

RESOLUTION NO. 2002-151

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE ADOPTING A NEGATIVE DECLARATION/ INITIAL STUDY KRISPY KREME PROJECT #EG-01-202

WHEREAS, (hereinafter referred to as Applicant) filed an application with the City of Elk Grove (hereinafter referred to as City) for a rezone from RD-5 to LC Limited Commercial and BP Business Professional, (Assessor's Parcel Numbers 116-0090-002, 116-0090-004, 116-0090-015, 116-0090-016 and 116-0090-044), conditional use permits for a drive through window, a convenience store/gas station, and an over-height freestanding sign in the Special Sign Corridor, and vacation of a portion of Bond Road west of East Stockton Boulevard; and

WHEREAS, an Initial Study was prepared for this project and a Notice of Intent to Adopt a Negative Declaration was prepared and circulated according to the requirements of the California Environmental Quality Act (CEQA) Section 31507.4; and

WHEREAS, a duly advertised public hearing notice; in accordance with Government Code Section 65090 et al. and a public hearing was conducted by the Planning Commission on March 28, 2002 and May 23, 2002; and

WHEREAS, after careful consideration of all the written materials and testimony received, the Planning Commission denied the project; and

WHEREAS, The applicant filed an appeal on May 30, 2002 to the City Council and that appeal hearing was conducted on August 21, 2002. The City Council received written materials and testimony during the appeal hearing.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ELK GROVE HEREBY RESOLVES AS FOLLOWS:

1. Adopt the Negative Declaration prepared for the Krispy Kreme Center EG-01 202 project and direct staff to file a Notice of Determination.
2. Finding: The rezone of the subject property, the drive through window for the Krispy Kreme, the convenience store/ gas station, over-height freestanding sign and the vacation of the Bond Road right-of-way would not have a significant adverse impact on the environment and the Negative Declaration has been prepared and completed in accordance with the California Environmental Quality Act (CEQA).

Evidence: The proposed rezone is consistent with the current General Plan. The future commercial developments in this area were analyzed in a previous EIR for the Sacramento County General Plan Update, and the subsequent Negative Declaration affirmed no significant impacts would occur as a result of this project.

The drive through window for Krispy Kreme is oriented away from the residential development to the east, so as to not impact those properties with nuisance noise from the intercom system or vehicular traffic. The majority of the traffic would ingress and egress the site from Bond Road

The convenience store/ gas station is setback adequately from the adjoining parcels in accordance with the Zoning Code to not impact the peace, safety and welfare of those properties. The 24-hour operation of the business would not negatively impact the area, due to the presence of other similar types of businesses in the same vicinity.

The site plan would provide ample space for vehicles to ingress and egress the site in a safe manner. The traffic impacts of the new development were addressed in a traffic study prepared by Fehr and Peers and determined the vehicle circulation pattern of the project in conjunction with the surface street traffic would cause a significant impact on Bond Road.

The 25-foot freestanding sign would not significantly impact the Special Sign Corridor along Highway 99. The sign is consistent with other signs approved in the same corridor, and would provide reasonable site identification for the new Krispy Kreme store.

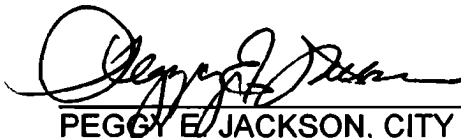
The portion of Bond Road within the project area does not serve the public and is no longer necessary to serve the public interest. An Initial Environmental Study was also prepared specifically for the proposed project and its amendments. On the basis of the Negative Declaration, comments received, and the whole record, there is no substantial evidence that the project would have a significant adverse impact on the environment.

PASSED AND ADOPTED by the City Council of the City of Elk Grove on the 21st day of August 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, Scherman,
Cooper, Leary
NOES: None
ABSTAIN: None
ABSENT: None