

ORDINANCE NO. 28-2002

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE CITY OF ELK GROVE EAST FRANKLIN SPECIFIC PLAN LAND USE MAP AMENDMENT FROM RESIDENTIAL TO NEIGHBORHOOD COMMERCIAL, AND REZONE FROM AG-20 AND RD-5 TO COMMERCIAL ON ASSESSOR PARCEL NUMBER 132-0050-003 POPPY RIDGE PLAZA EG-01-214

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 to amend the East Franklin Specific Plan as shown on attached Exhibit B.

Section 2: Findings

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, comments received, and the whole record, there is no substantial evidence that the project will have a significant adverse impact on the environment.

Finding: The proposed Amendment to the East Franklin Specific Plan and rezone is in the public interest. (Section 65358(a) of the Government Code and the Plan Administration Element of the Elk Grove General Plan).

Evidence: The City Council has reviewed the proposed amendment to the East Franklin Specific Plan and rezone, reviewed the staff report, and has received public testimony at a duly noticed public hearing regarding the matter. The applicant's proposal is consistent with the allowed density ranges and uses in the General Plan. The proposed amendment is consistent with the Plan's objectives of orderly and systematic development 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 as shown on Exhibit A and amends the East Franklin Specific Plan as shown on Exhibit B, subject to approval of the General Plan Amendment for this project and 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

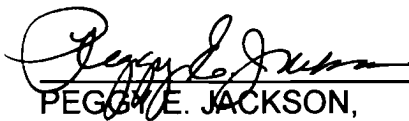
This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within 15 days after its passage, a summary of the ordinance may be published at least five days prior to and fifteen (15) days after adoption by the City Council and a certified 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 4th day of September 2002.



RICK SOARES, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON,
CITY CLERK

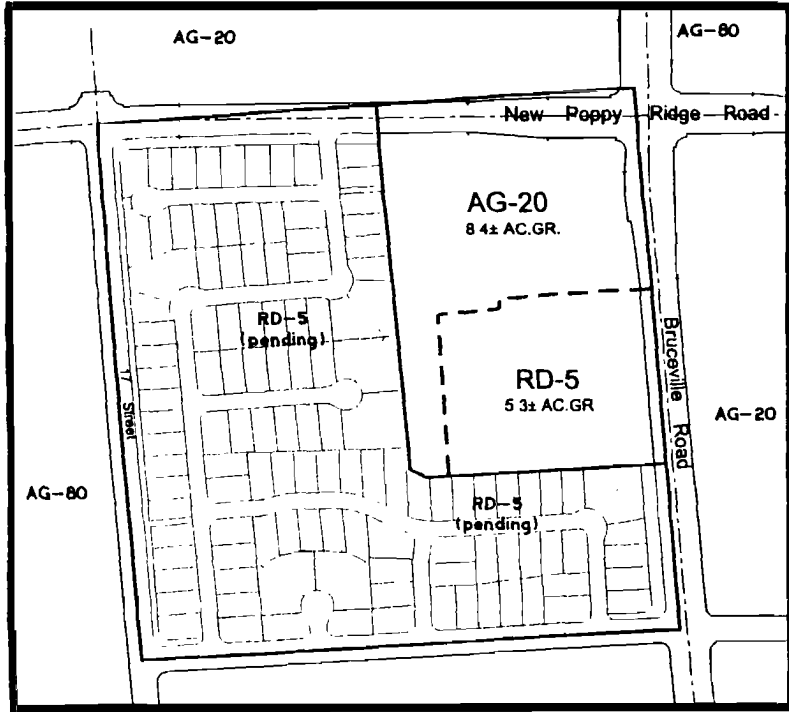
APPROVED AS TO FORM:



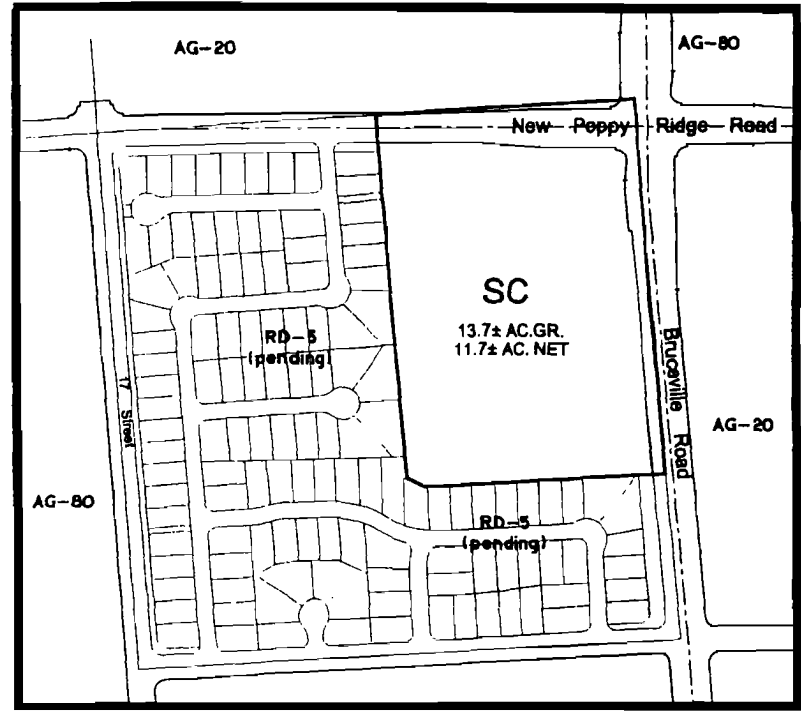
ANTHONY B. MANZANETTI,
CITY ATTORNEY

EFFECTIVE DATE: OCTOBER 4, 2002

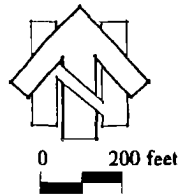
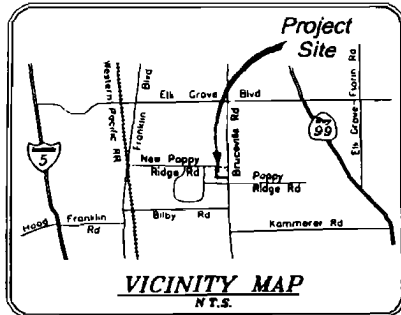
**AYES: Soares, Briggs, Scherman,
Leary, Cooper**
NOES: None
ABSTAIN: None
ABSENT: None



Current Zoning



Proposed Zoning



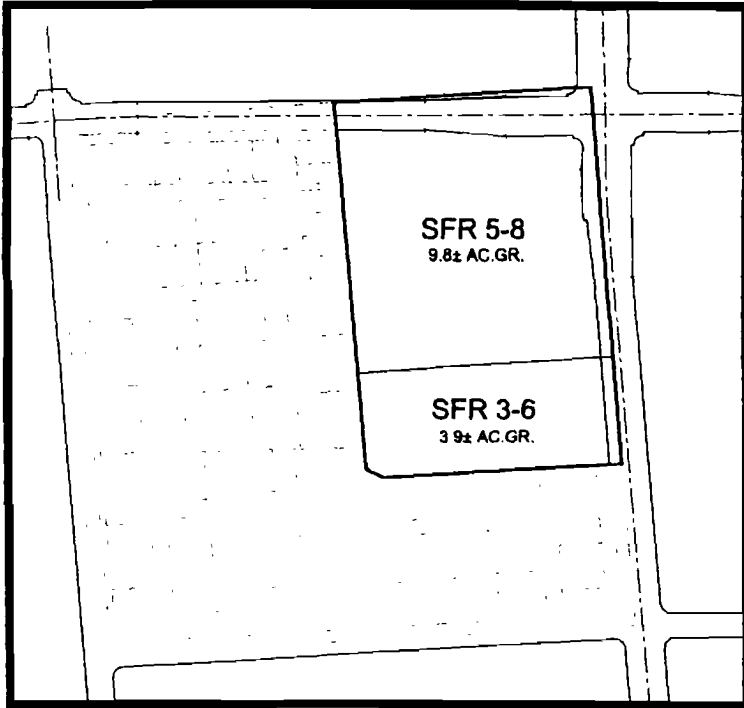
Rezone Exhibit
Poppy Ridge Plaza

City of Elk Grove, California
October, 2001 Scale 1"=200'

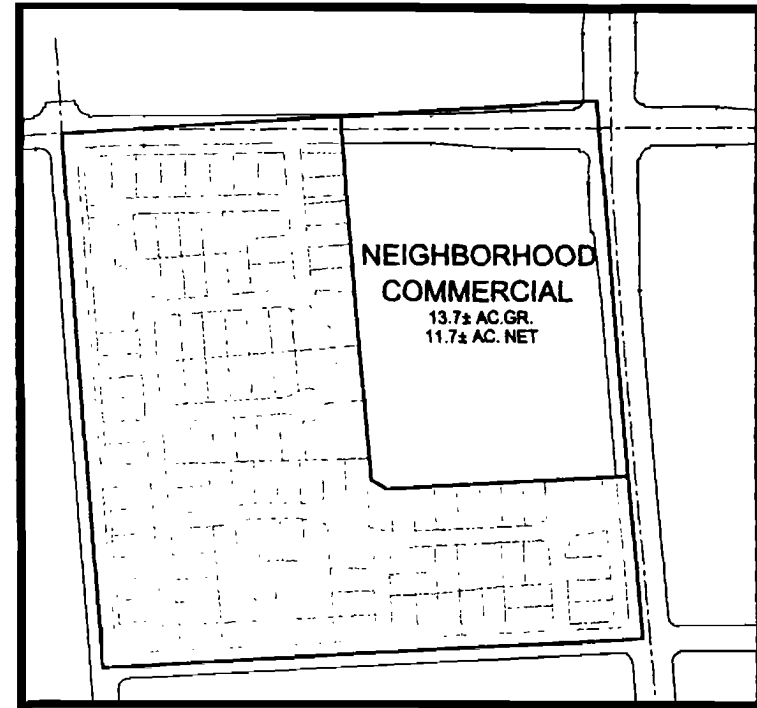
BRACKLEY & SOMPS
CIVIL ENGINEERS, INC.
12400 E. 15th Ave. Suite 200
Denver, CO 80231

7686-50

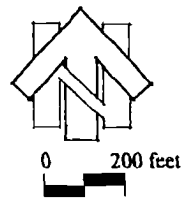
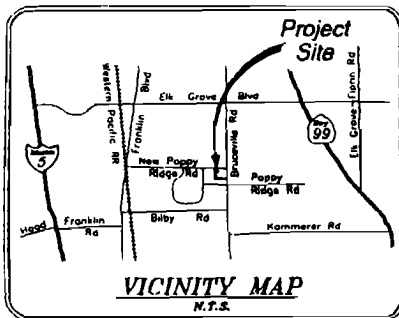
EXHIBIT A



Current Specific Plan



Proposed Specific Plan



Specific Plan Amendment Exhibit

Poppy Ridge Plaza

City of Elk Grove,

California

October, 2001

Scale 1"=200'

HASKAY & SONS
CIVIL ENGINEERS, INC.
SACRAMENTO, CALIFORNIA

7686-50

EXHIBIT B