

ORDINANCE NO. 15-2007

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE ELK GROVE ZONING MAP FOR THE LAGUNA RIDGE SPECIFIC PLAN AUTO MALL LOT 13 AMENDMENT PROJECT (EG-06-1135)

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 Elk Grove Zoning Map for the Laguna Ridge Specific Plan area, rezoning Elk Grove Auto Mall Phase III, Lot 13 (a 2.25-acre parcel), identified as APN: 132-1100-040 (aka, 8431 Lotz Parkway) from Laguna Ridge Specific Plan, Shopping Commercial (SC) District to Laguna Ridge Specific Plan, Auto Commercial (AC) District.

Section 2: Findings.

CEQA

Finding: The project will not have a significant impact on the environment, beyond those previously analyzed and disclosed in the Environmental Impact Report prepared and certified by the City Council for the Laguna Ridge Specific Plan project (EG-00-062) in accordance with the California Environmental Quality Act (CEQA). The proposed rezone is consistent with the Laguna Ridge Specific Plan and General Plan.

Evidence: The Laguna Ridge Specific Plan Environmental Impact Report (EIR) was certified by the City Council on June 16, 2004. The EIR adequately analyzed and addressed environmental issues related to commercial development and zoning of the subject Elk Grove Auto Mall project site and surrounding commercial properties. No additional environmental impacts have been identified for the Elk Grove Auto Mall SP Amendment project, beyond those previously disclosed and analyzed in the Laguna Ridge Specific Plan EIR. The proposed rezone is consistent with the Laguna Ridge Specific Plan and Laguna Ridge Policy Area policies and figures in the General Plan. No substantial changes to the Laguna Ridge Specific Plan have occurred and no new information regarding environmental effects has become available since certification of the EIR. Development of the site is subject to the Laguna Ridge Mitigation Monitoring and Reporting Program. Consequently, pursuant to Public Resources Code (PRC) Section 21083.3(e) (CEQA Guidelines Section 15183) as well as PRC Section 21166, no further environmental review is required for this project.

General Plan

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

Evidence: The amendment continues to implement the General Plan commercial land use designation, as shown on the General Plan Exhibit Figure LU-5, adopted by Council Resolution 2004-143. The minor rezoning is consistent with the specific plan standards and land uses, which implements the General Plan Laguna Ridge Area policies.

Specific Plan and Zoning Amendment Findings

Finding: The findings required pursuant to Zoning Code Sections 23.16.090(6) and 23.16.110(4), and Laguna Ridge Specific Plan Section 9.3.5, to amend the specific plan and zoning map have been satisfied.

Evidence:

- a. The proposed Specific Plan is consistent with the General Plan goals, policies, and implementation programs as discussed in the General Plan finding above.
- b. The land use and development regulations within the Specific Plan are comparable in breadth and depth to similar zoning regulations contained in this Title in that the zoning regulations for development in SC and AC districts have already been established in the adopted Specific Plan, which shall apply to the parcel.
- c. The administration and permit processes within the Specific Plan are consistent with the administration and permit processes of the Zoning Code in that the processes within the adopted Specific Plan would not be changed, thus remain consistent with the Zoning Code as adopted.
- d. Significant changes to the character of the community have occurred subsequent to the adoption of the Specific Plan which warrants amendments as requested in that the growth of auto commercial land uses has applied pressure to redesignate the subject parcel, which is an internal lot surrounded on two sides by existing AC designated lots.
- e. The requested amendment will benefit the Specific Plan Area and/or the City by allowing increased auto commercial development, which is consistent with adjoining parcels, and by increasing retail sales opportunities.
- f. The amendment will not adversely affect adjacent properties and can be properly serviced in that the subject parcel is an internal lot that lies between AC and SC designated parcels. The site is bound by AC parcels on two of its three interior sides, making it conducive to expanded auto commercial land uses. Thus, expansion of AC zoning onto this lot would not adversely affect orderly development of surrounding properties.
- g. Services have been adequately planned and provided to serve the area, as demonstrated in the Specific Plan. Roads and utilities are in the process of being extended to the site.

Section 3: Action.

The City Council hereby amends the Elk Grove Zoning Map for Elk Grove Auto Mall Lot 13 (APN: 132-1100-040; aka, 8431 Lotz Parkway) within the Laguna Ridge Specific Plan from the Laguna Ridge Specific Plan, SC District to Laguna Ridge Specific Plan, AC District 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 NO. 15-2007

INTRODUCED: February 28, 2007

ADOPTED: March 14, 2007

EFFECTIVE: April 13, 2007



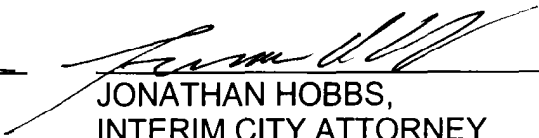
JAMES COOPER, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



JONATHAN HOBBS,
INTERIM CITY ATTORNEY

CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 15-2007

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

I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance was duly introduced on February 28, 2007 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on March 14, 2007 by the following vote:

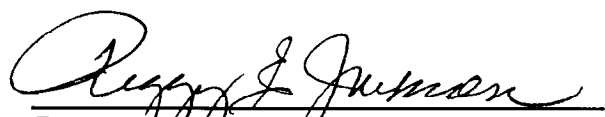
AYES : **COUNCILMEMBERS:** **Scherman, Cooper, Davis, Leary, Hume**

NOES: **COUNCILMEMBERS:** **None**

ABSTAIN: **COUNCILMEMBERS:** **None**

ABSENT: **COUNCILMEMBERS:** **None**

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



Peggy E. Jackson, City Clerk
City of Elk Grove, California

