

ORDINANCE NO. 2739

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING AMENDMENT NO. A-144-08, AN AMENDMENT TO PLANNED UNIT DEVELOPMENT NO. PUD-107-96 TO ALLOW A CHILDREN'S LEARNING CENTER, SUBJECT TO THE APPROVAL OF A CONDITIONAL USE PERMIT

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES FINDS AND DETERMINES AS FOLLOWS:

WHEREAS, the case, initiated by Principia Enterprise, LLC dba Excelsius Academy, is requesting approval of an Amendment to Planned Unit Development No. PUD-107-96 to allow a Children's Learning Center, subject to the approval of a Conditional Use Permit. The site is located on the south side of Trask Avenue, between Magnolia Street and Gilbert Street, at 9140 Trask Avenue, Suite 2, Parcel No. 098-641-06; and

WHEREAS, the Planning Commission, at a Public Hearing held on November 6, 2008, determined that this request is exempt from the California Environmental Quality Act (CEQA) environmental review due to the fact that this request is not deemed to be a project and thereby is not subject to CEQA review, per the CEQA, Public Resources Code of Regulations Section 21000 et. seq., and the CEQA guidelines, 14 California Code of Regulations Section 15000 et. seq.; and

WHEREAS, pursuant to Resolution No. 5655 the Planning Commission, at a duly advertised Public Hearing, recommended approval of Amendment No. A-144-08 on November 6, 2008; and

WHEREAS, pursuant to a legal notice, a Public Hearing was held by the City Council on December 9, 2008, and all interested persons were given an opportunity to be heard; and

WHEREAS, the City Council gave due and careful consideration to the matter.

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS:

SECTION 1: Amendment No. A-144-08 is hereby approved pursuant to the facts and reasons stated in Planning Commission Resolution No. 5655, a copy of which is on file in the Office of the City Clerk and incorporated herein by reference with the same force and effect as if set forth in full.

SECTION 2: PUD-107-96 establishes uses that are allowed on each parcel, that are part of the PUD, through existing Conditions "M" and "N". Amendment No. A-144-08 will add an additional use through Condition "O" as follows:

- M. The following uses may be established at 9140 Trask Avenue, subject to the parking requirements of the Garden Grove Municipal Code:
1. PROFESSIONAL OFFICE AND RELATED USES, such as Administrative and Business, Banks and Financial Institutions, Medical and Dental offices, Dental Laboratories, Prescription Pharmacies, and Professional and Clerical offices.
 2. PROFESSIONAL STUDIOS, such as Art, Music, and Dance studios, Arts and Crafts, Photography, and Portrait studios.
 3. PERSONAL SERVICE, such as Barber and Beauty Salons, Dry Cleaning Agencies, Physical Therapy, Tailor and Dressmaking, Shoe Repair, and Travel Agencies.
- N. The following uses may be established at 9032, 9062, and 9100 Trask Avenue, subject to the parking requirements of the Garden Grove Municipal Code:
1. RESTAURANTS, such as fast food restaurants, dinner houses, and coffee shops. Nightclubs, bars, and lounges are not permitted.
- O. The following uses may be established at 9140 Trask Avenue, subject to Conditional Use Permit approval and the parking requirements of the Garden Grove Municipal Code:
1. CHILDREN'S LEARNING CENTER.

SECTION 3: This Ordinance shall take effect thirty (30) days after adoption and shall within fifteen (15) days of adoption be published with the names of Council Members voting for and against the same in a newspaper adjudicated and circulated in the City of Garden Grove.

The foregoing Ordinance was passed by the City Council of the City of Garden Grove on the ____ day of _____.

ATTEST:

MAYOR

CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF GARDEN GROVE)

I, KATHLEEN BAILOR, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was introduced and presented on December 9, 2008, with a vote as follows:

AYES: COUNCIL MEMBERS: (5) BROADWATER, DO, JONES, NGUYEN, DALTON
NOES: COUNCIL MEMBERS: (0) NONE
ABSENT: COUNCIL MEMBERS: (0) NONE