

ORDINANCE NO. 24-2006

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE CITY OF ELK GROVE ZONING MAP FROM BP TO SC BUBBLES CAR WASH NO. EG-05-986

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.

Section 2: Findings

CEQA

Finding: The proposed project is categorically exempt from the California Environmental Quality Act (CEQA Guidelines §15332).

Evidence: The Class 32 exemption (CEQA Guidelines Section 15332) applies to projects characterized as in-fill development that are consistent with general plan policies and designations, occur on project sites less than five acres substantially surrounded by urban uses, have no value as habitat, can be adequately served by utilities and public services, and would not result in any significant effects relating to traffic, noise, air quality, or water quality. The project consists of a rezone from BP to SC, and a Conditional Use Permit and Design Review to construct and operate a 7,040 square foot car wash. The proposed Rezone is consistent with the General Plan designation for the site (Commercial), and an Environmental Impact Report (EIR) was prepared and certified for the General Plan. The project site contains disturbed grassland. The existing trees on the site are in poor condition and there are no structures on the site. The project site (.61-acres) is substantially surrounded by urban uses and has no value as habitat for endangered, rare, or threatened species. The proposed project will be served by the Sacramento County Sanitation District-1, SMUD, and PG&E. Planning staff reviewed the proposed project and did not find any evidence that there is a reasonable probability that the project will have a significant adverse effect on the environment.

General Plan

Finding: The project is consistent with the goals and policies of the Elk Grove General Plan.

Evidence: The General Plan identifies the site for Commercial use. The proposed project includes rezoning the parcel from Business Professional (BP) to Shopping Center (SC) (see Figure 5). As such, the proposed Rezone is consistent with the General Plan. Additionally, the project is consistent with the goals and policies of the General Plan for commercial development with the City of Elk Grove.

Rezone

Finding: The proposed 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 Applicant's proposal is consistent with the allowed density ranges and uses in the Elk Grove General Plan and General Plan Land Use Map. The proposed project is consistent with the Plan's objectives of orderly and systematic development and responds to opportunities and constraints in the local community area.

Conditional Use Permit

Finding: The establishment, maintenance and operation of the use, building, or structure applied for will not under the circumstances of the particular case be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City (Zoning Code §110-30).

Evidence: Surrounding uses in the vicinity of the project site include a mix of commercial tenants. The project is consistent with the uses in the area. As such, it will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area.

Design Review (Non-Residential)

Finding: The proposed project is consistent with the Citywide Design Guidelines.

Evidence: The site plan, building elevations, and landscape plan have been reviewed in accordance with the Citywide Design Guidelines for non-residential land uses, and it is concluded that the project's architecture and site planning meet all applicable design requirements. The design of the proposed building takes into account the scale, style, and architectural vernacular of current existing reference buildings, and meets high aesthetic and design integrity standards. The project is subject to conditions of approval that will ensure consistency with all standard requirements.

Finding: 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 site plan, building elevations, and landscape plans provide all design elements required by the Citywide Design Guidelines, including consistent detailing of the architectural style, providing sufficient pedestrian connectivity, application of a consistent color palette throughout the project, and creation of outdoor public spaces. The project is subject to conditions of approval that will ensure consistency with all standard requirements.

Finding: 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 similar elements establishes a clear design concept and is compatible with the character of buildings on adjoining and nearby properties.

Evidence: The proposed car wash will provide all required design elements that would establish an attractive development and will be compatible with adjoining and nearby properties. The project is subject to conditions of approval that will ensure consistency with all standard requirements.

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

Evidence: The proposed site layout of the car wash has been reviewed in accordance with the City-wide Design Guidelines, including site planning for non-residential development. The proposed layout has been designed to avoid conflicts with vehicular, bicycle, or pedestrian modes of circulation.

Section 3: Action

The City Council hereby amends the City of Elk Grove Zoning Map for APN: 116-0090-016 as shown on attached 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).

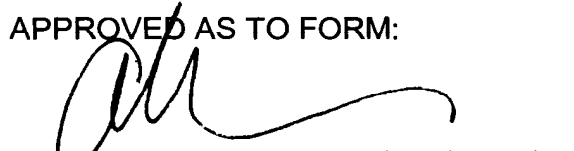
PASSED AND ADOPTED by the City Council of the City of Elk Grove this 14th day of June, 2006.


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: JULY 14, 2006

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

Exhibit A

