

ORDINANCE NO. 31-2008

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE CITY OF ELK GROVE ZONING MAP FROM RD-15 TO SHOPPING CENTER ("SC") ZONE DISTRICT FOR VINEYARD AT MADEIRA PROJECT NO. EG-07-123 ON ASSESSOR'S PARCELS 132-0050-074 AND 132-0050-075

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 to assign revised zoning to the parcel shown on attached Exhibit A.

Section 2: Findings

California Environmental Quality Act (CEQA)

Finding: Prior to adoption of this ordinance, an analysis and public disclosure of the environmental impacts of the project have been completed in accordance with the California Environmental Quality Act (CEQA).

Evidence: The City prepared an Initial Study and determined that the project was exempt from CEQA review pursuant to Section 15183 of the State CEQA Guidelines. The City determined that the environmental impacts of the project had been addressed by the EIR previously prepared for Laguna Ridge Specific Plan.

Finding: The proposed amendment of the Zoning Map implements and is consistent with the General Plan and does not create problems detrimental to the public health, safety and general welfare of the residents of Elk Grove.

Evidence: The City reviewed the proposed amendment to the Zoning Map and received public testimony at a duly noticed public hearing regarding the matter. The General Plan provides a schematic layout of land uses; it designates the southeast corner of Bruceville Road and Whitelock Parkway as a shopping center. Approximately 14 acres are currently zoned SC at that location. Adding to the shopping center site through the rezoning of 2.7 acres to the Shopping Center Zone District is consistent with General Plan designation.

A commercial zoning at this location will provide convenient shopping opportunities for residents of the surrounding neighborhoods. Public roadways and utilities are planned to accommodate this commercial development.

Section 3: Action

The City Council hereby amends the Zoning Map of the City of Elk Grove for Assessor's Parcel Numbers 132-0050-074 and 132-0050-075 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).

ORDINANCE: 31-2008
INTRODUCED: June 25, 2008
ADOPTED: August 27, 2008
EFFECTIVE: September 26, 2008



GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:



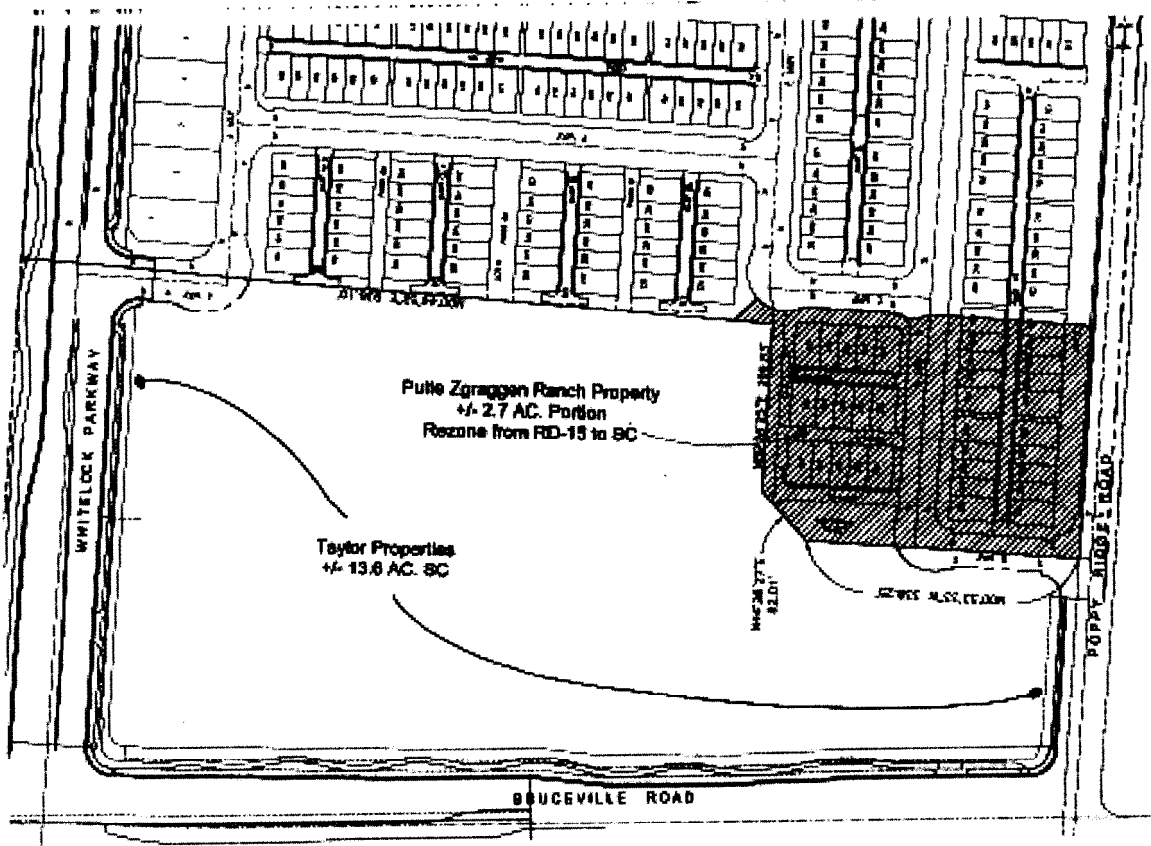
SUSAN J. BLACKSTON, CITY CLERK



SUSAN COCHRAN, CITY ATTORNEY

Date signed: Sept. 2, 2008

EXHIBIT A



The Vineyard At Madelra

■ EXISTING ROAD & UTILITY FEATURES



CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 31-2008

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

I, Susan J. Blackston, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law, was duly introduced on June 25, 2008 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on August 27, 2008 by the following vote:

AYES : **COUNCILMEMBERS:** *Davis, Hume, Scherman, Leary, Cooper*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*

A summary of the ordinance was published pursuant to GC 36933(c) (1).



Susan J. Blackston, City Clerk
City of Elk Grove, California