

ORDINANCE NO. 8-2009

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE ELK GROVE ZONING MAP FOR A 0.71 ACRE PARCEL FROM LIMITED COMMERCIAL (LC) TO SHOPPING CENTER (SC) FOR THE ELK GROVE 76 SERVICE STATION PROJECT NO. EG-08-002 ASSESSOR PARCEL NUMBER 125-0010-005

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.

Section 2: Findings

California Environmental Quality Act (CEQA)

Finding: The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15332 (In-Fill Development Projects).

Evidence: The 0.71 acre site accommodates an existing service station within the City limits surrounded by other commercial uses. The rezone from LC to SC is consistent with the General Plan land use designation of Commercial. The proposed project consists of a new food mart and gas island canopy. The existing structures will be demolished prior to new construction. Therefore, no special circumstances exist that would create a reasonable possibility that the proposed project will have an adverse effect on the environment. No further environmental review is required.

General Plan

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

Evidence: The proposed project is consistent with the commercial land use designation in the General Plan. The proposed zoning complies with the description provided within the General Plan for commercial land use designation.

Rezone

Findings: Pursuant to section 65358 (a) of the Government Code, the proposed rezone is in the public interest. Additionally, rezones shall be granted only when the City Council makes the following findings:

- a. The proposed rezone is consistent with the General Plan goals, policies, and implementation programs.

Evidence: The proposed rezone from Limited Commercial (LC) to Shopping Center (SC) is consistent with the description provided in Land Use Policy LU-2 and LU-3. Therefore, the rezone complies with the goals and policies of the General Plan.

Section 3: Action

The City Council hereby amends the City of Elk Grove Zoning Map for a 0.71 acre property located at 8475 Elk Grove Boulevard (APN 125-0010-005) as shown on attached Exhibit A 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 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: 8-2009
INTRODUCED: April 22, 2009
ADOPTED: May 13, 2009
EFFECTIVE: June 12, 2009



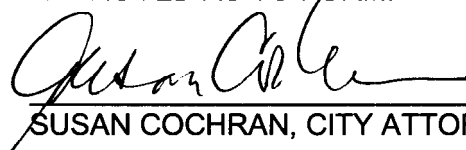
PATRICK HUME, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:



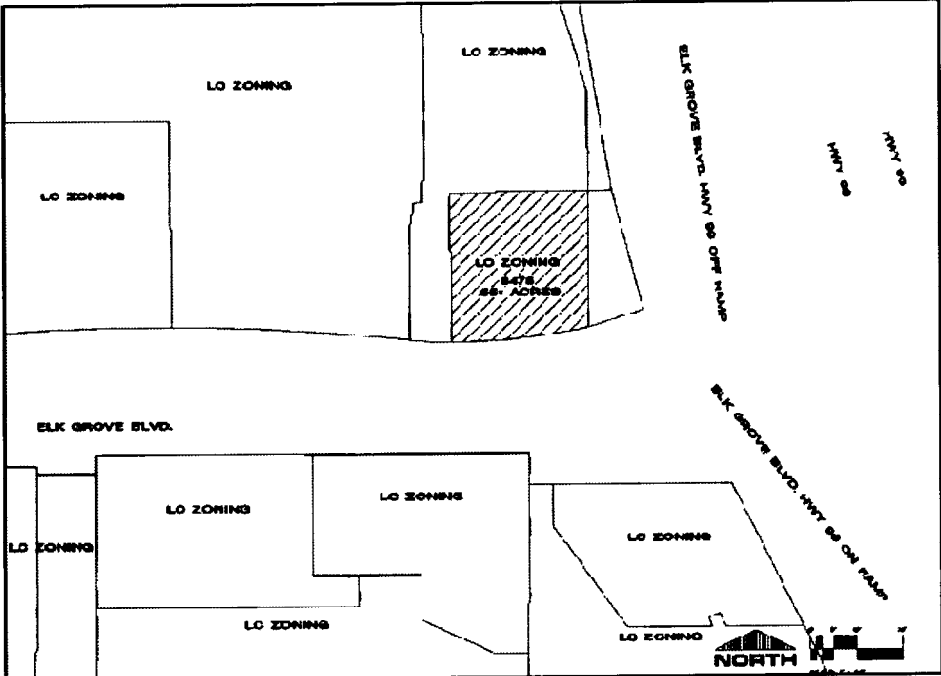
SUSAN J. BLACKSTON, CITY CLERK



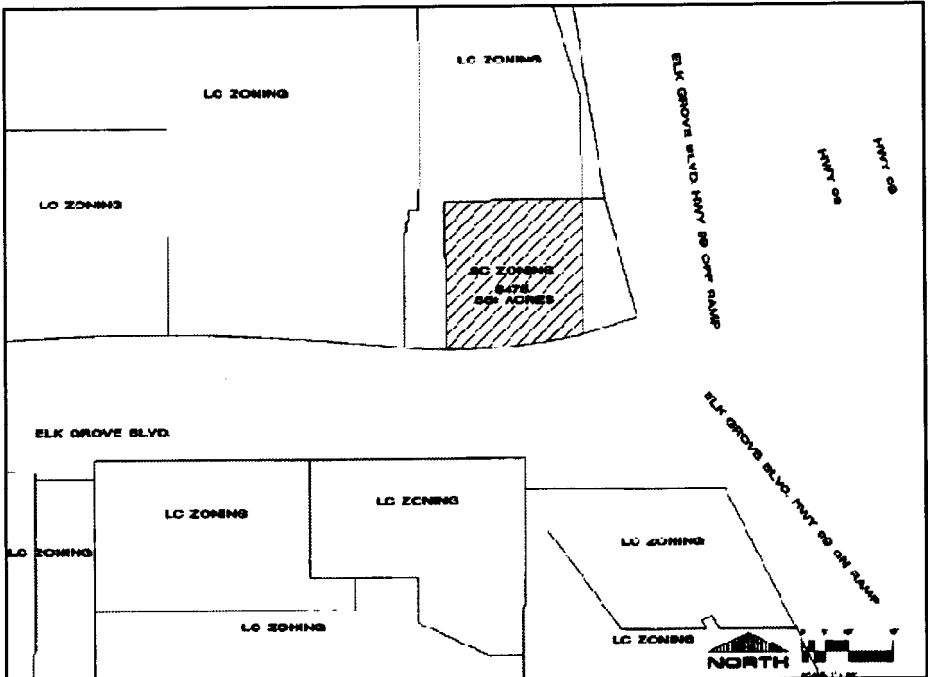
SUSAN COCHRAN, CITY ATTORNEY

Date signed: May 22, 2009

**EXHIBIT A
REZONE FOR 8475 ELK GROVE BOULEVARD**



EXISTING ZONING



PROPOSED ZONING

CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 8-2009

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

I, Susan J. Blackston, 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 April 22, 2009 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on May 13, 2009 by the following vote:

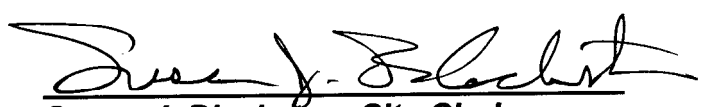
AYES : **COUNCILMEMBERS:** *Hume, Scherman, Cooper, Davis, Detrick*

NOES: **COUNCILMEMBERS:** None

ABSTAIN: **COUNCILMEMBERS:** None

ABSENT: **COUNCILMEMBERS:** None

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



Susan J. Blackston, City Clerk
City of Elk Grove, California