

RESOLUTION NO. 2016-082

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
APPROVING A CONDITIONAL USE PERMIT AND MAJOR DESIGN REVIEW
FOR THE DUTCH BROS COFFEE AT SHELDON PROJECT (EG-15-042);
ASSESSOR PARCEL NUMBER 115-0170-037**

WHEREAS, the Development Services Department of the City of Elk Grove received an application on September 30, 2015, from Dutch Bros Coffee (the Applicant), requesting a Conditional Use Permit and Major Design Review (the Project); and

WHEREAS, the proposed Project is located on real property in the incorporated portions of the City of Elk Grove more particularly described as Assessor Parcel Number (APN): 115-0170-037; and

WHEREAS, the Project qualifies as a project under the California Environmental Quality Act (CEQA), Public Resource Code §21000-§21189.3, but is exempt; and

WHEREAS, Section 15303 (New Construction or Conversion of Small Structures) of Title 14 of the California Code of Regulations, (State CEQA Guidelines) provides an exemption from CEQA for projects meeting all conditions described; and

WHEREAS, based on staff's review of the Project, no special circumstances exist that would create a reasonable possibility that granting a Conditional Use Permit and Major Design Review will have a significant effect on the environment; and

WHEREAS, the Development Services Department considered the Project request pursuant to the Elk Grove General Plan, the Elk Grove Municipal Code Title 23 (Zoning), and all other applicable State and local regulations; and

WHEREAS, the Planning Commission held a duly noticed public hearing on Thursday, April 7, 2016, as required by law to consider all of the information presented by staff, information presented by the Applicant, and public testimony at the meeting and voted 5-0 to recommend approval of the Project to the City Council.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Elk Grove hereby finds the proposed Dutch Bros Coffee at Sheldon Project (EG-15-042) exempt from the provisions of CEQA pursuant to Section 15303 (New Construction of Small Structures) of the State CEQA Guidelines based upon the following finding:

California Environmental Quality Act (CEQA)

Finding: The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Section 15303 of Title 14 of the California Code of Regulations.

Evidence: CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures) of Title 14 of the California Code of Regulations. CEQA Guidelines Section 15303 applies to construction and location of limited numbers of new, small facilities or structures. The project proposes to amend the site plan for the Sheldon Crossing Retail Center to allow for construction of a small drive-through coffee kiosk on a vacant 0.57-

acre pad within a developed 3.23-acre shopping center. No special circumstances exist that granting a Conditional Use Permit and Major Design Review to amend the site plan for the Sheldon Crossing Retail Center to construct an 800 square foot drive-through coffee kiosk would create a significant adverse effect on the environment.

AND, BE IT FURTHER RESOLVED, that the City Council of the City of Elk Grove hereby approves the Conditional Use Permit and Major Design Review for the Dutch Bros Coffee at Sheldon Project (EG-15-042) as described in Exhibit A and illustrated in Exhibit B, and subject to the Conditions of Approval in Exhibit C, all incorporated herein by this reference based upon the following findings:

Conditional Use Permit

Finding#1: The proposed use is consistent with the General Plan and all applicable provisions of the Zoning Code.

Evidence: The General Plan land use designation for the subject property is Commercial and the zone district is GC – General Commercial. The proposed drive-through is a conditionally-allowed use within the GC zone, based on conditions of approval which were included as part of the previous Sheldon Crossing Retail Center Project (EG-03-560). Thus, the issuance of a Conditional Use Permit for the Dutch Bros Coffee at Sheldon Project would maintain consistency with the General Plan and Zoning Code.

Finding #2: The establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use, or the general welfare of the City.

Evidence: The proposed drive-through coffee kiosk would be located on a vacant pad within a developed 3.23-acre shopping center. Two drive-through aisles are proposed, both of which run east-to-west on opposite sides of the building. These aisles would provide 266 feet of total stacking distance, which is 86 feet more than the minimum required for drive-through facilities (180 feet). Pedestrian crossings would utilize truncated domes to increase safety for locations where accessible paths of travel cross vehicular traffic paths. The proposed site plan is consistent with Zoning Code development standards for the GC zoning district. The building meets the minimum setback requirements. The Project has sufficient landscaping to meet the parking lot shading and street tree requirements. All drive-through facility dimensions have been designed to meet the standards of Chapter 23.78 of the Municipal Code. A traffic study was prepared which concluded that the proposed Project would not create a significant impact to the internal circulation of the center or the circulation of Sheldon Road and Elk Grove Florin Road. As such, the proposed assembly use would not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area.

Design Review

Finding #1: The proposed Project is consistent with the objectives of the General Plan, complies with applicable Zoning regulations, Specific Plan provisions, Special Planning Area provisions, Citywide Design Guidelines, and Improvement Standards adopted by the City.

Evidence: The site plan and building elevations have been reviewed in accordance with the General Plan, Zoning Code, and Citywide Design Guidelines. It has been concluded that the modification to the site plan would properly accommodate traffic without creating a significant impact to the internal circulation of the center or the circulation of Sheldon Road and Elk Grove Florin Road. The modified site plan meets all applicable development standards prescribed by the Zoning Code and Citywide Design Guidelines; including, but not limited to setbacks, building height, site access, lighting, landscaping, and parking. The proposed building has a consistent theme and color pallet that extends to all elevations and is compatible with the surrounding commercial shopping center. The proposed design would utilize primarily stucco which has been chosen to closely match the existing buildings. The kiosk would also utilize a stone veneer around the base which would closely resemble the stone veneer wainscot and column base of the buildings. The proposed design is consistent with the architecture and site planning requirements established by the Elk Grove Design Guidelines.

Finding #2: The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community.

Evidence: The proposed architecture, site design, and landscaping are suitable for the buildings and site and will enhance the character of the neighborhood. The colors for the kiosk have been designed to match those of the existing shopping center. There will be a variety of landscaping materials on all sides of the building which comply with Zoning Code requirements. Thus, the proposed site design and building elevations provide all design elements required by the Citywide Design Guidelines and Zoning Code, including consistent detailing of the architectural style, application of a consistent color palette throughout the Project, and providing sufficient pedestrian connectivity and landscaping.

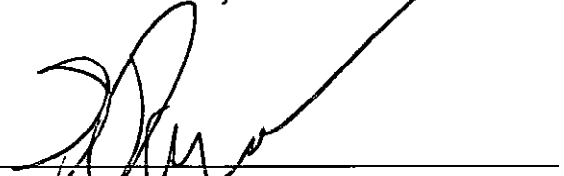
Finding #3: The architecture, including the character, scale and quality of the design, relationship with the site and other buildings, building materials, colors, screening of exterior appurtenances, exterior lighting and signing and similar elements establishes a clear design concept and is compatible with the character of buildings on adjoining and nearby properties.

Evidence: In order to provide visual interest and reduce building massing, the building facade incorporates a corporate design including a sharply-peaked roofline, horizontal stone veneer banding, columns, and stucco. The building roofline varies in height ranging between 16.5 feet at the covered drive aisles and approximately 26 feet at the peak of the roof. The proposed building meets the required setbacks and does not exceed the height limit as established in the Zoning Code for commercial development.

Finding #4: The proposed Project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation.

Evidence: The proposed Project will include pedestrian access from Elk Grove Florin Road and internal pedestrian pathways. These features will provide for and will not create conflicts with pedestrian transportation. Vehicular circulation is provided for throughout the entire shopping center. Five (5) bicycle parking spaces are proposed on the west side of the building, which complies with City standards. These features will enhance the pedestrian connectivity as well as vehicular and bicycle access to the site, and will not create conflicts with other vehicular, bicycle or pedestrian circulation.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 11th day of May 2016.




GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

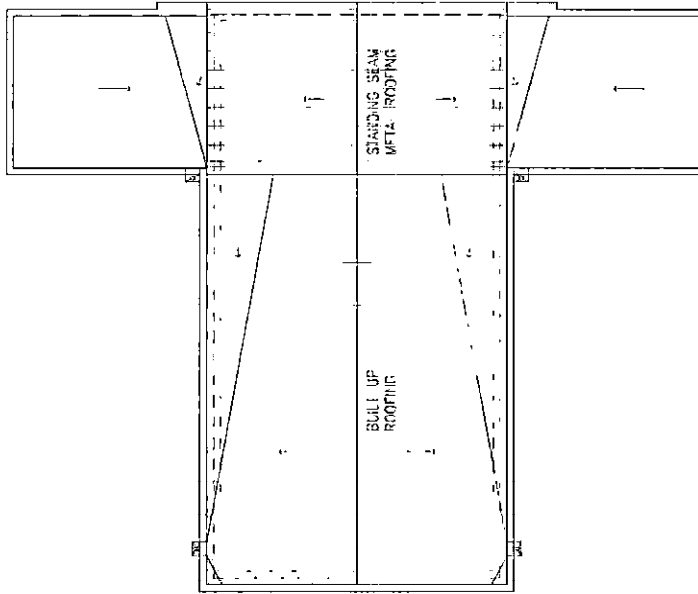
Exhibit A
Dutch Bros Coffee at Sheldon Project (EG-15-020)
Project Description

PROJECT DESCRIPTION

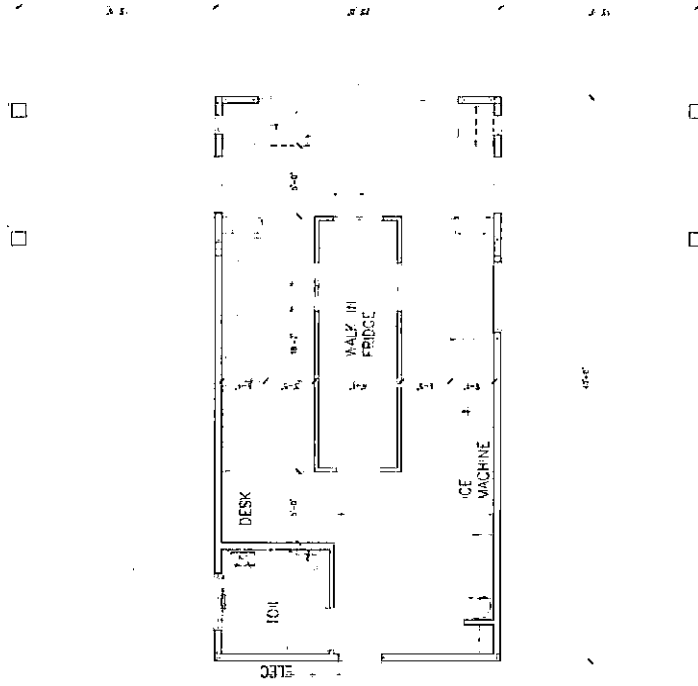
The Applicant is requesting approval of a Conditional Use Permit and Major Design Review to amend the site plan for the Sheldon Crossing Retail Center to construct a new, approximately 800 square foot drive-through coffee kiosk on a vacant pad within the existing Sheldon Crossing Retail Center. Drive-through lanes would be installed on both the north and south of the building to allow service from both sides.

The original approval for the center (EG-03-560) requires drive-through uses to be approved by the City Council through a revised site plan. In addition, the proposed Project is located within 1,000 feet of a Rural Residential General Plan designation, therefore requiring a drive-through use to additionally obtain a Conditional Use Permit.

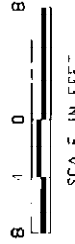
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ROOF PLAN
SCALE: 1/8" = 1'-0"



FLOOR PLAN
SCALE: 1/8" = 1'-0"
SCALE: 1/8" = 1'-0"



A3 FLOOR PLAN

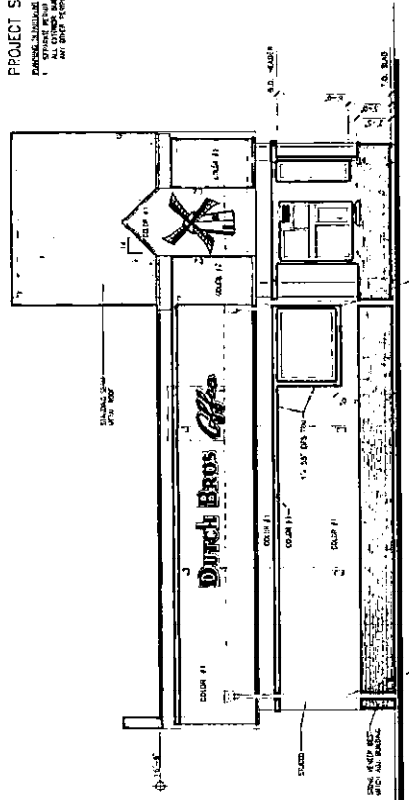


DUTCH BROS Office
2531 SHF DON RD
ELK GROVE, CA, 95624

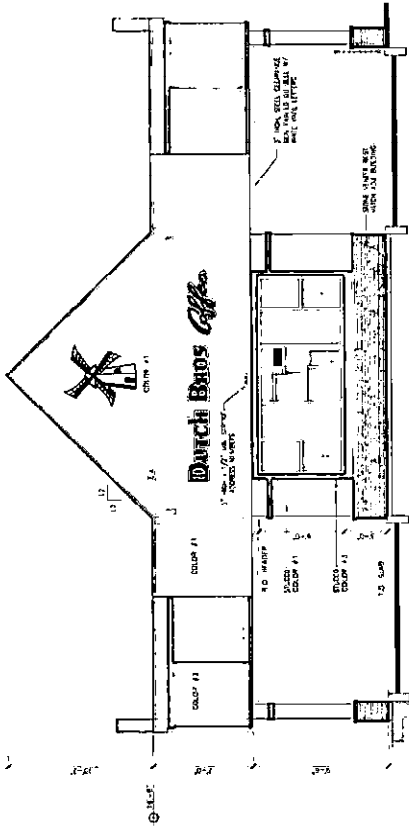
CSHGA
FEBRUARY 15, 2016
5196

PROJECT SITE NOTES:

PERMISSIONS: ALL PERMITS AND APPROVALS SHALL BE OBTAINED BY THE ARCHITECT PRIOR TO CONSTRUCTION. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.

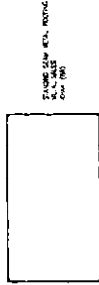


LEFT ELEVATION
SCALE 1/8" = 1'-0"



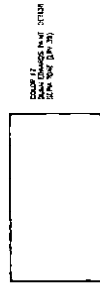
FRONT ELEVATION
SCALE 1/8" = 1'-0"

INTERIOR FINISHES:
 FLOOR - 1/2" CERAMIC TILE, 12" X 12", LIGHT GREY
 WALLS - 1/2" GYPSUM BOARD, PAINTED WHITE
 CEILING - 1/2" GYPSUM BOARD, PAINTED WHITE
 DOORS - 1/2" GYPSUM BOARD, PAINTED WHITE
 WINDOWS - 1/2" GYPSUM BOARD, PAINTED WHITE
 TRIM - 1/2" GYPSUM BOARD, PAINTED WHITE
 LIGHTING - 4" SQUARE RECESSED CAN LIGHTS
 MECHANICAL - 1/2" GYPSUM BOARD, PAINTED WHITE
 ELECTRICAL - 1/2" GYPSUM BOARD, PAINTED WHITE
 PLUMBING - 1/2" GYPSUM BOARD, PAINTED WHITE
 ROOF - 2" POLYURETHANE INSULATION, 1/2" GYPSUM BOARD, 1/2" ASPHALT/FLY ASH SHingles

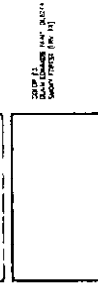


COLOR #1

COLOR #2



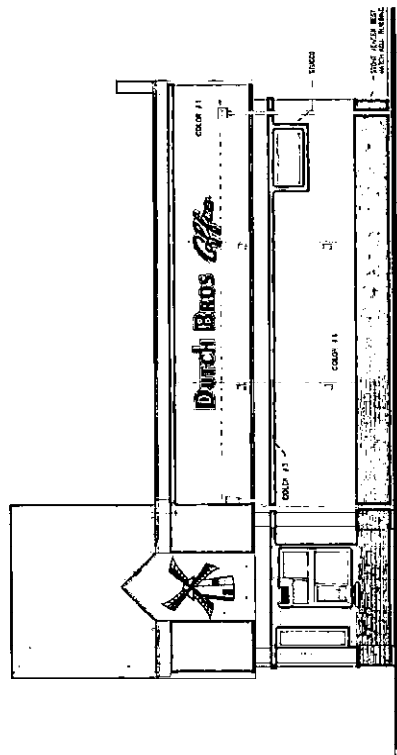
COLOR #3



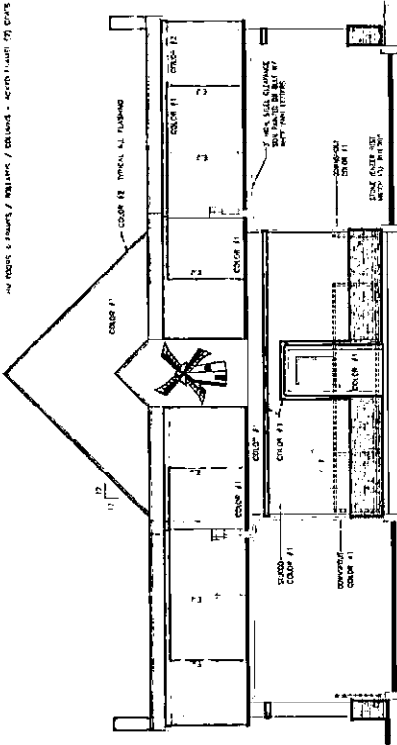
COLOR #4



COLOR #5



RIGHT ELEVATION
SCALE 1/8" = 1'-0"



REAR ELEVATION
SCALE 1/8" = 1'-0"

SCALE IN FEET

CSHOA
 FEBRUARY 15, 2018
 1" = 51.65'

Dutch Bros Office
 8541 SHILOH RD
 FLX GROVE, CA, 95624

A4A EXTERIOR ELEVATIONS

**Exhibit C
Dutch Bros Coffee at Sheldon Project (EG-15-020)
Conditions of Approval**

<u>Conditions of Approval</u>		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
On-Going				
1.	The Project approved by this action is for a Conditional Use Permit and Major Design Review to amend the site plan for the Sheldon Crossing Retail Center to construct a new 800 square foot drive-through coffee kiosk on a vacant pad within the existing Sheldon Crossing Retail Center, as specifically described in Exhibit A and as illustrated in the Project plans in Exhibit B. Deviations from the approved plans shall be reviewed by the City of Elk Grove (City) for substantial compliance and may require amendment by the appropriate hearing body.	On-Going	Planning	
2.	This action does not relieve the Applicant or the Property Owner of the obligation to comply with all codes, laws, statutes, regulations, and procedures.	On-Going	Planning	
3.	The Applicant/Property Owner and any Successors in Interest (hereby referred to as the "Applicant") shall indemnify, protect, defend, and hold harmless the City, its officers, officials, agents, employees, and volunteers from and against any and all claims, damages, demands, liability, costs, losses or expenses including without limitation court costs, reasonable attorney's fees and expert witness fees arising out of this Project including challenging the validity of this approval or any environmental or other documentation related to approval of this Application.	On-Going	Planning	
4.	Except as otherwise specified or provided for in the Project plans or in these conditions, the Project shall conform to the development standards and design requirements adopted by the City of Elk Grove, specifically including but not limited to the following: <ul style="list-style-type: none"> • The Elk Grove Zoning Code (Title 23 of the EGMC) • EGMC Chapter 19.12 (Tree Preservation and Protection) • EGMC Chapter 14.10 (Water Efficient Landscape Requirements) 	On-Going	Planning Engineering	

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	<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
5.	The Applicant shall pay all plan check fees, impact fees, or other costs as required by the City, the Cosumnes Community Services District (CCSD), Sacramento Area Sewer District (SASD), Elk Grove Water District (EGWD), or other agencies or services providers as established by law.	On-Going	Planning, Engineering, Building, Finance, CCSD, EGWD, SASD	
6.	Approval of this Project does not relieve the Applicant from the requirements of subsequent permits and approvals, including but not limited to the following: <ul style="list-style-type: none"> • Grading Permit and Improvement Plan • Building Permit and Certificate of Occupancy • Requirements of the Sacramento Metropolitan Air Quality Management District • Fire permit • SASD Design Standards for on-site and off-site sewer construction. 	On-Going	Planning, Engineering, Building, CCSD, EGWD, SASD, EGWD, SMAQMD	
7.	All building and patio lighting shall be shielded so as not to impact the public right-of-ways.	On-Going	Planning	
8.	Tree canopies shall not interfere with or block the lighting, or otherwise create shadows and areas of concealment.	On-Going	EGPD	
Prior To or In Conjunction With Improvement Plans and/or Grading Plan Approval				
9.	The Applicant shall prepare and submit a drainage study to the satisfaction of the City and in accordance with City of Elk Grove Storm Drainage Master Plan, Improvement Standards, General Plan, and any other applicable drainage master plans or studies.	Improvement Plan or Grading Permit(s) Whichever Occurs First	Engineering	

**Exhibit C
Dutch Bros Coffee at Sheldon Project (EG-15-020)
Conditions of Approval**

	<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
10.	<p>Prior to the issuance of Building Permit(s) or approval of the Improvement Plan, whichever comes first, the property owner(s) shall: (1) approve (a) the formation of a new or annexation to an existing community facilities district ("CFD"), and (b) an annual CFD special tax; or (2) deposit a sum of money, as determined by the Cosumnes Community Services District ("CCSD"), sufficient for the CCSD to fund a portion of the CCSD's cost of providing ongoing fire and emergency services, maintenance, operation, and repair and replacement of fire station facilities and fire and emergency equipment. Any costs for the formation of the new CFD or annexation into an existing CFD and approval of such annual special tax, or administration of the sum of money deposited to fund the CCSD's costs of providing ongoing fire and emergency services, shall be paid from the annual CFD special taxes or the sum of money deposited with the CCSD. In the event that the property owner(s) fails to approve an annual special tax or deposit a sum of money as provided for herein for such purposes for the CCSD, no building permits or further building permits for the property shall be issued, or approval of the Improvement Plan shall be provided.</p>	<p>Improvement Plans/Building Permit (whichever comes first)</p>	<p>CCSD Fire</p>	
Prior To or In Conjunction With Building Permit				
11.	<p>The Applicant shall reconstruct any damaged curb, gutter, sidewalk and/or pavement caused by construction-related activities associated with the Project. If pavement replacement is necessary, as determined by the City, the Applicant may be required to grind, overlay, and/or slurry seal the damaged portion(s) in accordance with the City Improvement Standards and to the satisfaction of Engineering. The Applicant shall schedule an inspection with the City to document the pre-construction condition of existing surface infrastructure adjacent to and near the Project.</p>	<p>Building Permit</p>	<p>Engineering</p>	
12.	<p>The Applicant shall reconstruct any existing ADA compliance improvements adjacent to the Project to meet current standards.</p>	<p>Building Permit</p>	<p>Engineering</p>	

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	<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
13.	Connection to the SASD sewer system shall be required to the satisfaction of SASD. SASD Design Standards apply to any on- and off-site sewer construction.	Building Permit	SASD	
14.	Each lot and each building with a sewage source shall have a separate connection to the SASD sewer system.	Building Permit	SASD	
15.	Developing this property may require the payment of sewer impact fees. Applicant should contact the Fee Quote Desk at (916) 876-6100 for sewer impact fee information.	Building Permit	SASD	
16.	Secure fencing around the construction site with locking gates, and appropriate lighting, shall be installed during construction to prevent trespassing and theft. During construction, the Police Department shall be given emergency contact information of all contractors and owners for any problems encountered after normal construction hours.	Throughout Building Process	EGPD	
17.	The Project shall annex into the Maintenance Mello-Roos Community Facilities District 2006-1 (CFD) , to fund the project's fair share of landscape related maintenance costs associated with public parkways, public parks, open space, landscape setbacks, bike and other paths, landscaped medians in and adjacent to roadways, maintenance and operation of a community center, sports (including aquatic) facilities, cultural arts center, and water features, and maintenance of other related facilities. The annexation process can take several months, so applicants should plan accordingly. The application fee and completed application for the annexation is due prior to the Resolution of Intention to Annex the Property and Levy the Special Tax. For further information regarding this CFD, see http://www.elkgrovecity.org/city_hall/departments_divisions/finance/mello_roos_cfds/	Building Permit	Finance	

Exhibit C
 Dutch Bros Coffee at Sheldon Project (EG-15-020)
 Conditions of Approval

	<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and signature)</u>
18.	<p>The Project area shall annex into the Storm Water Drainage Fee Zone 2 to fund a portion of the additional costs for storm water drainage and runoff maintenance related to serving the new development. The annexation process can take several months, so applicants should plan accordingly. The completed application for the annexation is due prior to the Resolution of Intention to Levy Storm Water Drainage Fee Zone 2 assessments. For further information on this District, see http://www.codepublishing.com/CA/elkgrove/#/ElkGrove15/ElkGrove1510.html#15.10.</p>	Building Permit	Finance	
19.	<p>In addition to landscaping shown on Sheet L1.0, the Applicant shall install additional landscaping at the southeastern corner of the site to reduce the effects of vehicle headlights onto the public right-of-way, to the satisfaction of the Development Services Director. Such landscaping shall be a minimum of 42 inches in height and shall be located outside of the required clear vision triangle.</p>	Building Permit	Planning	

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2016-082**

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

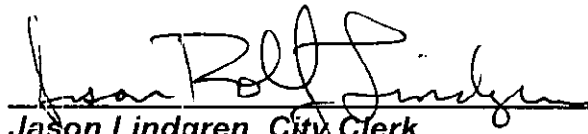
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on May 11, 2016 by the following vote:

AYES : **COUNCILMEMBERS:** *Davis, Ly, Detrick, Hume, Suen*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN : **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*



**Jason Lindgren, City Clerk
City of Elk Grove, California**