

RESOLUTION NO. 2001-08

**A RESOLUTION
OF THE
CITY COUNCIL
OF THE
CITY OF ELK GROVE
INITIATING PROCEEDINGS
TO CONSIDER A ZONING CODE AMENDMENT
TO ADOPT A
SPECIAL PLANNING AREA ORDINANCE**

WHEREAS, Article 6 of Title II of the City of Elk Grove Zoning Code provides for the establishment of "Special Planning Areas" (SPA's) as planning tool for use by the City to regulate property in areas throughout the City that have unique environmental, historic, architectural, or other features which require special conditions not provided through the application of standard zone regulations; and

WHEREAS, it is recognized that in certain circumstances it may be desirable to provide for a greater range or mixture of uses in an area through the use of SPA's than would be permitted in the standard land use zones of the Zoning Code; and

WHEREAS, it is the purpose of Article 6 of Title II of the Zoning Code regarding SPA's to provide a method for the City to guide the development of such areas so as to preserve such unique characteristics or provide for a broader mixture of land uses when appropriate.

WHEREAS, the City Council may initiate by resolution the proceedings to place parcels within the SPA Land Use Zone, and

WHEREAS, said resolution shall include reasons for initiating the SPA Land Use Zone; and

WHEREAS, the City of Elk Grove Planning Department has received an application to rezone 295± acres, located west of State Route 99 and north of Kammerer Road to the Special Planning Area (SPA) zone, in conjunction with a request for a General Plan Amendment, Rezone, Tentative Map and Development Agreement and other entitlements; and

WHEREAS, the request would be reviewed by the Planning Department, Planning Commission and would return to the City Council for final action; and

WHEREAS, establishment of the Lent Ranch Marketplace SPA may be desirable to provide for a greater range or mixture of uses in an area than would be permitted in the standard land use zones of the Zoning Code by allowing land uses and proposed development to be planned in an orderly, comprehensive and cohesive manner over the entire project site and will prevent the piecemeal development of the project site; and

WHEREAS, the proposed regional mall component of the project along with office, entertainment and travel uses may combine a unique mix of uses that may require conditions not provided through the application of standard zone regulation; and

WHEREAS, it is desirable to provide for a planning process that ensures a greater range and mixture of land uses (including a regional mall, office, and entertainment uses) in the project area than would be permitted in the spectrum of standard zones contained in the Zoning Code; and

WHEREAS, the proposed Lent Ranch Marketplace project has significant features and circumstances that justify the initiation to place the project site within the SPA land use zone.


WHEREAS, the Lent Ranch Marketplace applicant has provided written assurances, a copy of which is attached, marked Exhibit A and incorporated into this resolution, to provide City of Elk Grove staff with additional specified information,

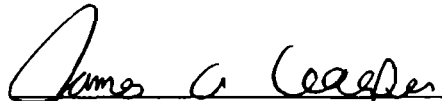
NOW, THEREFORE, BE IT RESOLVED, that the Elk Grove City Council hereby initiates the proceedings to consider a Zoning Code Amendment to adopt a Special Planning Area Ordinance for the property shown on Exhibit B.

The foregoing resolution was passed and adopted by the City Council, at a regular meeting thereof this 21st day of February 2001, by the following vote, to wit:

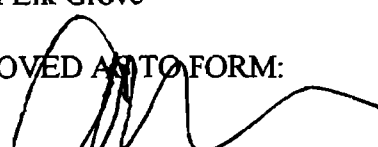
AYES: Briggs, Leary, Scherman, Soares, Cooper
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:


Peggy Jackson, City Clerk
City of Elk Grove


James A. Cooper
Mayor, City of Elk Grove

APPROVED AND TO FORM:


Anthony Manzanetti, City Attorney
City of Elk Grove

Law Offices of
GEORGE E. PHILLIPS

2306 Garfield Avenue
Carmichael, California 95608
Telephone (916) 979-4800
Telefax (916) 979-4801

January 22, 2001

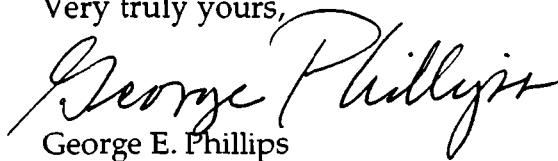
Tony Manzanetti
City Attorney
City of Elk Grove
Kronick, Moskovitz, Tiedemann & Girard
400 Capitol Mall, Suite 2700
Sacramento, California 95814

Re: Lent Ranch Marketplace - Draft Revised Special Planning Area
Ordinance

Dear Mr. Manzanetti:

Pursuant to direction of the City Council provided at their hearing of January 17, 2001, by this letter, M & H Realty, on behalf of Lent Ranch Marketplace, hereby agree to provide the additional information set forth in City staff's proposed revision to the City's existing Special Planning Area (SPA) ordinance, a copy of which is attached. This letter shall also confirm Council's direction that such additional information shall be to the satisfaction of City staff and shall reflect the level of detail commensurate with the entitlements sought for the project at this time.

Very truly yours,


George E. Phillips

Attachment

cc: City Council
David Jinkens
Phil Carter
Brad Geier
Martin Feletto
Ed Gillum
Linda Bozung

EXHIBIT A
Written Assurances
Provided by the Applicant to Provide the
City of Elk Grove
With Additional Information

RESOLUTION NO. 2001-08

ARTICLE 6: SPA SPECIAL PLANNING AREA LAND USE ZONE

235-90. Purpose

~~The purpose of this Article is to establish a procedure whereby the Board or the Commission may initiate proceedings to regulate property in areas throughout the County area that have unique environmental, historic, architectural, or other features which require special conditions not provided through the application of standard zone regulations. It is recognized that in certain circumstances it may be desirable to provide for a greater range or mixture of uses in an area than would be permitted in the standard land use zones of this Code. It is the purpose of this Article to provide the method for the County to guide the development of such areas so as to preserve such unique characteristics or provide for a broader mixture of land uses when appropriate.~~

The Special Planning Area (SPA) process is established to provide the opportunity for unique and imaginative planning standards and regulations not provided through the application of standard zoning districts.

Where it is used as part of a land use master plan, the SPA zone encourages the creative and imaginative planning of integrated, mixed-use developments which provide a balance of residential, commercial, industrial, open space, and support land uses.

Where it is used in conjunction with a development project (a conditional use permit, tentative map, or other project), the SPA process is used to provide detailed site planning, landscaping, and other requirements and standards which will govern a particular project.

Once approved, a Special Planning Area will contain land use regulations and development standards that replace certain provisions of this Zoning Code. In this sense, each SPA will be the Zoning Code for the properties that it governs. Thus, a Special Planning Area ordinance must contain sufficient detail to allow City staff to implement its provisions and to describe to developers how properties within a SPA area may be developed. Where no specific standard is contained in a Special Planning Area ordinance (for example, parking or landscaping standards), the applicable provisions of the Zoning Code shall govern.

235-91. Designation

The abbreviation SPA appearing on a comprehensive zone plan incorporated in Title I, Chapter 1, Article 4 of this Code indicates that the property so classified is subject to the provisions of this Article and an ordinance adopted pursuant to this Article.

235-92. Initiation of ~~Zone~~ Special Planning Area Zoning

~~Only the Board or the Commission may initiate by resolution the proceedings to place parcels within the SPA Land Use Zone. Said resolution shall include reasons for initiating the SPA Land Use Zone.~~

Proposals to prepare a Special Planning Area may be initiated by the City of Elk Grove or by any person in the same manner as a Change of Zone as provided in this Zoning Code.

235-93. Mandatory Contents of Spa Ordinance

An SPA Zone shall be established by ordinance, and ~~provisions shall be included in each SPA Ordinance for the following matters:~~

- ~~(a) A list of permitted uses.~~
- ~~(b) Performance and development requirements relating to yards, lot area, intensity of development on each lot, parking, landscaping, and signs.~~
- ~~(c) Other design standards appropriate for the specific site and development.~~
- ~~(d) Legal description of property covered by the ordinance.~~
- ~~(e) Reasons for establishment of an SPA Land Use Zone on the particular property.~~

shall set forth in text, maps, and diagrams the following:

- (1) An existing setting description which includes:
 - A. A description of the physical characteristics of the site. The location of structures and other significant improvements shall be shown.
 - B. Available public services and facilities;
 - C. The capacity of the existing and planned circulation system; and
 - D. The existing and planned land use of adjacent properties within 1,000 (one thousand) feet.
 - E. A boundary survey map of the property and a calculation of the gross land area within the proposed district. A tentative subdivision map may be substituted if the applicant proposes to subdivide the property
- (2) A discussion of specific objectives and limits for development of the property which recognize and respond to identified opportunities and constraints of the SPA area.
- (3) Proposed land uses which correspond to the land use categories established by the General Plan, and a statement of how the SPA relates to the General Plan. The density ranges of residential uses must correspond to density ranges established in the General Plan.

- (4) A land use plan identifying areas within the proposed SPA and uses to be developed, supported by such related planning and development data as the City may require, including but not limited to: proposed or projected acreage, population, housing units, and employment. The distribution of land uses shall be expressed in terms of acreage and the total number of residential units and/or square footage of non-residential buildings allowed
- (5) A circulation plan showing existing and proposed public and private streets, pedestrian ways, trails, and related transportation access or circulation features required to serve the proposed development. The circulation plan shall be supported by schematic designs of principal traffic and circulation improvements and such traffic engineering data as required by the City to demonstrate that existing and proposed facilities, both within and outside the zone, shall be adequate to serve land uses proposed by the development plan.
- (6) A development plan and preliminary time schedule indicating the general phasing or anticipated schedule indicating the total phasing of the SPA and areas to be developed in phases and the anticipated time schedule for beginning of construction and for completion of each phase of development. This is specifically intended to be a generalized schedule and may be adjusted according to market constraints as the community develops.
- (7) Development standards for each of the proposed land use categories, including, but not limited to, regulations specifying:
- A. Permitted, Conditionally Permitted, and Prohibited Land Uses
 - B. Setbacks
 - C. Building heights
 - D. Site coverage
 - E. Parking
 - F. Provision of open space
 - G. Grading
 - H. Design Guidelines, including site planning, architectural, and landscaping guidelines specific to the project.
 - I. Signs
 - J. Nonconforming uses, structures, and signs
- (8) A preliminary report and overall plan describing anticipated requirements and proposed means of providing utility facilities and public services, including but not limited to, storm drainage, sewage disposal, water supply, parks and recreation, and school facilities.
- (9) Significant natural features and areas to be retained for common open space, and provisions for preserving, maintaining, and using those area.
- (10) Known man-made and natural hazards, and the methods for mitigating the impacts of these hazards.

~~235-94. Additional Permissive Contents of Spa Ordinance~~

~~The following provisions are permissive and are not intended to be an exclusive list of the provisions which may be included in an SPA Ordinance.~~

- ~~(a)~~
- ~~(11)~~ Procedure for review of proposed development. The procedures may include:
 - ~~(1 A)~~ Types of projects that require review, and the reviewing and approving authority for each type of project.
 - ~~(2 B)~~ Documents required from developers.
 - ~~(3 C)~~ Review and Hearing procedures, if any.
- ~~(b)~~ Regulations relating to nonconforming lots, uses, structures, and signs.
- ~~(e)~~
- ~~(12)~~ If an SPA incorporates by reference any provision of this Zoning Code, this shall be specifically stated in the SPA. Reference may be made only to the most current version of the Zoning Code in effect at the time a permit is issued; the SPA may not be used to "vest" standards in this Zoning Code in effect at the time of the SPA's approval.

235-95. Findings for Approval or Amendment of SPA Ordinance

~~An SPA Ordinance shall not be adopted unless the following findings are made:~~

- ~~(a) The area included within the SPA Zone has one or more unusual environmental, historical, architectural, or other specified significant features which justify the adoption of the SPA Zone.~~
- ~~(b) The said unusual features cannot adequately be protected by the adoption of any other land use zone.~~

Prior to adopting or amending an SPA Ordinance, the City Council shall make the following findings:

- (1) That the proposed Special Planning Area is consistent with the goals, policies, and objectives of the General Plan; and
- (2) That the proposed Special Planning Area meets the requirements set forth in this Article.

235-96. Application for Amendment to the SPA Land Use Zone

- (1) The procedures for amending an SPA Land Use Zone adopted pursuant to this Article shall be the same as for any amendment to the Zoning Code, as set forth

in Title I, Chapter 15, Article 2 including an application ~~therefore~~ pursuant to the provisions of Section 115-12.

- (2) Any SPA which does not comply with the requirements of this Article which is amended shall be updated to comply with all of the content requirements contained in this Article.

~~235-97. — Signs~~

~~Signs and permitted advertising devices may be erected in the Special Planning Area subject to the development standards of Title III, Chapter 35. Where specific conditions of the SPA are less or more restrictive than the development standards, the conditions shall apply.~~

Exhibit B

Lent Ranch Marketplace Special Planning Area

