

Docket Item #4
SPECIAL USE PERMIT #2005-0006

Planning Commission Meeting
April 5, 2005

ISSUE: Consideration of a request for a special use permit to operate a restaurant/ice cream shop.

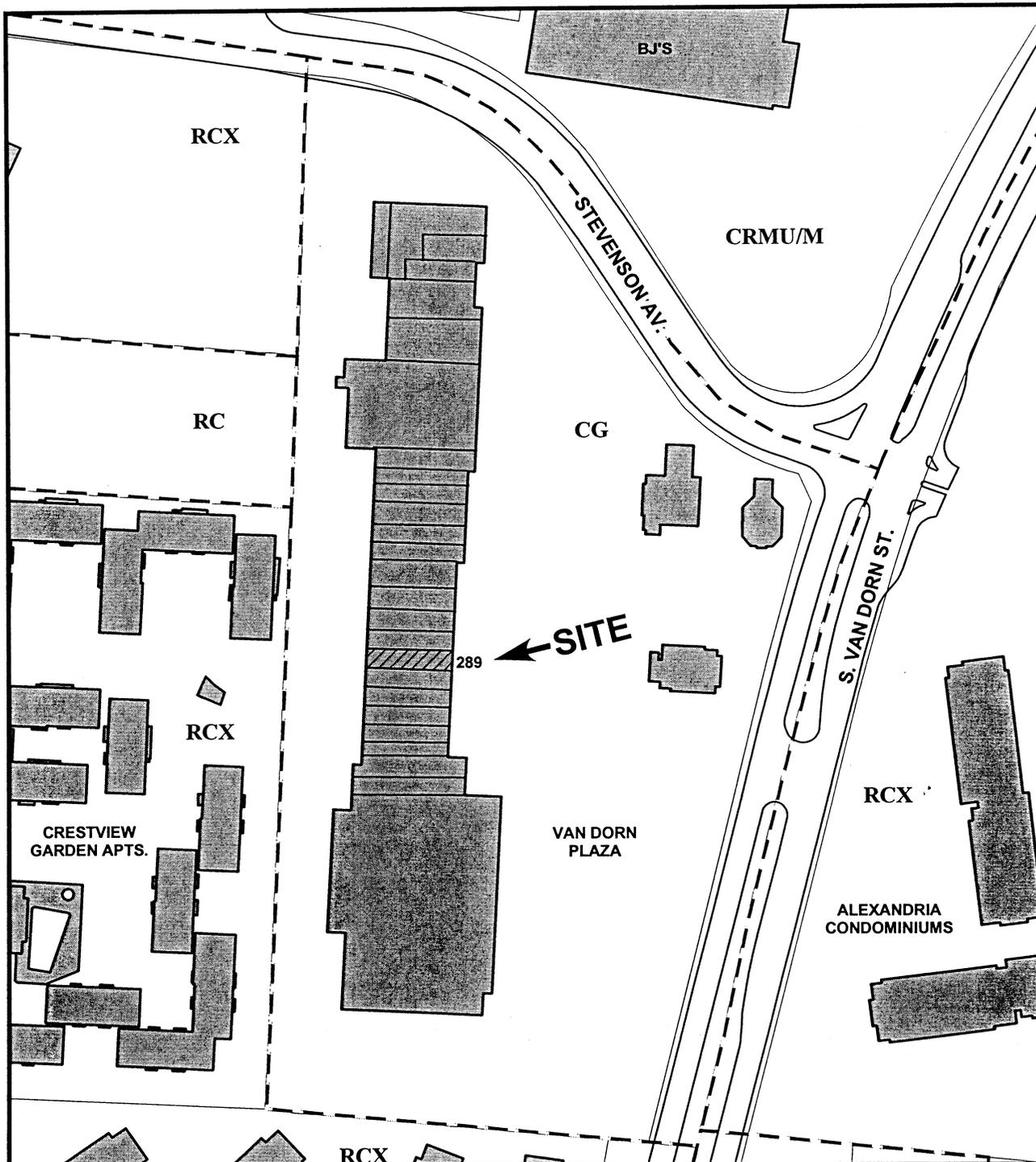
APPLICANT: Layek Chowdhury

LOCATION: 249 S. Van Dorn Street, Suite 289
(Parcel Address: 201 S. Van Dorn St)

ZONE: CG/Commercial General

PLANNING COMMISSION ACTION, APRIL 5, 2005: By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

STAFF RECOMMENDATION: Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.



SUP #2005-0006

04/05/05



I. DISCUSSION

REQUEST

The applicant, Layek A. Chowdhury requests special use permit approval for the operation of an ice cream store located at 249 South Van Dorn Street, Suite 289, within the Van Dorn Plaza Shopping Center.

SITE DESCRIPTION

The subject property is one lot of record with approximately 600 feet of frontage on South Van Dorn Street, approximately 700 feet of frontage on Stevenson Avenue and a total lot area of 10.9 acres. The site is developed with a one and two story shopping center, a large asphalt parking lot, and several independent one story commercial buildings on pad sites. The subject tenant space is located in the center of the shopping center adjacent to Apartment Search and 1-800-Mattress and is currently vacant. Access to the property is from South Van Dorn Street and Stevenson Avenue.



To the east of the shopping center is the Oakwood Apartments. The parking lot for BJ's Wholesale store is located to the north of the property. The Crestview Apartments are located adjacent to the site to the west.

PROPOSAL

The applicant proposes to operate a Carvel Ice Cream Shop. The specific aspects of the restaurant as proposed by the applicant are as follows:

- Seating: The applicant proposes 22 seats.
- Hours: The hours of operation are proposed to be 10:00 a.m. to 10:00 p.m. seven days a week.
- Customers: The applicant expects approximately eighty customers per day.
- Trash: Trash will consist of regular restaurant refuse. Trash will be kept in a dumpster located behind the shopping center and will be picked up once a week.

Loading: Loading will occur behind the restaurant from the one loading space.
Loading will typically occur once a week, in the morning.

The applicant is proposing no alcohol service and no entertainment. There will be only counter service and no wait service at the tables.

PARKING

According to Section 8-200 (A)(8) of the Zoning Ordinance, a restaurant requires one parking space for every four seats. A restaurant with 32 seats will be required to provide six off-street parking spaces. The ice cream store will replace a retail shopping establishment and will require one less parking space.

Off-street parking provided and required by use in the Van Dorn Plaza Shopping Center is as follows:

<u>Use</u>	<u>Required Parking</u>
Restaurants (SUP #'s 1286, 1356, 2628-B, 94-0340, 95-0135, 2002-0017)	91 spaces
Proposed Restaurant	8 spaces
Retail	305 spaces
Office	11 spaces
Personal Service (non-retail)	46 spaces
Fitness Center (SUP#2000-0101)	78 spaces
Off-Street Parking <u>Required</u> :	539 spaces
Off-Street Parking <u>Provided</u> :	580 spaces

ZONING/MASTER PLAN DESIGNATION

The subject property is zoned CG/Commercial General. Section 4-403(W) of the Zoning Ordinance allows a restaurant in the CG zone only with a special use permit.

The proposed use is consistent with the Landmark/Van Dorn Small Area Plan chapter of the Master Plan which designates the property for commercial general uses.

II. STAFF ANALYSIS

Staff recommends approval of the operation of a restaurant/ice cream shop located at 249 South Van Dorn Street, Suite 289 within the Van Dorn Plaza Shopping Center. Staff believes that the proposed restaurant is compatible with the existing retail, restaurant and service oriented uses in the shopping center.

The applicant's proposed hours of operation are between 10:00 a.m. and 10:00 p.m. seven days a week. The staff recommends a closing hour of 11:00 p.m. which is consistent with the hours of operation at other restaurants in the Van Dorn Plaza Shopping Center. The Wendy's operates from 10:00 a.m. to 11:00 p.m. daily, the Subway operates between 10:00 a.m. and 2:00 a.m. daily, Egardo's operates from 11:00 a.m. to midnight daily and Annette's BBQ Heaven operates from 6:30 a.m to 10:30 p.m. daily.

Staff is recommending 22 seats inside and 10 seats outside for a total of 32 seats. Currently, there is some outdoor seating available for the existing restaurants and the shopping center has adequate parking available to increase the number of seats requested.

Staff has included conditions requiring a security survey, and a robbery awareness program for employees. Finally, staff has included a condition requiring a review of the restaurant after it has been operational for one year so that if there are problems with its operation, additional conditions may be imposed. With these conditions, staff recommends approval of the special use permit.

III. RECOMMENDED CONDITIONS

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 corporation in which the applicant has a controlling interest. (P&Z)
2. The hours of operation of the ice cream shop/restaurant shall be limited to between 10:00 a.m. to 11:00 p.m. daily. (P&Z)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
4. Seating shall be provided for no more than 22 patrons inside and 10 patrons outside for a total of no more than 32 seats. (P&Z)
5. Alcoholic beverages are not permitted. (P&Z)
6. No food, beverages, or other material shall be stored outside. (P&Z)

7. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on site outside of those containers. (P&Z)
8. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z)
9. The applicant shall install at least one trash container within the restaurant for customers' use. (P&Z)
10. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z)
11. The applicant shall encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z)
12. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
13. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES)
14. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 for a security survey for the business and a robbery awareness program for the employees. (Police)
15. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.
(T&ES)
16. Approval of this special use permit is contingent upon the applicant's compliance with all Code requirements. (P&Z)

17. The Director of Planning and Zoning shall review the special use permit one year after 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 which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (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)

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Richard Josephson, Deputy Director;
Mary Christesen, Planning Technician.

Staff Note: 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.

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.
- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.
- R-2 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services.
- R-3 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.
- F-1 There is adequate lighting and refuse receptacles for the site.

Code Enforcement:

- C-1 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 A fire prevention code permit is required for the proposed operation. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application.
- C-3 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must

accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.

- C- 4 The current use is classified as B, Business; the proposed use is A, Assembly. Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 119.4) and compliance with USBC 119.2. including but not limited to: limitations of exit travel distance, emergency and exit lighting, a manual fire alarm system, and accessibility for persons with disabilities.
- C- 5 Prior to the application for new Certificate of Occupancy, the applicant shall submit a building permit for a change of use. Drawings prepared by a licensed architect or professional engineer shall accompany the permit application. These plans shall show provide existing conditions, construction type data, and a plot plan. In addition, these plans shall show proposed conditions and provide data by the design professional which details how the proposed use will comply with the current edition of the Virginia Uniform Statewide Building Code for the new use in the area of structural strength, means of egress, passive and active fire protection, heating and ventilating systems, handicapped accessibility and plumbing facilities.
- C-6 When a change of use requires a greater degree of structural strength, fire protection, exit facilities or sanitary provisions, a construction permit is required.
- C-7 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC 302.3.
- C-8 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-9 The following code requirements apply where food preparation results in the development of grease laden vapors:
 - (a) All cooking surfaces, kitchen exhaust systems, grease removal devices and hoods are required to be protected with an approved automatic fire suppression system.
 - (b) A grease interceptor is required where there is drainage from fixtures and equipment with grease-laden waste located in food preparation areas of restaurants. Food waste grinders can not discharge to the building drainage system through a grease interceptor.
- C-10 A rodent control plan shall be submitted to this office for review and approval prior

to occupancy. This plan shall consist of the following:

- (a) Measures to be taken to control the placement of litter on site and the trash storage and pickup schedule.
- (b) How food stuffs will be stored on site.
- (c) Rodent baiting plan.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 Five sets of plans are to be submitted to and approved by this department prior to construction. Plans must comply with the Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for review of plans for food facilities.
- C-3 Permits must be obtained prior to operation.
- C-4 This facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-5 Certified Food Managers must be on duty during all hours of operation.
- R-1 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Police Department:

- R-1 The applicant is to contact the Community Relations 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 Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees.
- F-1 The applicant is not requesting an ABC permit. The Alexandria Police concur with this.

APPLICATION for SPECIAL USE PERMIT # 2005-0006

[must use black ink or type]

(A) 201 Van Dorn St

249 SOUTH VANDORN STREET,

PROPERTY LOCATION: 287 B VAN DORN PLAZA, ALEXANDRIA, VA 22304

TAX MAP REFERENCE: #05702-03-04

ZONE: CG

APPLICANT Name: LAYEK A. CHOWDHURY - PRESIDENT CAA, INC

Address: 1211 SOUTH FREDRICK ST. ARLINGTON, VA 22204

PROPERTY OWNER Name: CARL M. FREEMAN ASSOCIATES, INC

Address: 18330 VILLAGE CENTER DRIVE, 2nd FLOOR, DOWNEY, MD-20832

PROPOSED USE: ICE CREAM STORE

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.

* LAYEK A. CHOWDHURY
Print Name of Applicant or Agent

* [Signature]
Signature

* 1211 S. FREDRICK ST
Mailing/Street Address

* 703 820-4617
703-820-4617 703-533-9834
Telephone # Fax #

* ARLINGTON, VA 22204
City and State Zip Code

* 01-20-2005
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

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

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

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.

LAYEK A - CHOWDHURY, PRESIDENT CAA INC.
A VIRGINIA CORPORATION 100% SHARES

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)

This store will sell icecream products from a food line, table with no service are provided. Most patrons will carry there food away disposal provided in side & outside. we expect a minimum of eighty ~~patrons~~ patrons per day, served by two to three employees. There is large common parking lot ~~and~~ in existance. no unusal noise will be generated.

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).

EIGHTY CUSTOMERS PER DAY

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

THREE

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

Day:

Hours:

SEVEN DAYS

10-00 AM TO 10-00 PM

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

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

NONE

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:

NONE

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?

PAPER & CARDBOARD

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

TWENTY POUNDS PER DAY

C. How often will trash be collected?

LANDLORD PICKS UP ONCE A WEEK

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

TRASH CANS IN FRONT OF SHOP

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:

N/A

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:

N/A

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

NO PARTICULAR SAFETY HAZARD

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?

ONE SPACE FOR EVERY 4 SEATS = 6 SPACES

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

 ✓ 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? ONE

B. How many loading spaces are available for the use? ONE

C. Where are off-street loading facilities located? BEHIND SHOP

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

MORNING

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

ONCE A WEEK

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?

NO IMPROVEMENT NECESSARY

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?

1444 sq. ft. (existing) + — sq. ft. (addition if any) = — 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: VANDORN PLAZA SHOPPING CENTER

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

other, please describe: _____

RESTAURANT SUPPLEMENTAL APPLICATION

All applicants requesting special use permit approval for restaurants shall complete the following section. Applicants requesting approval of a special use permit for a restaurant in Old Town shall complete the SUPPLEMENTAL INFORMATION FOR RESTAURANTS IN OLD TOWN section and submit the required parking management plan and litter reduction plan.

Please provide the following information:

1. How many seats are proposed?

At tables: 22 At a bar: — Total number proposed: 22

2. Will the restaurant offer any of the following?

NO alcoholic beverages NO beer and wine (on-premises)

NO beer and wine (off-premises)

3. Please describe the type of food that will be served:

ICE CREAM

4. The restaurant will offer the following service (check items that apply):

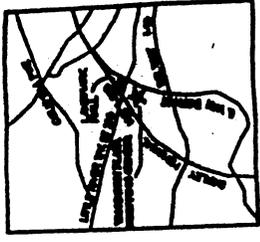
— table service X bar X carry-out — delivery

5. If delivery service is proposed, how many vehicles do you anticipate? N/A

Will delivery drivers use their own vehicles? — Yes. — No.

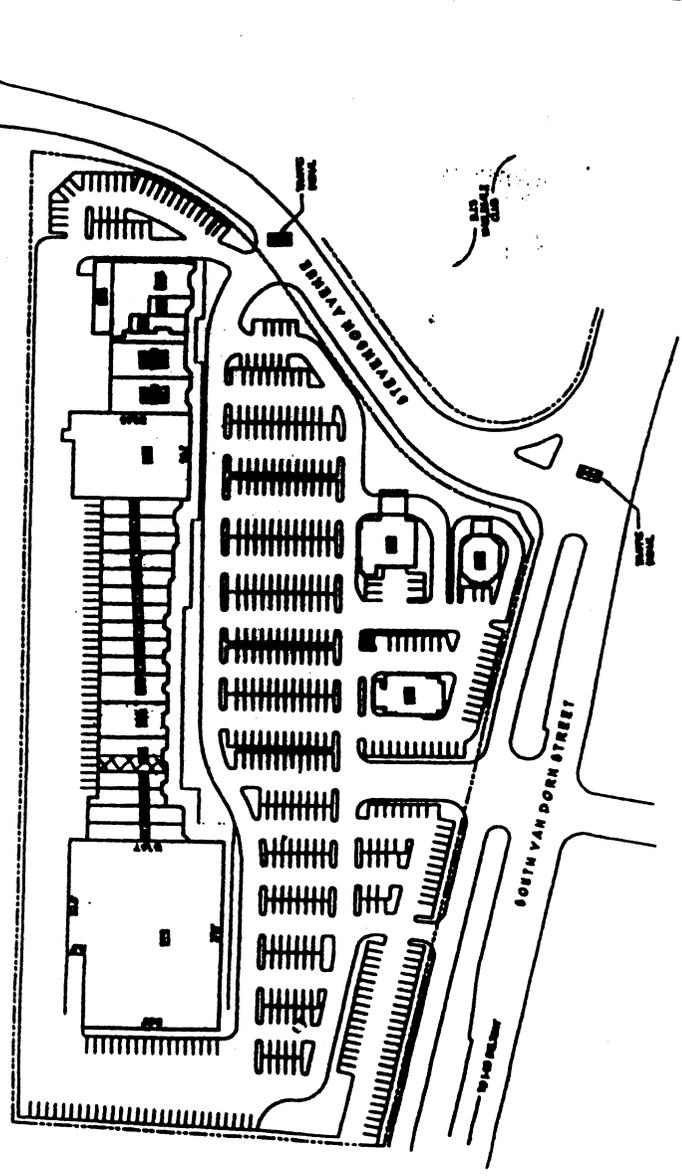
6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)? — Yes. X No.

If yes, please describe: N/A



VAN DORN PLAZA

SOUTH VAN DORN STREET & STEVENSON AVENUE, ALEXANDRIA, VA



LEASING PLAN

Except for the space leased to tenant and except as may be expressly set forth in Tenant's Lease, the designation and location of this plot plan of store units, sizes and other detailed information respecting the shopping center, its building and common areas, is not a representation by Landlord that such conditions exist or that, if they do exist, that they will continue to exist throughout all or any part of the term of Tenant's Lease.

EXHIBIT A
TO
LEASE
Site Plan

CARL M. FREEMAN
MANAGEMENT COMPANY
PL (202) 842-4400
FAX (202) 842-2800
1-800-56-LEASE

APPLICATION for SPECIAL USE PERMIT # 2005-0006

[must use black ink or type]

(A) 201 Vandorn St

249 SOUTH VANDORN STREET,

PROPERTY LOCATION: 287 B VAN DORN PLAZA, ALEXANDRIA, VA 22

TAX MAP REFERENCE: #05702-03-04

ZONE: CG

APPLICANT Name: LAYEK A. CHOWDHURY - PRESIDENT CAA, INC

Address: 1211 SOUTH FREDRICK ST. ARLINGTON, VA 22204

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Address: 18330 VILLAGE CENTER DRIVE, 2nd FLOOR, DUNEY,

PROPOSED USE: ICE CREAM STORE

MD-20832

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* LAYEK A. CHOWDHURY
Print Name of Applicant or Agent

* [Signature]
Signature

* 1211 S. FREDRICK ST
Mailing/Street Address

* 703 820-4617
703-820-4617 Telephone # 703-533-9834 Fax #

* ARLINGTON, VA 22204
City and State Zip Code

* 01-20-2005
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: _____ Date & Fee Paid: _____ 5

ACTION - PLANNING COMMISSION: 04/05/2005 RECOMMEND APPROVAL UC

ACTION - CITY COUNCIL: 4/16/2005 City Council approved the Planning Commission recommendation 7 to 0