

ORDINANCE NO. 2810

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING AMENDMENT NO. A-165-11, AN AMENDMENT TO PLANNED UNIT DEVELOPMENT NO. PUD-105-71 REV. '90 TO ALLOW DRAY, FREIGHT, OR TRUCKING YARDS SUBJECT TO THE APPROVAL OF A CONDITIONAL USE PERMIT

***City Attorney Summary***

***This Ordinance amends existing Planned Unit Development No. PUD-105-71 Rev. '90 to add dray, freight, or trucking yards to the list of permitted industrial uses in Area I, subject to the approval of a Conditional Use Permit.***

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

WHEREAS, the case, initiated by A & M Trucking, is requesting approval of an Amendment to Planned Unit Development No. PUD-105-71 Rev. '90 to allow a truck/trailer-parking yard, subject to the approval of a Conditional Use Permit. The site is located on the southwest corner of Chapman Avenue and Monarch Street, at 7272 Chapman Avenue, Garden Grove. The PUD is bounded by Chapman Avenue, Western Avenue, Lampson Avenue, and Knott Street. The PUD-105-71 Rev. '90 zone includes 48 parcels with parcel nos. 131-344-01, 03, 04, 05, 06, 07; 131-346-01, 02; 131-345-01, 02, 04, 05, 06, 07; 131-343-01, 02, 05, 06, 07, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22; 131-661-01, 03, 04, 05, 06, 07, 10, 11, 12, 13, 14, 15, 16; 131-662-01, 02;

WHEREAS, the City Council finds that this Amendment is exempt from the California Environmental Quality Act ("CEQA") pursuant to Sections 15061(b)(3) and 15301 of the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.);

WHEREAS, pursuant to Resolution No. 5754-11, the Planning Commission, following a duly noticed Public Hearing held on November 17, 2011, and December 1, 2011, recommended approval of Amendment No. A-165-11 on December 1, 2011;

WHEREAS, pursuant to a legal notice, a Public Hearing was held by the City Council on February 14, 2012, and all interested persons were given an opportunity to be heard;

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

WHEREAS, the amendment to Planned Unit Development No. PUD-105-71 Rev. '90 to allow a truck/trailer-parking yard, subject to the approval of a Conditional Use Permit, is consistent with the goals, objectives, policies, general land uses, and programs specified in the General Plan, which encourages compatibility between land uses, in that the added conditionally permitted use is consistent with uses generally

permitted in the Industrial Land Use Designation of the General Plan, and the requirement of a Conditional Use Permit will ensure compatibility with surrounding uses; and

WHEREAS, the amendment to Planned Unit Development No. PUD-105-71 Rev. '90 to allow a truck/trailer-parking yard, subject to the approval of a Conditional Use Permit, will promote the public interest, health, safety, and welfare by allowing for an additional beneficial use of property, while allowing the City to impose the conditions necessary to ensure that impacts on surrounding uses are minimized.

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

Section 1. Recitals. The City Council finds that the above recitations are true and correct.

Section 2. Approval. Amendment No. A-165-11 is hereby approved pursuant to the facts and reasons stated in Planning Commission Resolution No. 5754-11, a copy of which is on file in the City Clerk's Office and incorporated herein by reference with the same force and effect as if set forth in full.

Section 3. Amendment. Planned Unit Development No. PUD-105-71 Rev. '90 is hereby amended to modify the authorized uses set forth in Subsection A (Permitted Industrial Uses (Area I)) of Section II (Standards of Development) to add Subsection A.9. as follows:

**9. The following uses may be permitted in PUD-105-71 Rev. '90, subject to Conditional Use Permit approval:**

***Dray, Freight, or Trucking Yards***

Section 4. Severability. If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

Section 5. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption.

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 February 14, 2012, with a vote as follows:

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