

RESOLUTION NO. 2002-152

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE ADOPTING A CONDITIONAL USE PERMIT FOR A DRIVE-THROUGH WINDOW AND A 25-FOOT TALL FREE-STANDING SIGN, PROJECT #EG-01-202

WHEREAS, (hereinafter referred to as Applicant) filed an application with the City of Elk Grove (hereinafter referred to as "City") for a conditional use permit for a drive through window, and an over height freestanding sign in the Special Sign Corridor; and

WHEREAS, an Negative Declaration/Initial Study was prepared for this project and a Notice of Intent to Adopt a Negative Declaration was prepared and circulated according to the requirements of the California Environmental Quality Act (CEQA) Section 31507.4; and

WHEREAS, a duly advertised public hearing notice; in accordance with Government Code Section 65090 et al. and a public hearing was conducted by the City Council on August 21, 2002; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ELK GROVE HEREBY RESOLVES AS FOLLOWS:

1. Approves a Conditional Use Permit to allow a drive through window for a Krispy Kreme doughnut store and a maximum 25-foot free-standing sign, based on the findings and evidence contained in this resolution and the attached conditions.

Finding: The drive through window for the Krispy Kreme and the over-height freestanding sign would not be detrimental or injurious to the health, safety and welfare of persons residing in the neighborhood of the proposed use.

Evidence: The drive through window for Krispy Kreme is oriented away from the residential development to the east, so as to not impact those properties with nuisance noise from the intercom system or vehicular traffic. The majority of the traffic would ingress and egress the site from Bond Road.

The 25-foot freestanding sign would not significantly impact the Special Sign Corridor along Highway 99. The sign is consistent with other signs approved in the same corridor, and would provide reasonable site identification for the new Krispy Kreme store.

PASSED AND ADOPTED by the City Council of the City of Elk Grove on the 21st day of August 2002.



RICK SOARES, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK
CITY ATTORNEY

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,

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

Exhibit A: Conditions of Approval
Krispy Kreme Center, EG-01-202

Conditions of Approval		Enforcement/ Monitoring	Verification Date and Signature of Monitor
General Conditions			
1.	The development approved by this action is for the rezone of RD-5 Single Family Residential to LC Limited Commercial and a Use Permit for the drive-up window for the Krispy Kreme doughnut store, and a maximum 25 foot height single tenant (Krispy Kreme) pole sign, along with the site plan, building elevations and exterior materials and colors, as shown on the approved exhibits dated 8/21/2002. Additional tenants on the pole sign are permitted, subject to the approval of the Planning Commission.	City of Elk Grove	
2.	This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.	City of Elk Grove	
3.	The Applicant shall hold harmless the City, its Council Members, its Planning Commission, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.	City of Elk Grove	
4.	Compliance with all adopted City of Elk Grove codes and regulations, including but not limited to the Elk Grove Municipal Code & Zoning Ordinance, Uniform Building Code and Uniform Fire Code and Sacramento County Environmental Health Department Standards.	City of Elk Grove	
5.	Offsite drainage improvements and easements shall be provided pursuant to the Elk Grove Floodplain Management Ordinance and the City of Elk Grove Improvement Standards to the existing twin 21-inch cross-culverts.	Water Resources	
6.	Unless otherwise noted, all improvements and fees shall be at the expense of the developer, including any fee required by Ordinance No. 1 of the Sacramento County Water Agency Code.	Water Resources	

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7.	All commercial buildings exceeding 3,599 square feet shall be equipped with an approved automatic fire sprinkler system.	CSD-Fire	
8.	Permits and/or fees are required for the following reviews: civil plans, architectural plans, fire sprinkler plans and fire alarm plans. Additional permits and fees may apply depending upon the scope of the project.	City of Elk Grove	
9.	The project shall comply with the City's Land Grading and Erosion Control Ordinance.	Water Resources	
10.	Individual containers of beer and wine less than 750 ml and fortified wines shall not be sold from the convenience store.	Planning Division	
Conditions Required Prior to Grading			
11.	<p>Prior to approval of Improvement Plans, the project must demonstrate the following items to the satisfaction of the Department of Water Resources:</p> <p>a) Provide non-potable water for use during grading and construction, which could be an existing agricultural well; and a non-potable water distribution system to the satisfaction of the Sacramento County Water Agency.</p> <p>b) After final grading, destroy all wells on the project site in accordance with the requirements of the Sacramento County Environmental Health Division. Clearly show all abandoned wells on the improvement plans for the project;</p>	Water Resources	
Conditions Required Prior to Issuance of Building Permits			
12.	The property owner shall pay development impact fees in accordance with the Elk Grove/ West Vineyard Public Facilities Financing Plan Development Fee Program as adopted by the City of Elk Grove on July 1, 2000 and October 25, 2000, including any authorized adjustments and updates thereto.	Infrastructure Finance Section, Public Works Agency	
13.	The project shall be constructed in substantial compliance with the approved plans. All proposed changes from approved exhibits shall be submitted to the Community Development Director who shall decide if they warrant Planning Commission and City Council review and, if so decided, said changes shall be submitted for the Commission's and Council's review and decision. The developer shall pay the prevailing fee for each	Planning Division	

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	additional separate submittal of development exhibits requiring Planning Commission and/or City Council review and approval.		
14	A site photometric plan shall be reviewed and approved to ensure all light sources are directed away from and not visible from the adjoining residential neighborhood. The photometric plan will indicate the cumulative light from all buildings and light standards upon the site surface.	Planning Division	
15	Final design of the sign shall be approved by Planning staff.	Planning Division	
16	Applicant shall include all conditions of approval for the Certificate of Occupancy in the notes of all building plans.	Planning Division	
17	All required roadways, water mains, fire hydrants and fire flow shall be provided prior to the existence of any combustible construction or storage in this development. The roadways shall be constructed to a 20-foot minimum width with a minimum of 3 inches of AC over 6 inches of AB and shall have good drainage.	CSD – Fire	
18	A permit release letter from the Elk Grove Community Services District Fire Department shall be required prior to the Building Department issuing any construction permits.	CSD – Fire	
19	All sewer impact fees levied by CSD-1 shall be paid in accordance with SD-1 Sewer Rate Ordinance SDI 0039 and Regional Connection Fee Ordinance SRCSD-0082. Facilities Impact Fees are subject to revision March 1 st of each year.	SRCSD-1	
20	The project, the project proponent shall pay Zone 40 development fees applicable at the time of building permit issuance in accordance with Sacramento County Water Agency Ordinance No. 18.	Water Resources	
21	The size, number and location of driveways shall be in accordance with the City of Elk Grove Improvements Standards and to the satisfaction of the Public Works Department. <i>Note: A driveway width must be at least 150 feet from the intersection and constructed to Public Works satisfaction.</i>	Public Works	

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Conditions Required Prior to Certificate of Occupancy			
22	All real property within the boundaries of the proposed project is within a benefit zone of the District Wide Landscape & Lighting Assessment District. The owners of all real property within the boundaries of the project shall execute and deliver to the Elk Grove Community Services District a written petition in an acceptable form approved by the District consenting to: (i) the formation of the existing District Wide Assessment District and the methodology adopted to allocate the cost to the various land uses; (ii) when necessary the annexation to the appropriate zone of benefit created to fund urban services, (iii) the budget, formulas and cost of living indexes used to establish the amount of the annual assessments; and (iv) the levying of the annual assessment to fund the maintenance, operation and in some instances the existing capital costs of parks, parkways, corridors, medians, open space, trail systems, lakes, creeks, and other recreational and aesthetic amenities.	EGCSD	
23	Separate water service shall be provided to each parcel and water easements shall be dedicated to the satisfaction of the Sacramento County Water Agency.	Water Resources	
24	On-site source control measures are required for this project in accordance with the latest version of the Guidance Manual of On-site Storm Water Quality Control Measures. On-site treatment may be required if determined feasible by the Department of Water Resources. The final design for the on-site source and on-site treatment controls will be approved by the City of Elk Grove Department of Water Resources.	Water Resources	
25	On-site source and treatment control measures are required for this project in accordance with the latest version of the Guidance Manual of On-site Storm Water Quality Controls Measures. The final design of the proposed on-site source and treatment controls will be approved by the City of Elk Grove Department of Water Resources.	Water Resources	
26	Dedicate drainage easements, and install facilities pursuant to the Elk Grove Floodplain Management Ordinance, Sacramento County Water Agency Code, and Elk Grove Improvement Standards, including any fee required by the Sacramento County Water Agency Code.	Water Resources	

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27	Install sidewalk along the Bond Road and East Stockton Blvd frontage and a raised median on East Stockton Blvd south of the intersection of Bond Road and East Stockton Blvd in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of the Public Works. <i>Note: the raised median must extend at least 50 feet beyond the southern edge of the driveway.</i>	Public Works	
28	The Krispy Kreme applicant shall present a temporary traffic control plan for the first 30 days of operation, to the satisfaction of the Department of Transportation, Public Works.	Public Works	
29	Sacramento County Improvement Standards apply to on-site sewer construction. Provisions for public sewer easements are required and payment of all applicable fees. The sewer easements shall be dedicated to CSD-I, be a minimum of twenty (20) feet in width and ensure continuous access for maintenance.	SRCSD	
30	The builder shall construct, in substantial compliance with the approved plans, the architectural design of the project, including but not limited to the building design, exterior materials, colors, landscaping, fences and walls, trash enclosures and lighting fixtures, to the satisfaction of the Director of Community Development	Planning Division	
31	All roof mounted mechanical equipment shall be screened from view from all streets and public spaces. The screen material shall be constructed of metal and painted to match the color of the building.	Planning Division	
32	Install a 10-inch water line that connects to existing 8-inch water line. The new 10-inch line shall tie into Citizen's water line on parcel APN 116-0090-029 to achieve two points of connection. If a permanent connection can not be made then a stub out for future development shall be installed and further review shall be required.	CSD- Fire	
33	Provide a 10-inch water line stub out for the existing residential parcel, not a part of the current project.	CSD – Fire	
34	Relocate existing hydrant to the west of the proposed entry into the commercial area off of New Bond Road and upgrade the hydrant to a Clow 960.	CSD – Fire	

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35	Add fire hydrants at each parcel a maximum of 300 feet apart as shown on the preliminary grading plan.	CSD – Fire	
36	The installation of on-site or off-site fire protection equipment, including fire hydrants and water mains, shall meet the standards of the EGCSDFD and the water purveyor having jurisdiction.	CSD – Fire	
37	This development is required to provide a fire flow from public water system capable of delivering as a minimum 1,500 gpm. Hydrants shall be spaced a maximum of 300 feet apart. Buildings of certain types of construction, size and use may need additional fire flow or the application of mitigating efforts to meet fire flows above this minimum.	CSD – Fire	