

RESOLUTION NO. 2003-212

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING A CONDITIONAL USE PERMIT AMENDMENT FOR THE CHEVRON STATION PROJECT NO. EG-03-455, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL

WHEREAS, The Chevron Station, represented by Solomon, Saltsman, and Jamieson (hereinafter referred to as Applicants), filed an application with the City of Elk Grove (hereinafter referred to as City) for a Conditional Use Permit Amendment (Assessor's Parcel Number 116-0970-056); and

WHEREAS, the City Council is the appropriate authority to hear and take action on this project after a recommendation by the Planning Commission; and

WHEREAS, the Planning Commission considered the Applicant's request at a public hearing on September 25, 2003 and recommended City Council approval of the project but with hours deemed to be more appropriate.

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

1. Approve the Chevron Conditional Use Permit Amendment based on the following findings and the attached conditions of approval included as Exhibit A.

Findings

CEQA

Finding: The project is exempt from CEQA under Section 15060 (2).

Evidence: The current request to extend the operating hours of a gas station and convenience store will not result in a direct or reasonably foreseeable indirect physical change in the environment. The current proposal seeks to add additional hours of operation, and would not significantly increase the number of people accessing the project site. Therefore, the project would not result in any direct or indirect physical changes in the environment.

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: For the reason that no criminal activity and noise violations have occurred at this site, land use conflicts are likely to be minimal with this request, and previous conditions of approval for the prior Use Permit will continued to be implemented, approval of extended hours will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of the proposed use.

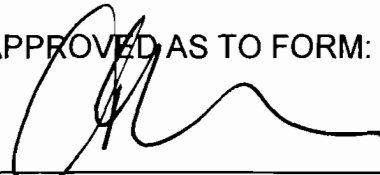
PASSED AND ADOPTED by the City Council of the City of Elk Grove on the 5th day of November 2003.


SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:


PEGGY JACKSON, CITY CLERK

APPROVED AS TO FORM:


ANTHONY B. MANZANETTI,
CITY ATTORNEY

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2003-212

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


I, Peggy E. Jackson, 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 the 5th day of November 2003 by the following vote:

AYES 4: COUNCILMEMBERS: Scherman, Briggs, Cooper, Leary

NOES 1: COUNCILMEMBERS: Soares

ABSTAIN 0: COUNCILMEMBERS:

ABSENT 0: COUNCILMEMBERS:



Peggy E. Jackson, City Clerk
City of Elk Grove, California

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
1. The development approved by this action is for the amendment of existing Use Permit conditions (Sacramento County File No. 96-0253) to extend the hours of operation as described in the City Council report and associated Exhibits and Attachments dated November 5, 2003.	On-Going	Planning	
2. This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.	On-Going	Planning	
3. The Applicant shall hold harmless the City, its Council Members, its Planning Commission, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.	On-Going	Planning	
4. The hours of operation for the service station and convenience market shall be limited from 5:00 a.m. to 11:00 p.m.	On-Going	Planning	