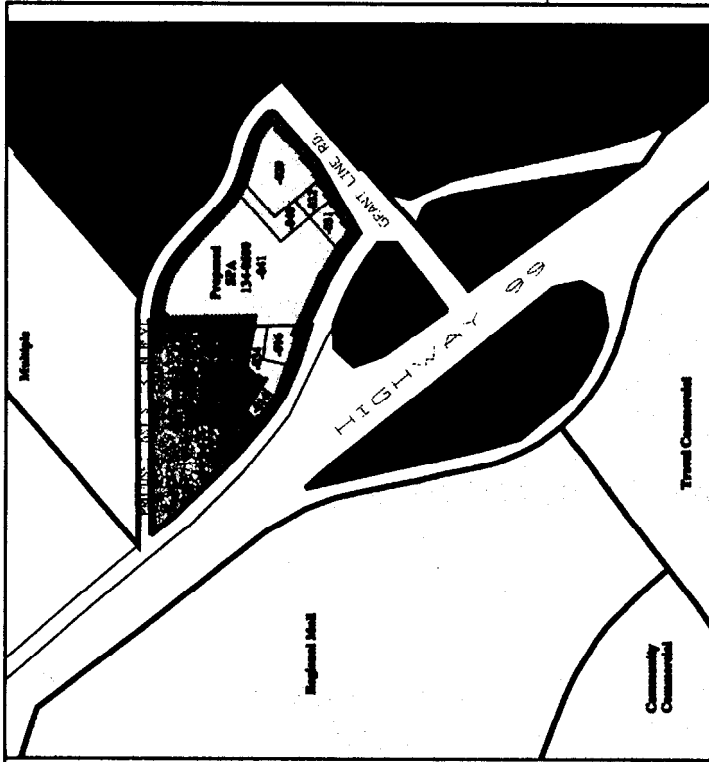
APPROVED AS TO FORM:



SUSAN COCHRAN, CITY ATTORNEY

Date signed: Sept. 2, 2008

EXHIBIT A
Rezone Exhibit



PROPOSED ZONING

ZONING EXHIBIT
City of Elk Grove

MARCH 26, 2009

APN 134-0600-014,016,029,
031,032,034,040, & 041



JOB # 07-02-008

EXISTING ZONING

APN	EXIST. MZ	NET ACRES EXIST. GC	PROPOSED SPA
134-000-014		0.51	0.51
134-000-016		0.65	0.65
134-000-029	2.24		2.24
134-000-031	0.65		0.65
134-000-032	0.38		0.38
134-000-034		0.50	0.50
134-000-040	0.65		0.65
134-000-041	7.62		7.62
TOTAL	11.47	3.59	15.06

LEGEND

- GC
- MI
- M2
- MPA

EXHIBIT B

Special Planning Area Regulations for the 45-foot High Freestanding Sign

The 45-foot high freestanding sign shall be limited for utilization by General Commercial permitted uses as established in the Elk Grove Zoning Code. Furthermore, the development standards for future signage is subject to Chapter 23.62 of the Zoning Code.

1. Uniform Sign Program ("USP") must be approved by City prior to sign construction; USP shall be consistent with provisions of the SPA
2. Maximum sign area is 150 sq ft; maximum height is 45-feet
3. Maximum of one, 45-foot tall sign is allowed for the entire SPA;
4. CC&Rs or similar recorded instrument shall be prepared for city's review and approval which addresses sign maintenance, limitations on other future freeway-oriented signs, right of property owners within SPA to use sign, etc.

**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 35-2008**

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

I, Susan J. Blackston, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law, was duly introduced on July 23 2008 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on August 27, 2008 by the following vote:

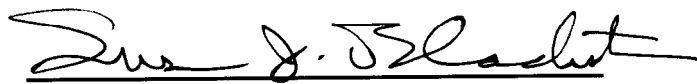
AYES : **COUNCILMEMBERS:** *Davis, Hume, Scherman, Leary, Cooper*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*

A summary of the ordinance was published pursuant to GC 36933(c) (1).


Susan J. Blackston
**Susan J. Blackston, City Clerk
City of Elk Grove, California**