



**Zoning**  
**CITY OF AUSTIN**  
**RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: Z-16**  
**AGENDA DATE: Thu 05/06/2004**  
**PAGE: 1 of 1**

**SUBJECT:** C14-04-0038 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6001 Mountain Shadow Drive (Williamson Creek-Barton Springs Zone) from rural residence (RR) district zoning to general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant warehouse limited office-conditional overlay (W/LO-CO) combining district zoning. Applicant: Stacy Shakelford. Agent: Jim Bennett. City Staff: Annick Beaudet, 974-2975.

**REQUESTING** Neighborhood Planning  
**DEPARTMENT:** and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guernsey

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-04-0038

**ZPC DATE:** April 6, 2004  
April 20, 2004

**ADDRESS:** 6001 Mountain Shadows Drive

**OWNER/APPLICANT:** Stacy Shackelford

**AGENT:** Jim Bennett

**ZONING FROM:** RR

**TO:** CS

**AREA:** .78 acres

### **SUMMARY STAFF RECOMMENDATION:**

Staff's alternate recommendation is community commercial-conditional overlay (GR-CO) district zoning. The CO would limit motor vehicle trips to 2,000 per day, prohibit all GR uses except for personal improvement services and allow all other LR uses, require LR development regulations and require 5 feet of right-of-way be dedicated from future centerline of Bee Cave Road. The following uses would be prohibited: Automotive Rentals, Automotive Repair, Automotive Sales, Automotive Washing, Business or Trade School, Business Support Services, Commercial Off-Street Parking, Drop Off Recycling Collection Facility, Exterminating Services, Funeral Services, General Retail Sales (general), Hotel-Motel, Indoor Entertainment, Indoor Sports and Recreation, Medical Offices (exceeding 5, 000 sq.ft.), Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shop Services, Research Services, Restaurant (Drive-in, Fast Food), Restaurant (General), and Theater.

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

April 6, 2004: Approved staff's recommendation of GR-CO zoning.  
[B.B; J.P 2<sup>ND</sup>] (6-1) M.W – NAY; K.J – ABSENT

April 20, 2004: Rescind and reconsider action of April 6, 2004. Vote 7-0.  
Recommend W/LO-CO- 2,000 trip limit, no access to Mountain Crest.

### **ISSUES:**

Upon the rescind and reconsider motion made by the Zoning and Platting Commission, the requirement of the dedication of 5 feet of right way from the centerline of Old Bee Caves Road was inadvertently left out (the requirement was included in their original recommendation). However, the applicant does agree to the requirement and will provide field notes in order to dedicate the land via a street deed prior to 3<sup>rd</sup> ordinance reading.

The conditional overlay (CO) for the adjacent property to the east is the following:

- 2,000 per day motor vehicle trip limit
- Prohibit vehicular access to Mountain Crest Drive
- Require 6-foot high fence along south property line
- 25 foot height limit

The applicant would not be opposed to the requirement of an IPM/Grow Green restrictive covenant requiring the use of an Integrated Pest Management Plan and the use of native plants on the site.

The applicant disagrees with the staff's alternate recommendation but does agree with the 5 foot ROW dedication requirement

**DEPARTMENT COMMENTS:**

There is an existing gymnasium (personal improvement services) on the site. This is currently a legal non-conforming use and a legal non-complying structure. The structure was permitted and built in 1985, prior to the land being annexed on December 19, 1985. The structure is approximately 11,000 square feet. The staff recommendation would make the use a conforming use. Staff is unable to determine whether the structure would be complying under LR development regulations as proposed by staff. However, the structure appears to meet LR site development requirements and would therefore become a conforming and complying use under the staff recommendation of GR-CO.

**EXISTING ZONING AND LAND USES:**

|              | <b>ZONING</b> | <b>LAND USES</b>                                     |
|--------------|---------------|--|
| <i>Site</i>  | RR            | Gymnasium (gymnastics instruction/training facility) |
| <i>North</i> | MF-1-CO       | Apartments under construction                        |
| <i>South</i> | MF-1          | Undeveloped  |
| <i>East</i>  | W/LO-CO       | Self storage facility under construction             |
| <i>West</i>  | RR            | Single family homes                                  |

**AREA STUDY:** Oak Hill Area Study      **TIA:** Waived.

**WATERSHED:** Williamson Creek      **DESIRED DEVELOPMENT ZONE:** No.

**CAPITOL VIEW CORRIDOR:** No.      **HILL COUNTRY ROADWAY:** No.

**NEIGHBORHOOD ORGANIZATIONS:**

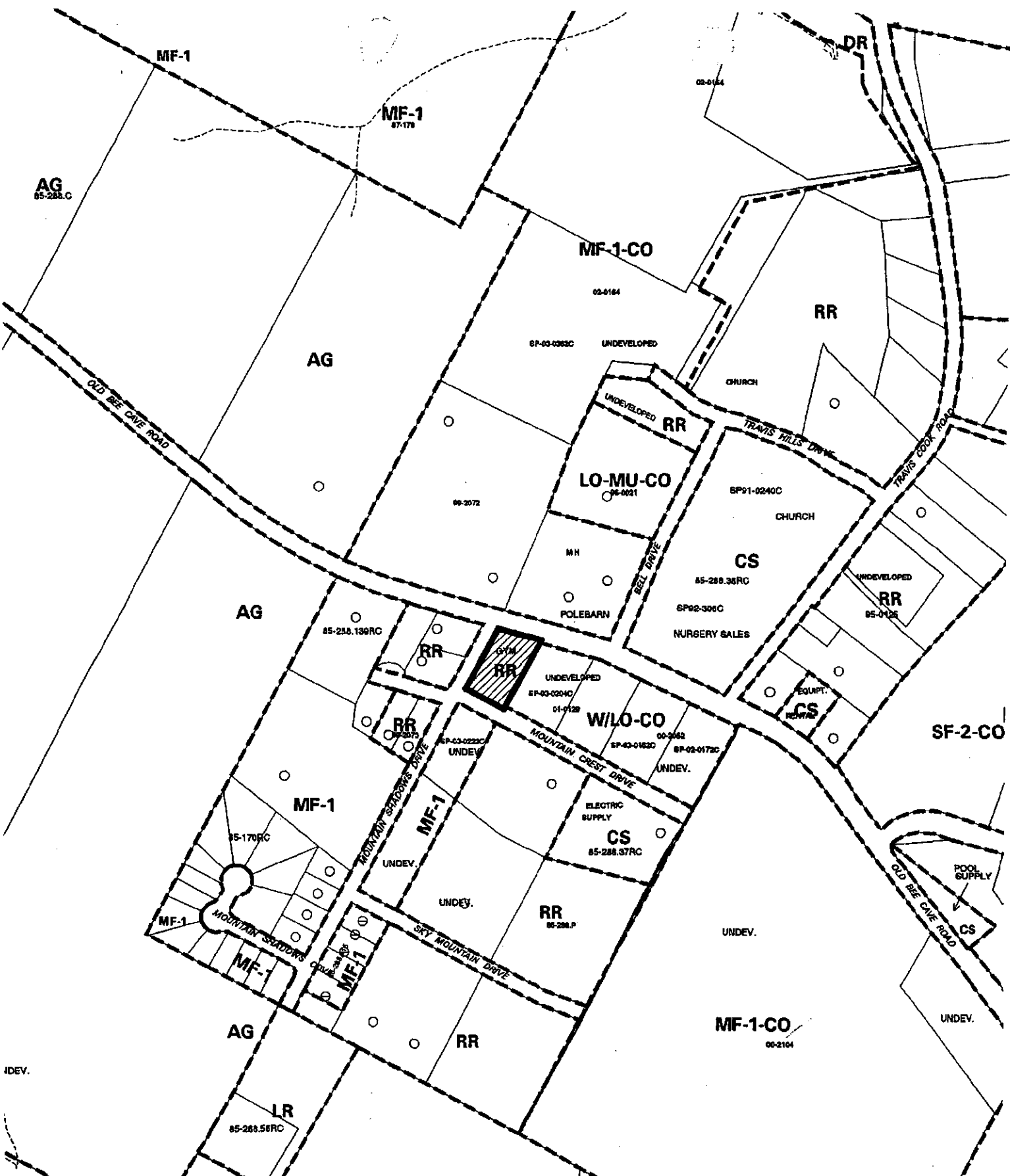
Save Barton Creek Association  
Barton Springs Coalition  
City of Rollingwood  
Save Our Springs Alliance

**CASE HISTORIES:**

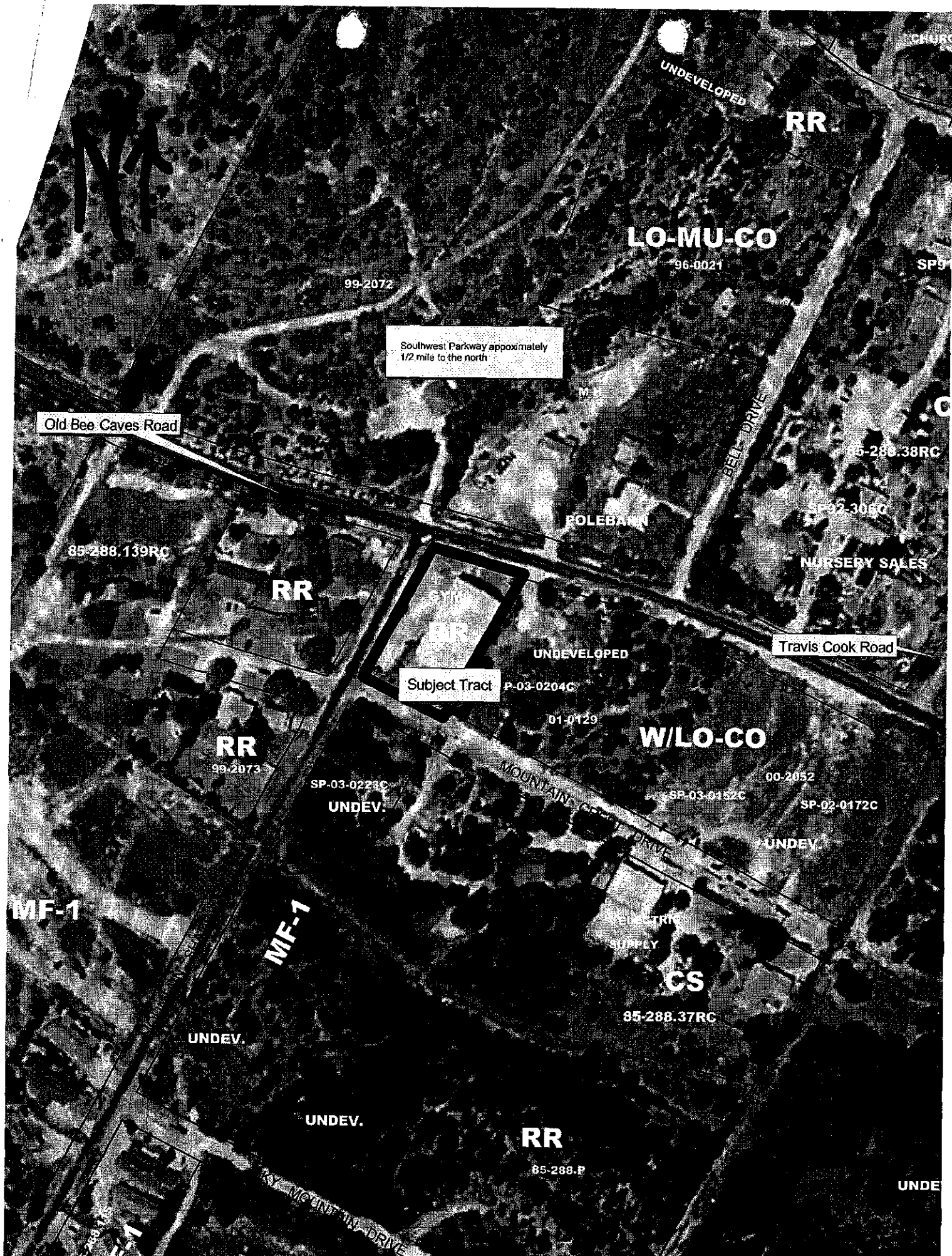
| <b>NUMBER</b>                                    | <b>REQUEST</b>         | <b>ZONING AND PLATTING COMMISSION</b>           | <b>CITY COUNCIL</b><br>*See issues section of Review Sheet for CO conditions for W/LO-CO properties. |
|--|------------------------|---|--|
| (adjacent to site)<br>C14-01-0129<br>C14-00-2052 | LR to W/LO<br>RR to CS | 10-23-01: Rec. W/LO-CO.<br>5-9-00: Rec. W/LO-CO | 11-29-01: Approved W/LO-CO.<br>9-28-00: Approved W/LO-CO.  |
| (directly north of site)<br>C14-02-0164          | DR, RR to<br>MF-1-CO   | 12-17-02: Rec. MF-1-CO.                         | 6-5-03: Approved MF-1-CO.  |
| (Nearby site)<br>C14-96-0021                     | RR, SF-2, to<br>LO     | 3-26-96: Rec. LO-MU-CO.                         | 4-25-96: Approved LO-MU-CO.  |

**RELATED CASES:**

There are no site plan or subdivision applications currently under review by the City of Austin.



|               |                      |   |           |   |
|---------------|----------------------|---|-----------|---|
| <br>1" = 400' | SUBJECT TRACT<br>    | <b>ZONING</b><br>CASE #: C14-04-0038<br>ADDRESS: 6001 MOUNTAIN SHADOWS<br>SUBJECT AREA (acres): 0.780 |           | CITY GRID<br>REFERENCE<br>NUMBER<br>B21 |
|               | PENDING CASE<br>     |   |           |   |
|               | ZONING BOUNDARY<br>  | DATE: 04-02   | INTLS: SM |   |
|               | CASE MGR: A. BEAUDET |   |           |   |



## **STAFF RECOMMENDATION**

**C14-04-0038**

Staff's alternate recommendation is community commercial-conditional overlay (GR-CO) district zoning. The CO would limit motor vehicle trips to 2,000 per day, prohibit all GR uses except for personal improvement services and allow all other LR uses, require LR development regulations and require 5 feet of right-of-way be dedicated from future centerline of Bee Cave Road. The following uses would be prohibited: Automotive Rentals, Automotive Repair, Automotive Sales, Automotive Washing, Business or Trade School, Business Support Services, Commercial Off-Street Parking, Drop Off Recycling Collection Facility, Exterminating Services, Funeral Services, General Retail Sales (general), Hotel-Motel, Indoor Entertainment, Indoor Sports and Recreation, Medical Offices (exceeding 5, 000 sq.ft.), Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shop Services, Research Services, Restaurant (Drive-in, Fast Food), Restaurant (General), and Theater.

## **BASIS FOR RECOMMENDATION**

1. The requested rezoning is not consistent with the Oak Hill Area Study, which recommends retail zoning for this area. The staff recommendation does conform to the 1985 area study.
2. The site is situated at the corner of a local street and a residential collector street making the site ideal for providing neighborhood retail services. In addition, this neighborhood does not have basic retail nearby. The staff recommendation would not only support the existing use on the site but also provide for the future development of neighborhood services in a manner that would be compatible with the predominantly residential feel of the immediate neighborhood.
3. The requested CS zoning does not meet the purpose statement of the district sought nor is it compatible with existing uses and zoning categories. The majority of adjacent zoning and uses are single family and low density multifamily with the exception of the property to the east being zoning W/LO-CO and under construction to provide a convenience storage use. The purpose statement of the W/LO zoning district state that it can be compatible with residential environments. The W/LO district provides for low intensity development via a low *Floor to Area Ratio* requirement as well as development regulations similar to or more restrictive than that of a LR (neighborhood commercial) district. The CO placed on the adjacent W/LO zoning prohibits access to Mountain Crest Drive (residential collector), further solidifying the existence of a residential neighborhood where intense commercial zoning would not be appropriate.
4. The staff recommendation is reasonable in that it recognizes that the existing RR zoning is no longer appropriate given the recent rezonings in the area to allow for some increased density, while making the existing use a conforming one. Also, there is a significant amount of low density multifamily in the area further supporting the need for compatible neighborhood commercial services in the area.
5. Recently approved rezonings in the area (1996 to present) are all for low intensity commercial, low density multifamily, and down zonings of commercial/higher density residential to single family. The requested CS zoning is not consistent with this trend and therefore not consistent with the treatment of similarly situated properties.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is currently developed with a commercial structure (approximately 11,000 square feet) that is used for gymnastics instruction and training.

### **Impervious Cover**

The maximum impervious cover allowed by the CS zoning district would be 95%. However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

This site is not located over the southern Edward's Aquifer Recharge Zone. The site is located over the southern Edward's Aquifer Contributing Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone (BSZ) watershed. Project applications at the time of this report are subject to the SOS Ordinance which allows 25% impervious cover in the contributing zone.

### **Environmental**

According to flood plain maps, there is no flood plain within the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention. Runoff from the site is required to comply with pollutant load restrictions as specified in LDC Section 25-8-514.

At this time, no information has been provided as to whether this property has any preexisting approvals which would preempt current water quality or Code regulations.

### **Transportation**

The Austin Metropolitan Area Transportation Plan calls for a total of 114 feet of right-of-way for Old Bee Cave Road. If the requested zoning is granted, then 5 feet of right-of-way should be dedicated future centerline of Bee Cave Road in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55).

Additional right-of-way for Mountain Crest Drive will be required at time of subdivision and or site plan application.

The trip generation under the requested zoning is estimated to be 5,317 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

**Existing Street Characteristics:**

| <b>Name</b>        | <b>ROW</b> | <b>Pavement</b> | <b>Classification</b> | <b>Daily Traffic</b> |
|--------------------|------------|-----------------|-----------------------|----------------------|
| Old Bee Cave       | 60'        | 25'             | Arterial              | N/A                  |
| Mountain Shadows   | 50'        | 18'             | Residential           | N/A                  |
| Mountain Crest Dr. | 60'        | 37'             | Collector             | N/A                  |

There are no existing sidewalks along Old Bee Cave Road, Mountain Shadows, or Mountain Crest.

Old Bee Cave Road is classified in the Bicycle Plan as a Priority B bike route.

Capital Metro bus service is not available within 1/4 mile of this property.

**Water and Wastewater**

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or adjustment are required, the landowner will be responsible for all costs and providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City's utility design criteria.

**Stormwater Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

**Compatibility Standards**

This site is located in the Drinking Water Quality Zone and the Barton Springs Zone.

Any expansion or new construction to the site will trigger compatibility standards to apply.

**DEPARTMENT COMMENTS**

There is an existing gymnasium (personal improvement services) on the site. This is currently a legal non-conforming use and a legal non-complying structure. The structure was permitted and built in 1985, prior to the land being annexed on December 19, 1985. The structure is approximately 11,000 square feet. The staff recommendation would make the use a conforming use. Staff is unable to determine whether the structure would be complying under LR development regulations as proposed by staff. However, the structure appears to meet LR site development requirements and would therefore become a conforming and complying use under the staff recommendation of GR-CO.





C14-04-0038

**CITY ZONING AND PLATTING COMMISSION**

**APRIL 6, 2004 [ANNOTATED]**

**One Texas Center**

**505 Barton Springs Road**

**3<sup>rd</sup> Floor Conference Room**

**CALL TO ORDER – 6:00 P.M.**

**COMMENCED: 6:11 P.M.**

**ADJOURNED: 10:05 P.M.**

\_\_\_\_\_ Betty Baker – Chair  
\_\_\_\_\_ John-Michael Cortez  
\_\_\_\_\_ John Philip Donisi  
\_\_\_\_\_ Jay A. Gohil  
\_\_\_\_\_ Clarke Hammond - Secretary

\_\_\_\_\_ Melissa Whaley Hawthorne – Assist. Secretary  
\_\_\_\_\_A\_\_\_\_\_ Keith Jackson – Parliamentarian  
\_\_\_\_\_ Joseph Martinez – Vice-Chair  
\_\_\_\_\_ Janis Pinnelli

**ORDER OF PROCEDURE**

1. Chair announces request.
2. Staff presents a summary of the case.
3. Chair calls on those **FAVORING** the request.
  - a. Applicant's presentation (5 minutes).
  - b. Others favoring the request (3 minutes).
4. Chair calls on those **OPPOSING** the request.
  - a. Primary presentation (5 minutes).
  - b. Others opposing the request (3 minutes).
5. Applicant is given opportunity to answer objections stated. (3 minutes)
6. Staff summation and questions from the Commission.
7. The public hearing on a zoning case may be closed and no further testimony is taken from the public.
8. If the public hearing is closed, the Commission shall make a recommendation to the City Council within 14 days or the case will be forwarded to the City Council without a recommendation. (Section 25-2-282)

All of the following items may be acted upon by one motion. The Commission does not consider items earlier than the time stated on the agenda; "Other Business" items can be taken at any time. After the posted time, the Commission Chairperson may announce the item and, if there is no opposition, the item may be taken "by consent" for approval without discussion.

***CITIZENS WISHING TO SPEAK BEFORE THE COMMISSION MUST REGISTER BY SIGNING A LIST AT THE ENTRANCE.***

Any interested party aggrieved by a decision of the Zoning and Platting Commission on a Hill Country Site Plan, Conditional Use Permit, Replacement Site Plan, or a Preliminary Subdivision Plan with an environmental variance may only appeal the Commission's decision to the City Council. The notice of appeal must be submitted in writing on a form provided by the Director of Neighborhood Planning and Zoning Department within fourteen (14) days following the decision of the Zoning and Platting Commission.

POSTED: April 2, 2004

TIME: 4:00 P.M.

FACILITATOR: Don Perryman

C14-04-0038

15. C14-04-0034 – CITY OF AUSTIN – NEIGHBORHOOD PLANNING & ZONING DEPARTMENT, By: COA – Neighborhood Planning & Zoning Department (Sherri Gager), 8518 Fathom Circle. (Bull Creek / Rattan Creek). **FROM GO-CO TO MF-2. RECOMMENDED. City Staff: Sherri Gager, 974-3057.**

**APPROVED STAFF'S RECOMMENDATION OF MF-2 ZONING; BY CONSENT.**

**[J.M; J.G 2<sup>ND</sup>] (7-0) K.J – ABSENT**

16. C14-04-0035 – SHOAL CREEK PROPERTIES, LTD. (Fred G. Eppright), By: Land Strategies, Inc. (Paul W. Linehan), approximately 9300-9800 block of R.M. 620 North. (Bull Creek). **FROM I-RR TO SF-6. ALTERNATE RECOMMENDATION: SF-6-CO. City Staff: Sherri Gager, 974-3057.**

**POSTPONED TO 05/18/04 (NEIGHBORHOOD)**

**[J.M; J.G 2<sup>ND</sup>] (7-0) K.J – ABSENT**

17. C14-04-0038 – STACEY SHACKELFORD, By: Jim Bennett Consulting (Jim Bennett), 6001 Mountain Shadows Drive. (Williamson Creek). **FROM RR TO CS. ALTERNATE RECOMMENDATION: GR-CO. City Staff: Annick Beaudet, 974-2975.**

**APPROVED STAFF'S RECOMMENDATION OF GR-CO ZONING.**

**[B.B; J.P 2<sup>ND</sup>] (6-1) M.W – NAY; K.J – ABSENT**

18. C14-04-0039 – OAK HILL (Jack Lieberman), By: Jim Bennett Consulting (Jim Bennett), 6705 US Hwy. 290 West. (Williamson Creek). **FROM GR TO CS-1. NOT RECOMMENDED. City Staff: Glenn Rhoades, 974-2775.**

**APPROVED STAFF'S RECOMMENDATION TO DENY THE ZONING REQUEST.**

**[J.M; J.P 2<sup>ND</sup>] (7-0) K.J – ABSENT**

## **MEMORANDUM**

**TO:** Betty Baker, Chair and Members of the Zoning and Platting Commission

**FROM:** Dora Anguiano, Zoning and Platting Commission Coordinator  
Neighborhood Planning and Zoning Department

**DATE:** April 28, 2004

**SUBJECT:** Zoning and Platting Commission Summary

Attached is a Zoning and Platting Commission summary, which will be forwarded to the City Council.

**CASE # C14-04-0038**

17. C14-04-0038 – STACEY SHACKELFORD, By: Jim Bennett Consulting (Jim Bennett), 6001 Mountain Shadows Drive. (Williamson Creek). **FROM RR TO CS. ALTERNATE RECOMMENDATION: GR-CO. City Staff: Annick Beaudet, 974-2975.**

### SUMMARY

Annick Beaudet, staff – “This is a zoning request from RR to CS, staff has an alternate recommendation of GR-CO; the CO would limit this site to 2000 trips and prohibit all GR uses, except for personal improvement services; and allow all other LR uses. Also require LR development regulations and require 5-feet of right-of-way to be dedicated from the future centerline of Old Bee Caves Road. There’s an existing gymnasium, which is a personal improvement service on this site. It’s a current, legal, non-conforming use and a legal non-complying structure. The structure was permitted and built in 1985, prior to the land being annexed by the City of Austin on December 19, 1985. The staff recommendation would make the use a conforming use. Staff is unable to determine whether the structure would be complying under the LR development regulations as proposed, but it appears to meet the LR site development regulations; therefore, it would become a conforming and complying use under the staff recommendation of GR-CO. The basis of the staff recommendation is that the staff recommendation is consistent with the Oak Hill Area Study done in 1985 that proposed retail for this area. The site is situated at the corner of a local street and a residential collector, making this site ideal for providing neighborhood services. The neighborhood does not have basic retail nearby, so the staff recommendation will not only support the existing use on the site, but provide for a future development of neighborhood services in a manner compatible with the neighborhood in the area. The majority of adjacent zoning in the area is single-family on large lots; and low-density multi-family. With the exception of the adjacent lot, which is zoned W/LO-CO, it allows for convenient storage but all other LR uses. The purpose statement for W/LO says that it is compatible with residential environments; it has really low FAR requirements and development regulations that are more restrictive than those in LR. The CO placed on the W/LO, prohibits access to Mountain Crest Drive, further solidifying the existence of residential neighborhood and try to protect detriment to those properties. There is also a significant amount of low density multi-family in the area, further supporting the need for retail services in the area and there has been a trend in this area recently from 1996 to present, to down zone more intense zoning, to less intense multi-family zoning and even small lot single-family; and to lower density multi-family. So this request is not in sync with that trend and with what staff has been recommending and Council’s been recommending since 1996. The property directly to the north was recently rezoned to MF-1 with some conditions, so you are seeing some allowance of some density to create neighborhood there, but very carefully. There’s anywhere in the area where you could go and just get milk or a gallon of gas. I’d like to say that the use there, that gymnasium has been there for a very long time and does serve the residence in the area and staff was sensitive to that and the recommendation allows them to be a conforming use”.

Jim Bennett, applicant – “This property was developed in 1985 with an approved site plan, a site development permit, which was required. It has approximately 80%

impervious cover. There are 15 parking spaces on this site with 11,000 square feet of building with a detention pond to the south portion of the property adjacent to the street to the south, which is Mountain Crest Drive. The adjacent property was zoned W/LO, that is currently developed with warehouse type office uses. This property is developed with a metal building. It is about 24-feet in height for a gymnasium; when the gymnasium goes away, we can't see this property being redeveloped to apartments with that kind of building on it. We're requesting the CS zoning because we think that the appropriate use of a building constructed like this and with the parking that's on this site, will probably most likely be limited warehouse and distribution. If you look at your zoning map, there is CS zoning across the street; W/LO adjacent to the property; CS to the south and the other side of Mountain Crest Drive. There is a lot of MF-1 zoning on it, as you go down Mountain Shadows Drive, to Mountain Shadows Cove, all that MF-1 zoning is older zoning and it's not developed with apartments. There are large sites in these lots; this lot itself is about .38 of an acre. It is fully developed, the other lots in the area are 1 acre or larger. We have support letters from the adjacent property owners. The property owners on the far side of Mountain Crest Drive and the nursery sales are in support. We have not received any opposition to this zoning change. We think to limit it to LR or GR or one of the retails, I don't think anyone is going to go here to buy shoes or shirts or even milk; those facilities are located on highway 71, which parallels to Old Bee Caves Road. It does not appear from the uses that are there, that retail would be a viable use for this piece of property in the future. We think that because of the fully developed site, that CS is appropriate. If commission would consider CS with a conditional overlay that if the property is redeveloped, that it be redeveloped to the W/LO. Right now with the facility as it is built, does not appear that we meet the W/LO standards, the FAR's the impervious cover or any other requirements of the W/LO. We don't expect that the building will anywhere in the near future would be torn down; because it is a substantial building".

Commissioner Baker – "You commented that you felt that if the property changed hands, it would probably develop W/LO?"

Mr. Bennett – "The building that's there, I think it's probably going to be used for limited warehousing and distribution".

Commissioner Baker – "Why didn't you request W/LO?"

Mr. Bennett – "The W/LO will not allow limited warehousing and distribution".

Commissioner Baker – "But warehouse and limited office would be permitted and that's the rest of the block".

Mr. Bennett – "The site is not developed to W/LO standards".

Commissioner Baker – "I know, I realize that, but..."

Mr. Bennett – “That’s the reason I suggested the CS with a conditional overlay to rollback the W/LO should it be redeveloped. Then it can be developed to the W/LO standards”.

Commissioner Baker – “Mr. Bennett you’ve been here longer than I and you never seen a rollback either”.

Mr. Bennett – “Yes mame, you might see one on South Lamar”.

[Laughter]

Commissioner Baker – “But so far you haven’t”.

Mr. Bennett – “Basically, the building is a building ....”

Commissioner Baker – “I understand, to me it’s there, your use is there and it’s going to continue for an indefinite period”.

Mr. Bennett – “The lease is about to expire on the use that’s there”.

Commissioner Baker – “But it can be extended”.

Mr. Bennett – “I don’t think it is”.

Commissioner Baker – “I can’t see putting GR up there at that location, there’s CS across the street, you’re referencing is a nursery, which is almost an agricultural use”.

Mr. Bennett – “It’s a nursery and landscape company and the CS to the south is also a electrical contractor and distribution”.

Commissioner Baker – “I understand”.

### **FAVOR**

No Speakers.

### **OPPOSITION**

No Speakers.

Commissioners Martinez and Whaley moved to close the public hearing.

Commissioner Baker – “Is there a motion?”

Silence.

Commissioner Baker – “Mr. Martinez if you’ll take the chair, I’ll make a motion”.

Commissioner Martinez – “Is there a motion?”

Commissioner Baker – “My motion is going to be for staff recommendation”.

Commissioner Pinnelli – “I’ll second”.

Commissioner Baker – “I’m frustrated, I would like to see a restrictive covenant with the neighborhood association, if there is one. That the existing GR use would be the only permitted GR use as the conditional overlay states. But that it be entered into a restrictive covenant with the neighborhood association; and permitted LR uses as recommended by staff”.

Commissioner Pinnelli – “As long as the conditional overlays are on there, I don’t want to see GR on there either. We have to do something”.

Commissioner Whaley – “I think W/LO is more appropriate and I will probably be the minority”.

Motion carried.

**COMMISSION ACTION:  
MOTION:**

**BAKER, PINNELLI  
APPROVED STAFF’S  
RECOMMENDATION OF GR-CO  
ZONING.**

**AYES:**

**PINNELLI, GOHIL, MARTINEZ,  
BAKER, DONISI, HAMMOND.**

**NAY:**

**WHALEY**

**ABSENT:**

**JACKSON**

**MOTION CARRIED WITH VOTE: 6-1.**