

ORDINANCE NO. 39-2002

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING THE CITY OF ELK GROVE FRANKLIN-LAGUNA COMMUNITY PLAN
FROM AGRICULTURE RESIDENTIAL 5 TO RESIDENTIAL DENSITY 7, AND
APPROVING A REZONE FROM AR-5 TO RD-7 ON ASSESSOR PARCEL NUMBER
116-0021-003, PARK MEADOWS NORTH, EG-01-170**

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 and the Franklin-Laguna Community Plan as shown on attached Exhibit A.

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 Franklin-Laguna Community 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 Franklin-Laguna Community 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 and the Franklin-Laguna Community Plan as shown on 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 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 6th day of November 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

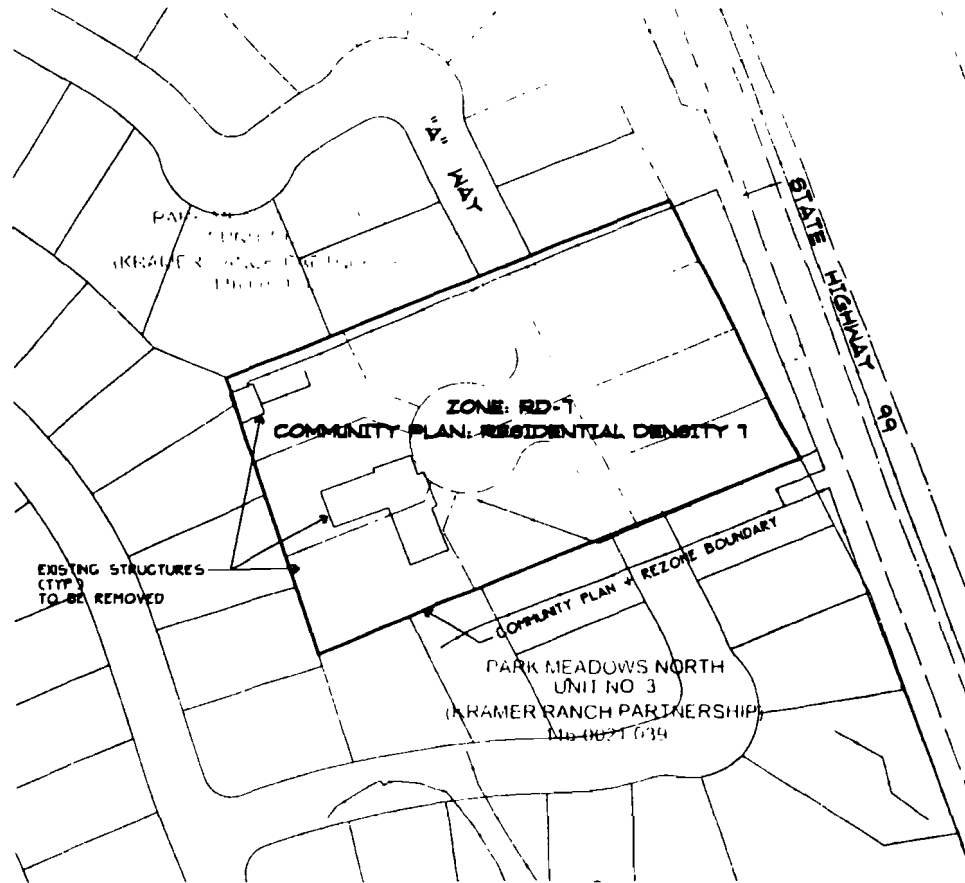
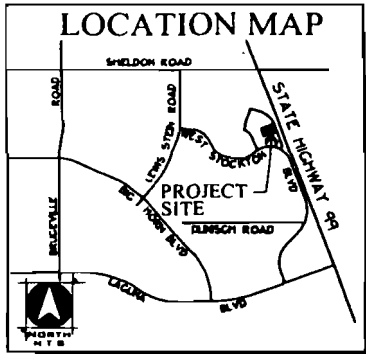
AYES: Soares, Briggs, Cooper
Scherman, Leary

NOES: None

ABSTAIN: None

ABSENT: None

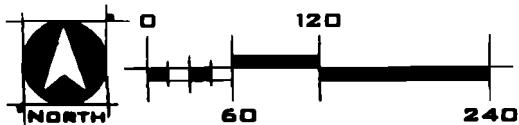
COMMUNITY PLAN AMENDMENT & REZONE EXHIBIT **A**
PARK MEADOWS NORTH
 (HAIGHT PARCEL)
 CITY OF ELK GROVE, CALIFORNIA
 OCTOBER 1, 2001
 (REVISED MARCH 11, 2002)



PROJECT NOTES

- ASSESSOR'S PARCEL NO.**
116-002-003
- APPLICANT/DEVELOPER/OWNER**
ART DEVELOPMENT CORPORATION
7700 COLLEGE TOWN DRIVE STE #101
SACRAMENTO, CA 95816
CONTACT: MARK ENES
PHONE: (916) 363-2500
- PLANNER/ENGINEER**
WOOD-RODGERS INC.
3301 C STREET, BLDG 100-B
SACRAMENTO, CA 95816
CONTACT: DONNA PRADOSO/STEVE BALBERZ
PHONE: (916) 341-7760
- AREA OF TENTATIVE SUBMISSION MAP**
1.71 ACRES GROSS
- NUMBER OF LOTS**
9 SINGLE FAMILY RESIDENTIAL LOTS
- EXISTING + PROPOSED USE**
SINGLE FAMILY RESIDENTIAL
- EXISTING + PROPOSED GENERAL PLAN**
LDR
- EXISTING COMMUNITY PLAN**
AGRICULTURAL RESIDENTIAL 3
- PROPOSED COMMUNITY PLAN**
RESIDENTIAL DENSITY 7
- EXISTING ZONING**
AR-5
- PROPOSED ZONING**
RD-7
- PARK DISTRICT**
ELK GROVE COMMUNITY SERVICES DISTRICT
- FIRE PROTECTION**
ELK GROVE COMMUNITY SERVICES DISTRICT
- SCHOOL DISTRICT**
ELK GROVE UNIFIED SCHOOL DISTRICT
- SEWER**
SACRAMENTO COUNTY SANITATION DISTRICT #1
- STORM DRAIN**
COUNTY OF SACRAMENTO
- WATER**
COUNTY OF SACRAMENTO
- ELECTRICITY**
SMUD
- GAS**
PG&E
- NOTES**
1. A 12.5 P.U.E. SHALL BE LOCATED ADJACENT TO ALL PUBLIC RIGHTS-OF-WAY

Exhibit A



WOOD RODGERS INC.
 ENGINEERING PLANNING MAPPING SURVEYING
 3301 C STREET, BLDG. 100-B SACRAMENTO, CA 95816
 PHONE: (916) 341-7760 FAX: (916) 341-7767