

EXHIBIT NO. 1

5
6-14-03

Docket Item #6
SPECIAL USE PERMIT #2003-0035

Planning Commission Meeting
June 3, 2003

ISSUE: Consideration of a request for a special use permit to discontinue an automobile sales use and continue an automobile rental use.

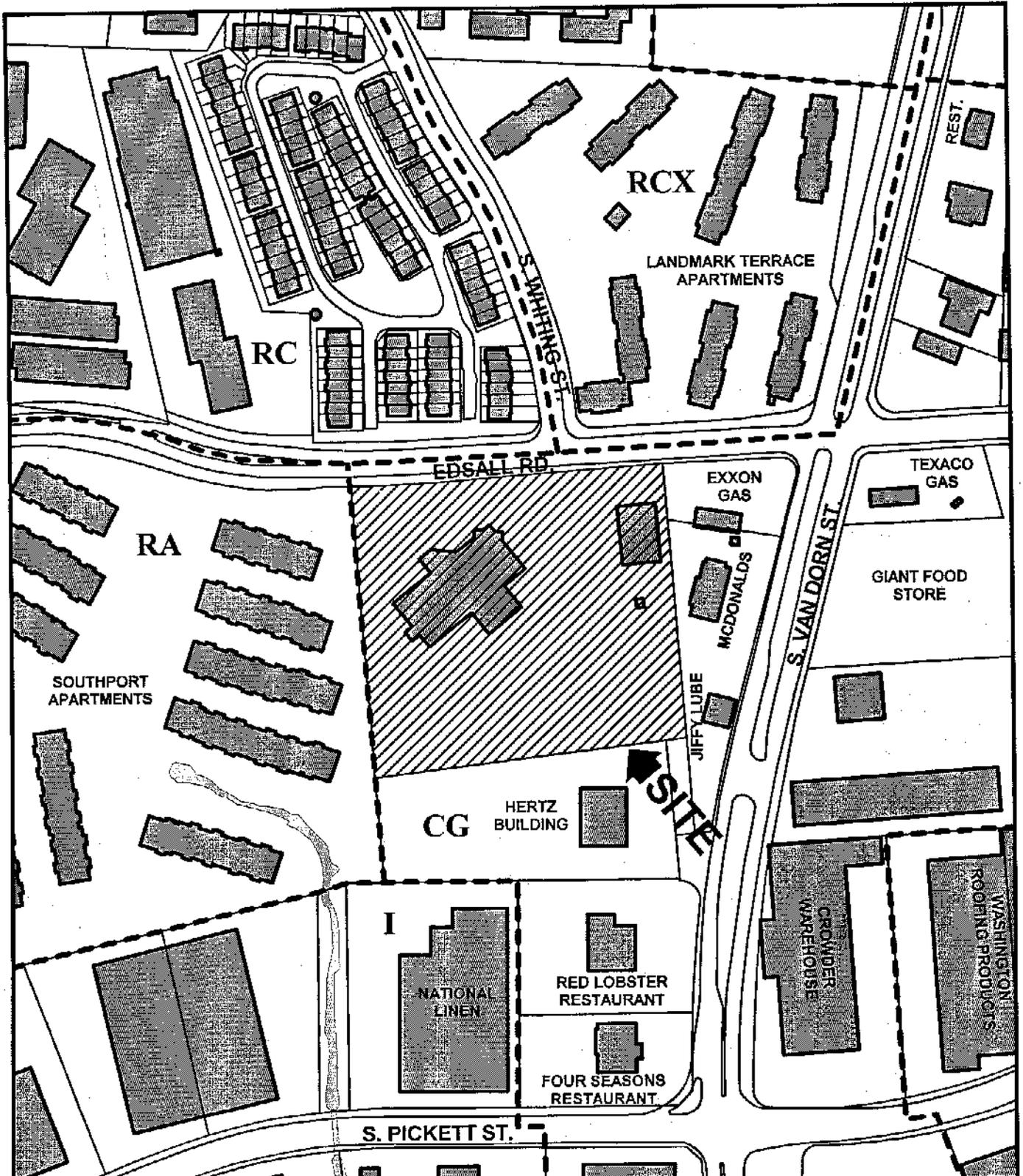
APPLICANT: Enterprise Leasing Company
By M. Catherine Puskar

LOCATION: 5800 Edsall Road

ZONE: CG/Commercial Zone

PLANNING COMMISSION ACTION, JUNE 3, 2003: By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

Reason: The Planning Commission agreed with the staff analysis.



SUP #2003-0035

06/03/03



STAFF RECOMMENDATION:

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The special use permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z) (SUP #98-0020)
2. **CONDITION AMENDED BY STAFF:** No auto repair or service shall be performed by the applicant. Automobile repair and service work may be provided by the on-site Koons Collision Repair Center. No automobile repair work shall be done outside. (P&Z) ~~(SUP #98-0020)~~ (T&ES)
3. No banners, streamers, flags, or similar advertising devices shall be displayed on the premises, but signs advertising the general business conducted on the premises may be displayed in accordance with the Code of the City of Alexandria, Virginia. (P&Z) (SUP #98-0020)
4. No junked, abandoned, or stripped vehicles shall be displayed, parked, or stored long-term on the site. Wrecked vehicles awaiting disposition by the vehicle owner's insurance company may be stored on the site no longer than 60 days. (P&Z)(SUP #98-0020)
5. No vehicle parts, tires or other materials shall be stored or permitted to accumulate outside, except in a dumpster or other suitable trash receptacle or enclosure. (P&Z) (SUP #98-0020)
6. No vehicles shall be displayed, parked, or stored on a public right-of-way. (P&Z) (SUP #98-0020)
7. Vehicles shall be parked in an orderly fashion within the spaces identified on and striped according to the previously approved plan. (City Council) (SUP #99-00063)
8. No vehicle auctions shall be conducted on the premises. (P&Z) (SUP #98-0020)
9. No tractor carriers shall load or unload vehicles on the site. (P&Z) (SUP #98-0020)
10. **CONDITION AMENDED BY STAFF:** No amplified sound shall be audible outside at the property line. (P&Z) ~~(SUP #98-0020)~~ (T&ES)

11. Lighting in the parking lot is to be a minimum of 2.0 foot candles maintained. (Police) (SUP #98-0020)
12. All lighting shall be directed downward and shall be screened at the sides to avoid glare on the street and on residential uses to the satisfaction of the Director of Planning and Zoning. (P&Z) (SUP #98-0020)
13. **CONDITION AMENDED BY STAFF:** The hours of operation shall be limited to 7:00 A.M. to ~~9:00~~ 7:00 P.M., Monday through Saturday Friday, and ~~9:00~~ 7:00 A. M. to 3:00 P.M. on Sunday Saturday, and 9:00 A.M. to 3:00 P.M. on Sunday, as requested by the applicant. (P&Z) (~~SUP #98-0020~~)
14. **CONDITION AMENDED BY STAFF:** The applicant shall erect a sign warning tractor carriers to not unload or load vehicles on the site for Enterprise Leasing Company. (~~PC~~) (~~SUP #98-0020~~) (P&Z)
15. No vehicles shall be loaded or unloaded on the public right-of-way. (P&Z)(PC) (SUP #98-0020)
16. All waste products including, but not limited to, organic compounds (solvents), motor oil, and antifreeze shall be disposed of in accordance with all local, state and federal ordinances or regulations and shall not be discharged into sanitary or storm sewers. (P&Z)(SUP #98-0020)
17. Condition deleted (CC)(SUP 99-0063)
18. Condition deleted. (CC) (SUP 99-0063)
19. Condition deleted. (CC) (SUP 99-0063)
20. Condition deleted. (CC) (SUP 99-0063)
21. Condition deleted. (CC) (SUP 99-0063)
22. Condition deleted. (CC) (SUP 99-0063)
23. The applicant shall comply with the City of Alexandria Best Management Practices manual for automotive related industries. (T&ES) (SUP #98-0020)

24. **CONDITION RENEWED BY STAFF:** The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department regarding a security survey for the business and a robbery awareness program for all employees prior to opening for business. (Police) (SUP #98-00-20)
25. **CONDITIONED AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit six months one year after City Council approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions, (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (SUP #99-00063)
26. **CONDITION ADDED BY STAFF:** The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation process, to discuss all special use permit provisions and requirements. (P&Z)

Staff Note: Lighted signs may not be illuminated between 10:30 p.m. and 6:30a.m. pursuant to section 9-105 (C) of the zoning ordinance.

In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

DISCUSSION:

1. The applicant, Enterprise Leasing Company, requests special use permit approval to remove the automobile sales use and continue with the automobile rental use at 5800 Edsall Road.
2. The subject property is one lot of record with 551 feet of frontage on Edsall Road, 488 feet of depth and a total lot area of 6.4 acres. The site is developed with two buildings, the larger of which is occupied by Enterprise Leasing Company and the Koons automobile repair business. The smaller building is occupied by NFW, Inc., a light automobile repair facility approved under Special Use Permit # 95-0079.
3. On December 12, 1998, City Council granted Special Use Permit #98-0020 for Kline Infiniti to transfer its automobile sales and rentals business to Enterprise Leasing Company. Enterprise was approved to use the main showroom space in the building for this automobile sales and rental use. The Kline Company continued to operate a general automobile repair shop in the remainder of the building (SUP #98-0139). The Kline Collision Repair Center is now known as the Koons Collision Repair Company. On September 18, 1999, City Council approved Special Use Permit #99-0063 for a review of the automobile sales and rental business.
4. As approved by Council, the collision repair center occupies approximately 40,376 square feet of the building and performs general automobile repair. Pursuant to its separate special use permit, Enterprise Leasing Company occupies the main showroom space in the building and rents and sells used cars from the site.
5. Koons Used Car Outlet currently requests approval to transfer the automobile sales use from Enterprise Leasing Company. Enterprise Leasing Company will then continue with the automobile rental use. The end result will be that the Enterprise Leasing Company will only offer automobile rentals, the Koons Used Car Outlet will offer automobile sales, and the Koons Collision Repair Center will continue to offer general automobile repair.
6. If the subject special use permit request is approved, the Enterprise Leasing Company will occupy 1,000 square feet of space in the subject building, the Koons Used Car Outlet will occupy 2,500 square feet and the Koons Collision Repair Center will occupy the remainder. No building expansions are proposed to accommodate these changes.

7. The existing and proposed hours for the Koons Used Car Outlet and the Enterprise Leasing Company are as follows:

<u>Koons Used Car Outlet</u>	<u>Enterprise Leasing Company</u>
Existing: None	Existing: 7:00 a.m.-9:00 p.m. Monday to Saturday 9:00 a.m.- 3:00 p.m. Sunday
Proposed: 9:00 a.m.-9:00 p.m. Monday to Friday 9:00 a.m.-7:00 p.m. Saturday Noon-6:00 p.m. Sunday	Proposed: 7:00 a.m.-7:00 p.m. Monday to Friday 7:00 a.m.- 3:00 p.m. Saturday 9:00 a.m.-3:00 p.m. Sunday

The proposed hours of operation for Koons Used Car Outlet are less than the existing hours for Enterprise from Monday through Saturday, and are the same number of hours on Sunday but provided at a different part of the day. The proposed hours of operation for Enterprise will be reduced from the current hours of operation.

8. The Koons Collision Repair Center is currently permitted to operate between 7:30 a.m. and 7:00 p.m. Monday through Friday, 8:00 a.m. to 4:00 p.m. on Saturdays, and from 11:00 a.m. to 4:00 p.m. on Sundays.
9. The applicant does not propose any loading or unloading of cars from car carriers on the site. Rental cars are driven to the site.
10. The applicant expects to reduce the number of employees on-site from 20 to five, and anticipates that customers will drop from 50 to 40 per day.
11. Enterprise was approved in 1998 to use 75 spaces in the parking lot for the automobile sales and rental use. The parking lot is approved for 434 parking spaces. Koons Used Car Outlet intends to use 58 spaces in the parking lot for customers, employees and sales vehicles. Enterprise intends to use 22 parking spaces for employees, patrons and rental cars. Together, Koons Used Car Outlet and Enterprise will use 80 parking spaces. This is five more than was originally allocated to Enterprise for the automobile sales and rental use. The site, however, is approved for 434 parking spaces and can accommodate this reallocation of five parking spaces from the Koons Collision Repair Center and NTW to the Koons Used Car Outlet.
12. On May 14, 2003 and May 15, 2003 staff inspected the Koons Collision Repair Center and the Enterprise Leasing Company, and found no violations of the special use permit for the Enterprise Leasing Company.

13. Zoning: The subject property is located in the CG/Commercial General zone. Section 4-403(D) of the zoning ordinance allows an automobile sales and rental business in the CG zone only with a special use permit. Section 12-302 (J) of the zoning ordinance allows a general automobile repair business to continue as a noncomplying use in a zone that does not otherwise permit general auto repair only with a special use permit.
14. Master Plan: The proposed use is consistent with the Landmark/Van Dorn small area plan chapter of the Master Plan which designates the property for commercial use.

STAFF ANALYSIS:

Staff has no objection to the proposed transfer of the automobile sales use from Enterprise Leasing Company to the Koons Used Car Outlet and the continuation of the Enterprise Leasing Company permit for vehicle rental. There are no significant changes in the overall operation of the automobile sales and rental uses. The hours of operation are changing but are not expanding. The total number of parking spaces allocated to the automobiles sales and rental use is increasing by five. However, there are 434 parking spaces on the site that can accommodate this increase, as well as, the existing uses. The number of employees and patrons expected on site for the same use is not increasing.

Staff has included the conditions from the prior Enterprise Leasing Company's special use permit for the automobile sales and rental use and recommends standard updates to these conditions. Staff also recommends a revision to Condition #2 to reflect that automobile repair and service is not permitted for the Enterprise Leasing Company, but that the on-site repair center (Koons Collision Repair Center) may service the rental cars as well as the used cars for sale located on the lot. The Koons Collision Repair Center also services other vehicles. This was the arrangement when the Enterprise Leasing Company became the operator of the automobile sales and rental business under Special Use Permit #98-0020.

Finally, staff recommends a review of the automobile rental use in one year and approval of the automobile rental use subject to the listed conditions.

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Mary Hashemi, Urban Planner.

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- R-1 No auto repair or service shall be performed by the applicant.
- R-2 Auto transporters shall not be loaded or unloaded from the public street.
- R-3 No amplified sound shall be audible at the property line.

Code Enforcement:

- C-1 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-3 Any modifications to the existing structure will require a construction permit.

Health Department:

- F-1 No comments.

Police Department:

- R-1 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business.
- R-2 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees.
- R-3 Lighting for the parking lot is to be a minimum of 2.0 foot candles minimum maintained.

APPLICATION for SPECIAL USE PERMIT # 2003-0035

[must use black ink or type]

PROPERTY LOCATION: 5800 Edsall Road

TAX MAP REFERENCE: 57.00-05-01 ZONE: CG

APPLICANT Name: Enterprise Leasing Company
Address: 6303 Little River Turnpike, Suite 210
Alexandria, VA 22312

PROPERTY OWNER Name: James E. Koons
Address: c/o Jim Koons Management Co., 2000 Chain Bridge Road
Vienna, VA 22180

PROPOSED USE: Special Use Permit amendment to remove automobile sales
use and continue automobile rental use.

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Planning Commission or City Council in the course of public hearings on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Enterprise Leasing Company
by: M. Catharine Puskar
Agent/Attorney

M Catharine Puskar
Signature

Print Name of Applicant or Agent
Walsh, Colucci, Lubeley, Emrich & Terpak, PC
2200 Clarendon Blvd., 13th Floor
Mailing/Street Address

703) 528-4700 (703) 525-3197
Telephone # Fax #

Arlington, VA 22201
City and State Zip Code

March 26, 2003
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: _____ Date & Fee Paid: _____ \$

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

AUTOMOBILE ORIENTED USES SUPPLEMENTAL APPLICATION

Supplemental information to be completed by applicants requesting special use permit approval of an automobile oriented use (e.g., automobile repair garage, car wash, auto or trailer sales).

1. What type of automobile oriented use do you propose?

- automobile or motor vehicle parking or storage lot.
- automobile or trailer rental or sales.
- automobile service station.
- automobile repair, including car wash.
- other: _____

2. What types of repairs do you propose to perform?

Any on-site vehicle repairs will take place at the existing Kline
Collision Repair Center. The proposed use does no repairs.

3. How many of each of the following will be provided?

- 0 hydraulic lifts or racks
- 0 service pits
- 0 service bays

4. How many vehicles will be parked on-site at any one time. Please provide information on the type (i.e., for sale, customers, employees, or repairs)?

Employees: 5
Patrons: 2
Rental vehicles: 15

5. Will a loudspeaker or intercom system be used outside of the building? Yes. No.

Please note all repair work must occur within an enclosed building.

All applicants must complete this form. Supplemental forms are required for child care facilities, restaurants, automobile oriented uses and freestanding signs requiring special use permit approval.

1. The applicant is (check one) the Owner Contract Purchaser
 Lessee or Other: _____ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

Enterprise Leasing Company, a Maryland Corporation, is a wholly-owned
subsidiary of Enterprise Leasing Company of St. Louis, which has
Jack Taylor as the sole shareholder.

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

- Yes. Provide proof of current City business license
 No. The agent shall obtain a business license prior to filing application, if required by the City Code.

2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 8½" x 14" or smaller. Twenty-four copies are required for larger plans or if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.

NARRATIVE DESCRIPTION

- 3. The applicant shall describe below the nature of the request in detail so that the Planning Commission and City Council can understand the nature of the operation and the use, including such items as the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, and whether the use will generate any noise. (Attach additional sheets if necessary)

Enterprise Leasing Company is requesting approval to amend its special use permit to eliminate the automobile sales use and to continue the automobile rental use. Enterprise has operated its sales and rental business in approximately 3,321 square feet in the existing building at 5800 Edsall Road since 1998. Enterprise now proposes to eliminate the sales use and downsize its existing rental use to 450 square feet of vacant space in the building. Pursuant to a separate special use permit request, Koons Used Car Outlet proposes to take over Enterprise's used car sales operation in the space previously occupied by Enterprise.

As part of the elimination of its used car sales operation, Enterprise anticipates a reduction in the number of employees from 20 to 5, a reduction in the number of customers from 50 per day to 40 per day, and a reduction in the number of parking spaces from 75 to 22 spaces to serve the use. There are 434 parking spaces on the property to be shared by the three tenants in the building. Enterprise proposes to retain its existing hours and days of operation as set forth in the application.

USE CHARACTERISTICS

4. The proposed special use permit request is for: *(check one)*

- a new use requiring a special use permit,
- a development special use permit,
- an expansion or change to an existing use without a special use permit,
- expansion or change to an existing use with a special use permit,
- other. Please describe: _____

5. Please describe the capacity of the proposed use:

A. How many patrons, clients, pupils and other such users do you expect? Specify time period (i.e., day, hour, or shift).

Approximately 40 customers per day

B. How many employees, staff and other personnel do you expect? Specify time period (i.e., day, hour, or shift).

Five employees per day

6. Please describe the proposed hours and days of operation of the proposed use:

Day:

Hours:

Monday through Friday:

7:00 a.m. to 7:00 p.m.

Saturday

7:00 a.m. to 3:00 p.m.

Sunday

9:00 a.m. to 3:00 p.m.

7. Please describe any potential noise emanating from the proposed use:

A. Describe the noise levels anticipated from all mechanical equipment and patrons.

N/A

B. How will the noise from patrons be controlled?

N/A

8. Describe any potential odors emanating from the proposed use and plans to control them:

N/A

9. Please provide information regarding trash and litter generated by the use:

A. What type of trash and garbage will be generated by the use?

Normal office trash

B. How much trash and garbage will be generated by the use?

Normal amount for office use

C. How often will trash be collected?

Once a week

D. How will you prevent littering on the property, streets and nearby properties?

On-site staff will monitor the premises for trash and debris.

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

Yes. No.

If yes, provide the name, monthly quantity, and specific disposal method below:

11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

Yes. No.

If yes, provide the name, monthly quantity, and specific disposal method below:

12. What methods are proposed to ensure the safety of residents, employees and patrons?

N/A

ALCOHOL SALES

13. Will the proposed use include the sale of beer, wine, or mixed drinks?

Yes. No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

N/A

PARKING AND ACCESS REQUIREMENTS

14. Please provide information regarding the availability of off-street parking:

A. How many parking spaces are required for the proposed use pursuant to section 8-200 (A) of the zoning ordinance?

The existing 434 parking spaces on site will be retained and shared by the three tenants in the building

B. How many parking spaces of each type are provided for the proposed use:

434 Standard spaces

 Compact spaces

 Handicapped accessible spaces.

 Other.

C. Where is required parking located? on-site off-site (check one)

If the required parking will be located off-site, where will it be located:

Pursuant to section 8-200 (C) of the zoning ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

D. If a reduction in the required parking is requested, pursuant to section 8-100 (A) (4) or (5) of the zoning ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

15. Please provide information regarding loading and unloading facilities for the use:

A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance? Existing loading to be retained and used

B. How many loading spaces are available for the use? Existing loading to be retained and used.

C. Where are off-street loading facilities located? In the rear of the building adjacent to the trash area.

D. During what hours of the day do you expect loading/unloading operations to occur?

During operating hours

E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

Minimal loading. Rental cars are driven to the site. No car carriers will be used for the rental business.

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

Street access is adequate

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? Yes No

Do you propose to construct an addition to the building? Yes No

How large will the addition be? _____ square feet.

18. What will the total area occupied by the proposed use be?

450 sq. ft. (existing) + _____ sq. ft. (addition if any) = 450 sq. ft. (total)

19. The proposed use is located in: (check one)

a stand alone building a house located in a residential zone a warehouse

a shopping center. Please provide name of the center: _____

an office building. Please provide name of the building: _____

other, please describe: _____

APPLICATION for SPECIAL USE PERMIT # 2003-0035

[must use black ink or type]

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TAX MAP REFERENCE: 57.00-05-01 ZONE: CG

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Enterprise Leasing Company
by: M. Catharine Puskar
Agent/Attorney

M Catharine Puskar
Signature

Print Name of Applicant or Agent

Walsh, Colucci, Lubeley, Emrich & Terpak, PC
2200 Clarendon Blvd., 13th Floor

703) 528-4700 (703) 525-3197
Telephone # Fax #

Mailing/Street Address

Arlington, VA 22201
City and State Zip Code

March 26, 2003
Date

=====DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY=====

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: RECOMMEND APPROVAL, UC

ACTION - CITY COUNCIL: 6/14/03PH--CC approved the Planning Commission
recommendation. (SEPARATE MOTION)