

ORDINANCE NO. 20-2006

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE CITY OF ELK GROVE ZONING MAP FROM AR-2 TO LC AND AMENDING THE EAST ELK GROVE SPECIFIC PLAN FROM RESIDENTIAL TO COMMERCIAL FOR EAST CROSSING POINTE PROJECT NO. EG-03-411 – APN: 127-0150-027

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 and the East Elk Grove Specific Plan as shown on attached Exhibit B.

Section 2: Findings

CEQA

Finding: The proposal will not have a significant adverse impact on the environment and a Mitigated Negative Declaration has been prepared and completed in accordance with the California Environmental Quality Act (CEQA).

Evidence: An Initial Environmental Study was prepared for the proposed project and mitigation measures have been developed that will reduce potential environmental impacts to less than significant levels. On the basis of the Mitigated Negative Declaration, environmental analysis, and the whole record, there is no substantial evidence that the project will have a significant adverse impact on the environment.

General Plan

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

Evidence: The East Crossing Pointe project site has a land use designation of Commercial on the General Plan land use map. The proposed project has been designed and is consistent with all the goals and policies contained in the General Plan. Conditions of approval have been included to ensure consistency of the project throughout construction and operation.

Rezone

Finding: The proposed Rezone implements and is consistent with the General Plan and does not create problems inimical to the public health, safety and general welfare of the residents of Elk Grove.

Evidence: The East Crossing Pointe project proposal is consistent with the General Plan land use designation of Commercial. The proposed project is consistent with the Plan's objectives of orderly and systematic development and responds to opportunities and constraints in the local community area.

Specific Plan

Finding: The proposed Amendment to the East Elk Grove Specific Plan is consistent with the General Plan and does not create problems inimical to the public health, safety and general welfare of the residents of Elk Grove

Evidence: The East Crossing Pointe project proposal is consistent with the General Plan land use designation of Commercial. The proposed project is consistent with the Plan's objectives of orderly and systematic development and responds to opportunities and constraints in the local community area. The proposed amendment is consistent with the objectives of the East Elk Grove Specific Plan's objectives and responds to opportunities and constraints in the local community area.

Section 3: Action

The City Council hereby amends the City of Elk Grove Zoning Map for APN 127-0150-027 as shown on attached Exhibit A and amends the East Elk Grove Specific Plan Land Use Map as shown on exhibit B 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.

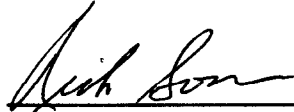
If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this 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 24th day of May, 2006.



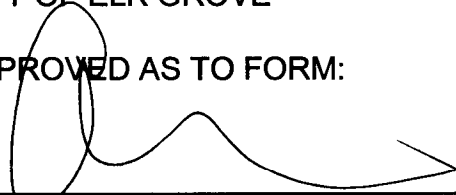
RICK SOARES, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON,
CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

EFFECTIVE DATE: JUNE 23, 2006

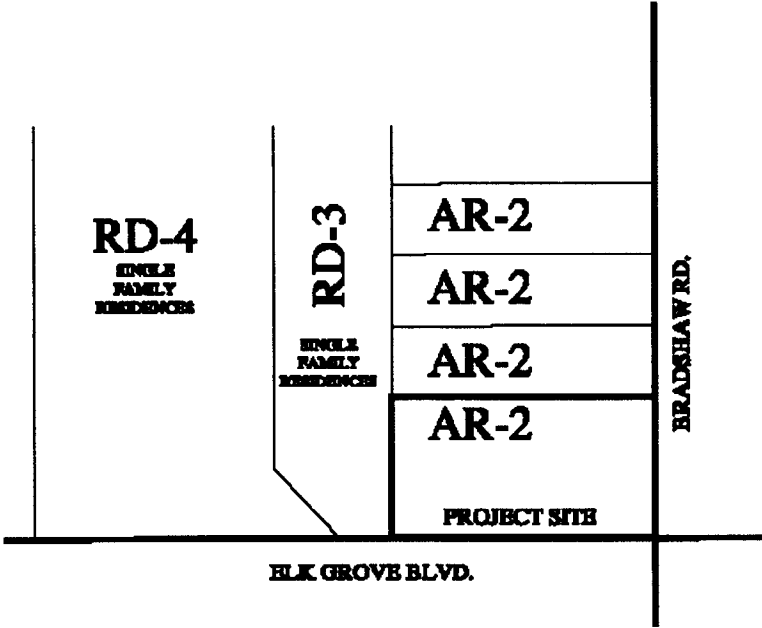
AYES: SOARES, SCHERMAN, BRIGGS, COOPER, LEARY

NOES: NONE

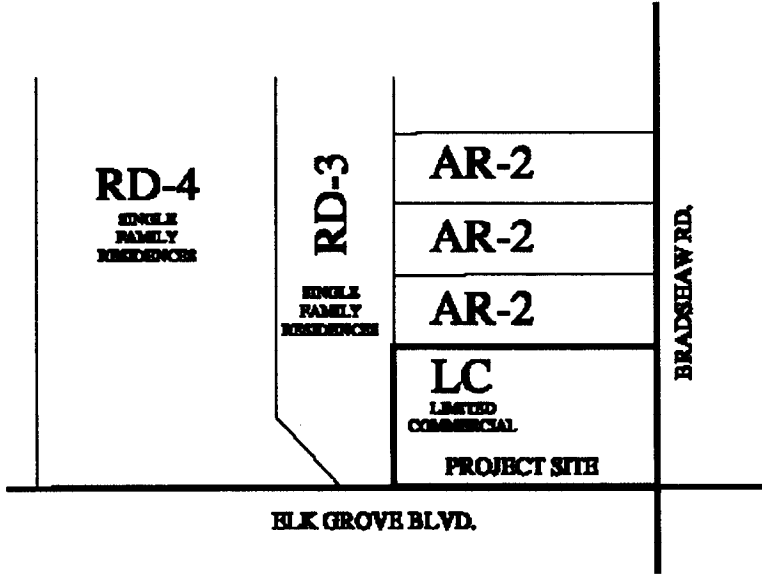
ABSENT: NONE

ABSTAIN: NONE

Exhibit A – Rezone Exhibit



EXISTING USE

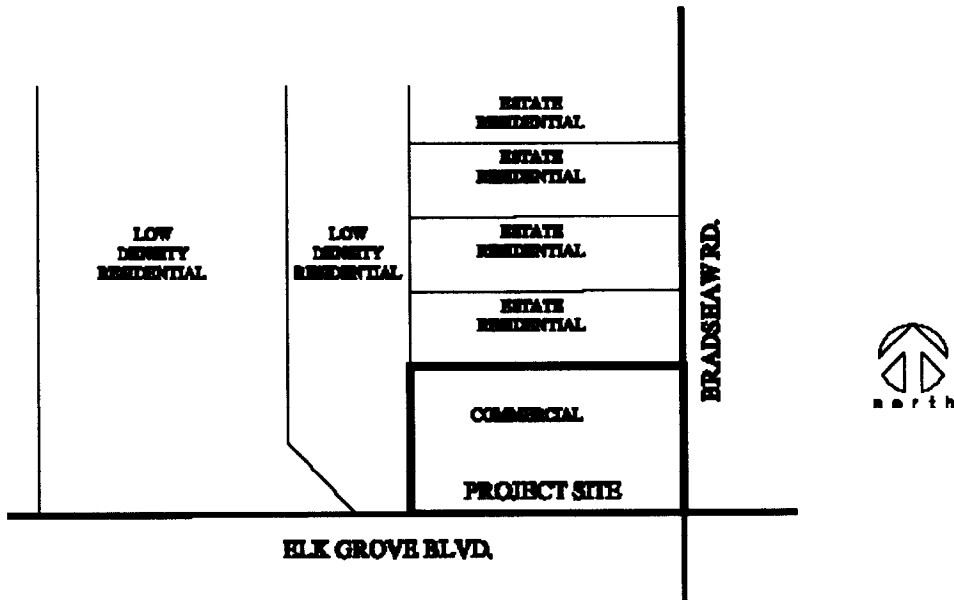


PROPOSED USE

Exhibit B – Specific Plan Amendment Exhibit



EXISTING USE



PROPOSED USE