

ORDINANCE NO. 02-2014

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
ADOPTING AN AMENDMENT TO THE ZONING MAP OF THE CITY OF ELK GROVE
FOR THE MOORE SHELDON CENTER (PROJECT NO. EG-11-033)
APNs: 115-0150-064 & 067**

WHEREAS, the Planning Department of the City of Elk Grove received an application on October 12, 2011 from J. Gilbert Moore (the "Applicant") requesting a General Plan Amendment, Rezoning, Major Design Review, Conditional Use Permit, Minor Deviation, and Minor Uniform Sign Program for the Moore Sheldon Center Project ("Project"); and

WHEREAS, the Project is located on real property in the incorporated portions of the City of Elk Grove more particularly described as APN: 115-0150-064 & 067; and

WHEREAS, the Planning Department considered the Project request pursuant to the General Plan, Title 23 of the Elk Grove Municipal Code (Zoning Code) including the Calvine / 99 Special Planning Area, Citywide Design Guidelines, and all other applicable State and local regulations; and

WHEREAS, the Planning Commission held duly noticed public hearings as required by law to consider all of the information presented by staff, information presented by the Applicants, and public testimony presented in writing and at the meeting, and voted to recommend approval of the Project to the City Council; and

WHEREAS, the City Council held duly noticed public hearings 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; and

WHEREAS, January 22, 2014, the City Council adopted Resolution No. 2014-12, certifying a Subsequent Environmental Impact Report (SEIR) for the Moore Sheldon Center.

NOW, THEREFORE, the City Council of the City of Elk Grove does hereby ordain as follows:

Section 1: Purpose

The purpose of this Ordinance is to amend the Zoning Map for the City of Elk Grove consistent with the General Plan of the City of Elk Grove.

Section 2: Findings

The City Council makes the following findings in consideration of the Project:

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

Evidence: The proposed rezone of the site to General Commercial (GC) is consistent with the zoning designation of the property to the west and south and would implement the General Plan land use designation proposed concurrently as part of the General Plan Amendment. The proposed project implements the General Plan's policies and goals for orderly development that is supported by public infrastructure and services. The proposed rezoning meets all applicable development standards established in Elk Grove Municipal Code Title 23 Zoning.

Section 3: Action

The City Council of the City of Elk Grove hereby amends the Zoning Map of the City of Elk Grove as illustrated in Exhibit A.

Section 4: Condition of Approval

Prior to occupancy of any of the structures or buildings for the project, the Applicant shall install a median barrier including a left-hand turn lane on northbound East Stockton Boulevard serving any or all of the adjoining properties (APNs 115-0150-073, 115-0162-024, -027, -030, -031 and -034) ("Adjoining Properties") in accordance with City standards and to the satisfaction of Public Works. The Applicant shall provide estimates to Public Works for calculating and approving the fair-share cost of these improvements between the Applicant and the owner(s) of the Adjoining Properties. The Applicant shall also shall meet and confer in good faith with the owner(s) of the Adjoining Properties to determine the terms and timing of their reimbursement. The City shall have the right, but not the obligation, to collect amounts from the owner(s) of the Adjoining Properties to reimburse the Applicant.

Section 5: 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 6: 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 7: Savings Clause

The provisions of this ordinance shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take affect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and affect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by said Code shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

Section 8: 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 (5) 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: **02-2014**
INTRODUCED: February 12, 2014
ADOPTED: February 26, 2014
EFFECTIVE: March 28, 2014




GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:



JASON LINDGREN, CITY CLERK



JONATHAN P. HOBBS,
CITY ATTORNEY

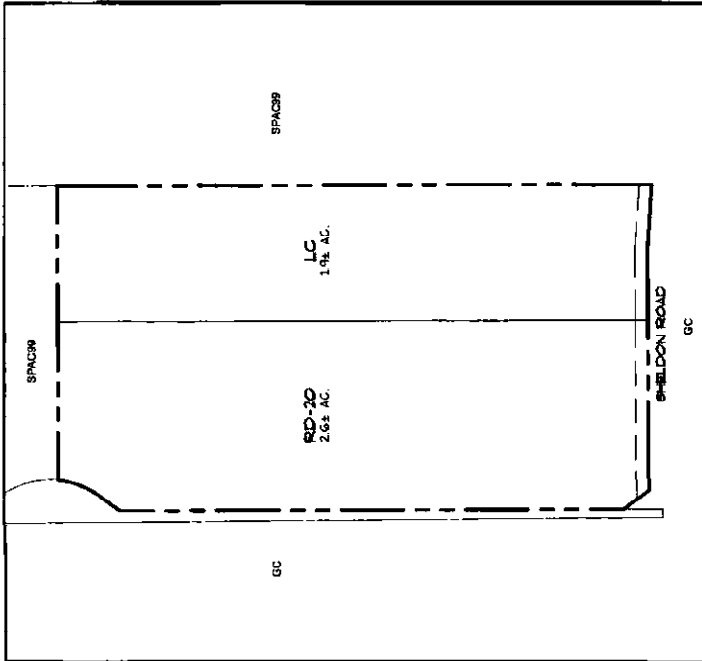
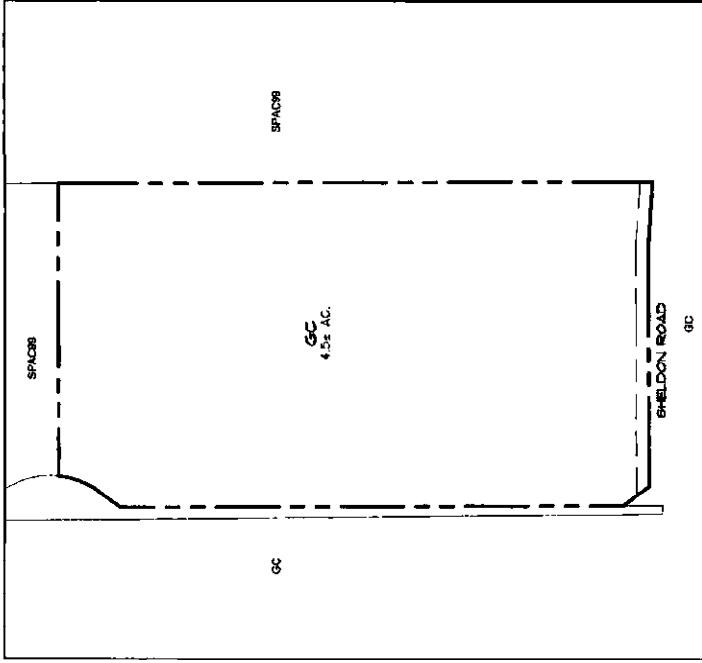
Date signed: February 28, 2014

EXHIBIT A

REZONE EXHIBIT

8353 Sheldon Road CITY OF ELK GROVE, CALIFORNIA

OCTOBER 11, 2011



Existing Zoning Designation

Proposed Zoning Designation

REZONE SUMMARY TABLE				
ZONING DESIGNATION	LAND USE	EXISTING ACREAGE	PROPOSED ACREAGE	DIFFERENCE
RD-20	HIGH DENSITY RESIDENTIAL	2.6		- 2.6
LC	LIMITED COMMERCIAL	1.9		- 1.9
GC	GENERAL COMMERCIAL	0	4.5	+ 4.5
TOTAL		4.5	4.5	

RECEIVED

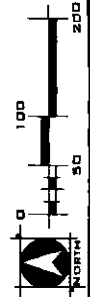
OCT 19 2011

CITY OF ELK GROVE

PLANNING



WOOD RODGERS
DEVELOPING INNOVATIVE DESIGN SOLUTIONS
8401 C St, Bldg. 100-B
Sacramento, CA 95828
Tel: 916.841.7790
Fax: 916.841.7797



**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 02-2014**

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 February 12, 2014 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on February 26, 2014 by the following vote:

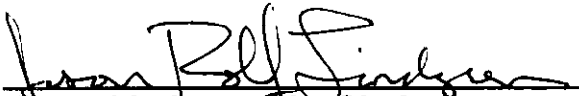
AYES : COUNCILMEMBERS: Davis, Cooper, Hume, Trigg

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**