

ORDINANCE NO. 14-2006

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE CITY OF ELK GROVE ZONING MAP FROM AG-20 AGRICULTURAL ZONING DISTRICT TO LC LIMITED COMMERCIAL, MP INDUSTRIAL-OFFICE PARK, M-1 LIGHT INDUSTRIAL AND 'O' RECREATION/OPEN SPACE ZONING DISTRICTS ON ASSESSOR PARCEL NUMBER 134-0182-001, WATERMAN PARK 75, EG-05-928

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 AG-20 Permanent Agricultural Intensive Zoning District to LC Limited Commercial, MP Industrial-Office Park, M-1 Light Industrial and 'O' Recreation/Open Space Zoning Districts as shown on attached Exhibit A, under the authority of the City Council as the legislative body of the City of Elk Grove.

Section 2: Findings

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: An Initial Environmental Study was prepared for the proposed project and conditions of approval were developed to reduce potential environmental impacts to less than significant levels. The Initial Study was circulated by the state Clearinghouse (OPR) for a 30 day public review period. The City received written comments during the public review period, which the City considered and determined the comments do not alter the conclusions in the Initial Study and Mitigated Negative Declaration.

General Plan

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

Evidence: The General Plan identifies the site for Commercial, Light Industrial and Open Space uses. The East Elk Grove Specific Plan, which is incorporated into the Land Use Element of the General Plan as a Policy Area, further identifies Commercial, Light Industrial and Open Space uses within the boundaries of the site. The project is an amendment to the General Plan Land Use Policy Map and the East Elk Grove Land Use Policy Map. The amended land uses are consistent with the surrounding residential and industrial land use designations adjoining the project site. The project as designed

and conditioned is consistent with the goals and policies of the General Plan for non-residential development within the City of Elk Grove.

Rezone

Finding: The proposed rezone is in the public interest. (Section 65358(a) of the Government Code and the Plan Administration section of the Elk Grove General Plan).

Evidence: The Planning Commission has reviewed the proposed rezone and staff report, and received public testimony at a duly noticed public hearing regarding the matter. The applicant's proposal is consistent with the non-residential land uses in the East Elk Grove Specific Plan, Elk Grove General Plan and Zoning Code. The proposed project is consistent with the Plans' objectives of orderly and systematic development and responds to opportunities and constraints in the local community area.

Section 3: Action

The City Council hereby amends the East Elk Grove Specific Plan from AG-20 Agricultural/Residential to LC Limited Commercial, MP Industrial-Office Park, M-1 Light Industrial and 'O' Recreation/Open Space for APN 134-0182-001 as shown on attached Exhibit A, subject to approval of the General Plan Amendment and Specific Plan Amendment for this project, and 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

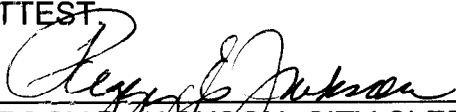
This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within 15 days after its passage, a summary of the ordinance may be published at least five days prior to and fifteen (15) days after adoption by the City Council and a certified 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 26th day of April, 2006.



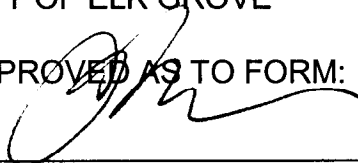
RICK SOARES, MAYOR of the
CITY OF ELK GROVE

ATTEST



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

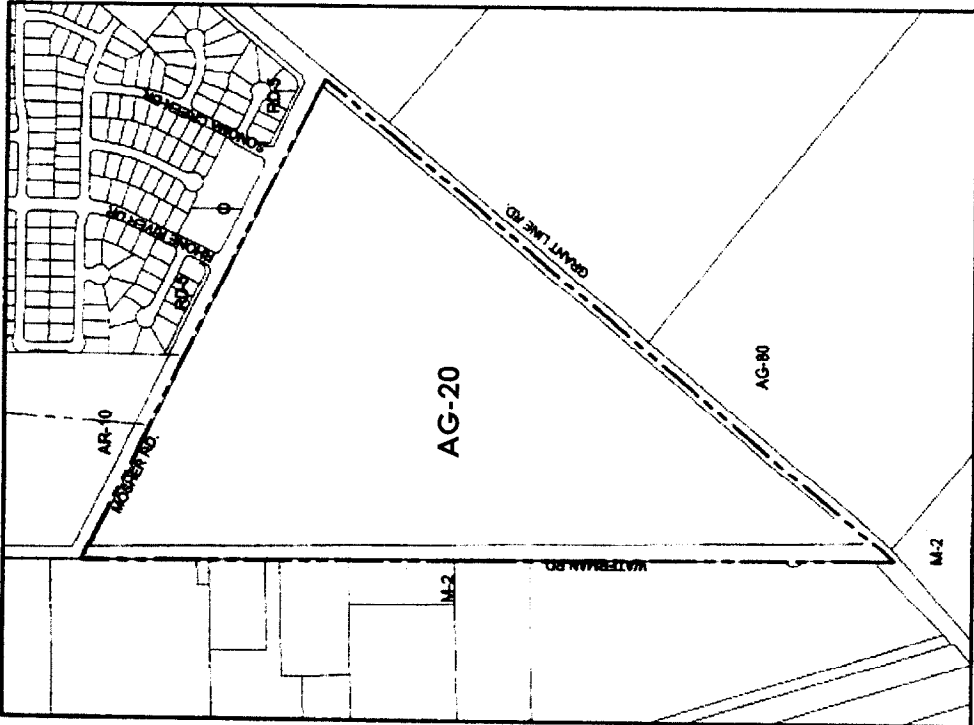
EFFECTIVE DATE: MAY 26, 2006

AYES: SCHERMAN, SOARES, BRIGGS, COOPER, LEARY

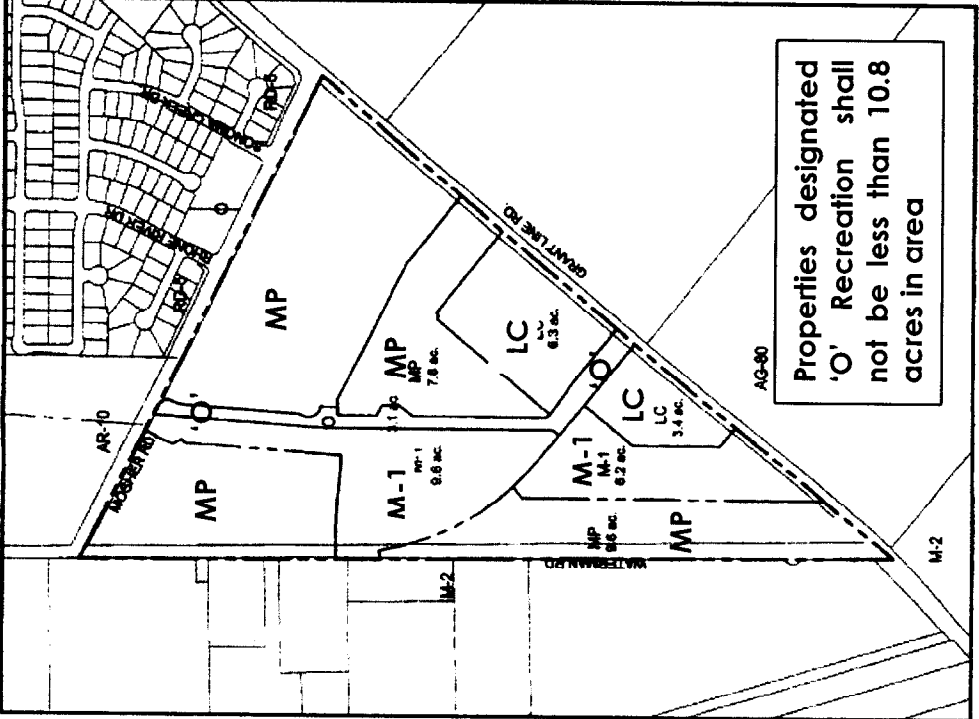
NOES: NONE

ABSTAIN: NONE

ABSENT: NONE



EXISTING ZONING



PROPOSED ZONING