

ORDINANCE NO. 32-2011

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING THE CITY OF ELK GROVE ZONING MAP
FROM SHOPPING CENTER (SC) TO AUTO COMMERCIAL (AC)
FOR THE LASHER AUTO GROUP PROJECT NO. EG-11-038
ASSESSOR'S PARCEL NUMBERS: 132-0110-036 AND -047**

WHEREAS, the Planning Department of the City of Elk Grove received an application from the Lasher Auto Group (hereinafter referred to as the "Applicant") on August 24, 2011 for a Specific Plan Amendment and Rezone; and

WHEREAS, the Lasher Auto Group project is located on real property in the incorporated portions of the City of Elk Grove more particularly described as Assessor's Parcel Numbers 132-0110-036 and 132-0110-047; and

WHEREAS, the Applicant is requesting to Rezone approximately 4.14 acres from Shopping Center (SC) to Auto Commercial (AC) while leaving approximately one acre of the southern property zoned SC; and

WHEREAS, the proposed rezone of the properties is consistent with the zoning designations and density range proposed as part of the Laguna Ridge Specific Plan Amendment, provided that the City Council amends the Laguna Ridge Specific Plan to ensure compatibility; and

WHEREAS, the proposed zoning implements the General Plan's policies and goals for orderly development that is adequately supported by public infrastructure and services; and

WHEREAS, the Lasher Auto Group Project is exempt from California Environmental Quality Act (CEQA) review pursuant to Section 15183 of Title 14 of the California Code of Regulations (State CEQA Guidelines); and

WHEREAS, the Planning Commission considered the Applicants' request at a public hearing on November 17, 2011, and recommended the City Council approve the Lasher Auto Group Project; 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 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 Applicant, 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 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 the attached Exhibit A, incorporated herein by this reference.

Section 2: Enactment of New Zoning.

The City Council hereby amends the City of Elk Grove Zoning Map for APNs 132-0110-036 and 132-0110-047, as shown on attached in Exhibit A, incorporated herein by this reference.

Section 3: 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 4: Severability.

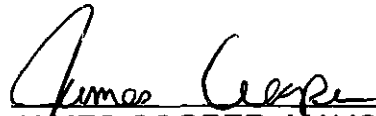
If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this 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 5: 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 fifteen (15) days after its passage, a summary of the ordinance may be published at least five (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).

Finding: The proposed Zoning Amendment is consistent with the General Plan's goals, policies, and implementation programs.


ORDINANCE: 32-2011
INTRODUCED: December 14, 2011
ADOPTED: January 11, 2012
EFFECTIVE: February 10, 2012



JAMES COOPER, MAYOR of the
CITY OF ELK GROVE

ATTEST:

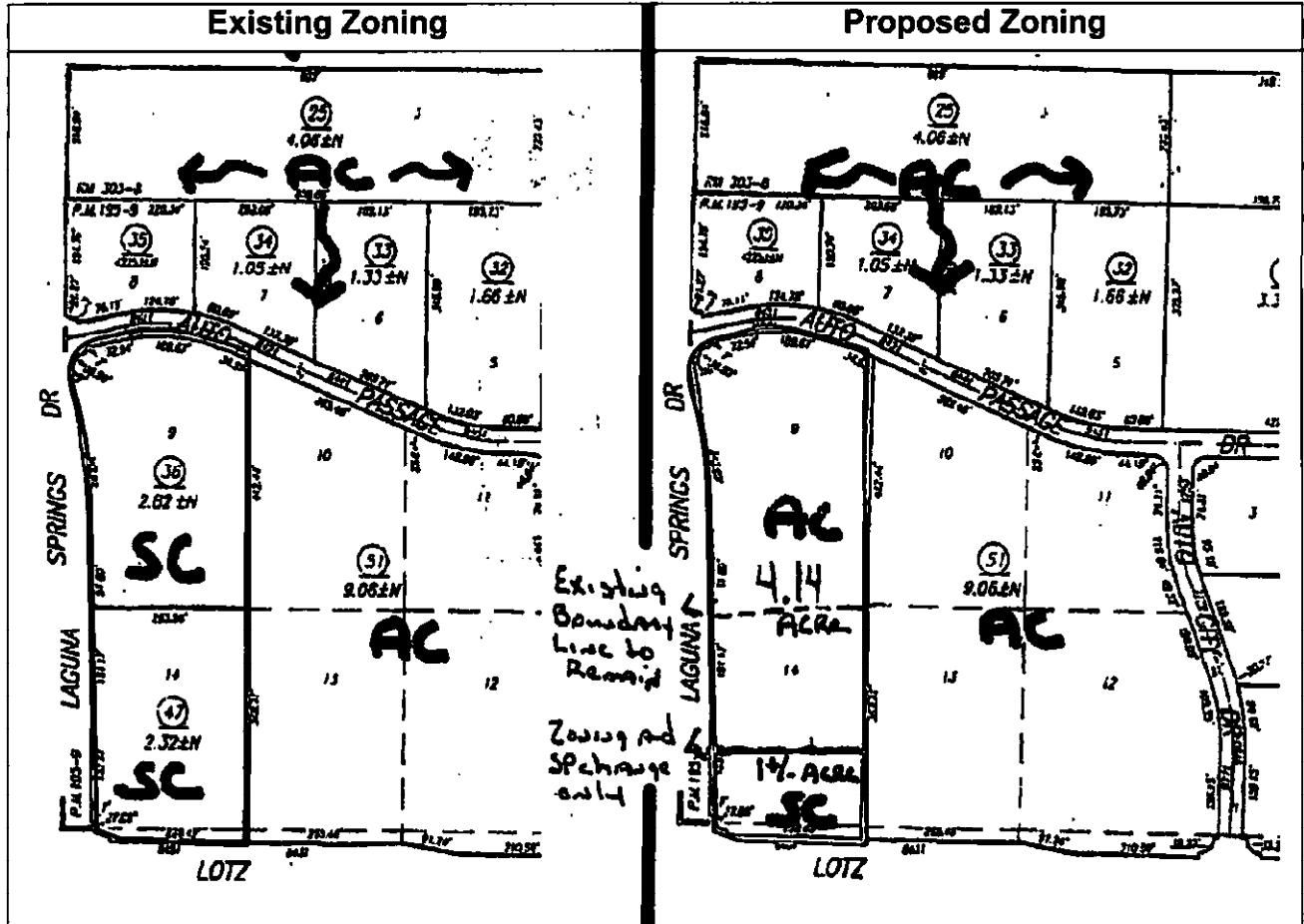

JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:


JONATHAN HOBBS,
INTERIM CITY ATTORNEY

Date signed: January 17, 2012

Exhibit A



**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 32-2011**

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

I, Jason Lindgren, 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 December 14, 2011 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on January 11, 2012 by the following vote:

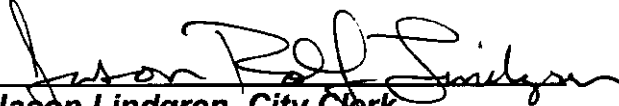
AYES : COUNCILMEMBERS: Cooper, Hume, Davis, Scherman

NOES: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Detrick

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


**Jason Lindgren, City Clerk
City of Elk Grove, California**