

**MINUTES  
PLANNING COMMISSION  
116 WEST NEEDLES  
BIXBY, OKLAHOMA  
September 17, 2012 6:00 PM**

**STAFF PRESENT:**

Erik Enyart, AICP, City Planner  
Patrick Boulden, Esq., City Attorney

**OTHERS ATTENDING:**

See attached Sign-In Sheet

**CALL TO ORDER:**

Acting Chair John Benjamin called the meeting to order at 6:02 PM.

**ROLL CALL:**

Members Present: Jeff Baldwin, John Benjamin, and Lance Whisman.  
Members Absent: Thomas Holland and Larry Whiteley.

**CONSENT AGENDA:**

1. Approval of Minutes for the June 18, 2012 Regular Meeting
2. Approval of Minutes for the July 16, 2012 Regular Meeting
3. Approval of Minutes for the August 20, 2012 Regular Meeting

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Acting Chair John Benjamin introduced the Consent Agenda Numbers 1, 2, and 3. It was determined that there was no quorum of those present at those meetings. Erik Enyart recommended that the items be Continued to the October 15, 2012 Regular Meeting. Acting Chair John Benjamin declared the items Continued to the October 15, 2012 Regular Meeting.

**PUBLIC HEARINGS**

4. (Continued from August 20, 2012)  
**BZ-357 – JR Donelson for Clinton Miller and Roger Metcalf.** Public Hearing, Discussion, and consideration of a rezoning request from RS-2 Single Family Dwelling District to CS Commercial Shopping Center District for part of Government Lot 7 lying West of the Centerline of Old U.S. Hwy 64 and lying North of Bentley Park in Section 13, T17N, R13E.  
Property located: North dead-end of Riverview Rd.; Northwest corner of the intersection of Riverview Rd. and E. Westminster Pl. N.
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Acting Chair John Benjamin introduced the item. Erik Enyart noted that he had passed out copies of a printout of an email from Applicant JR Donelson requesting that the item be Continued to the November 19, 2012 Regular Meeting.

Lance Whisman made a MOTION to CONTINUE BZ-357 to the November 19, 2012 Regular Meeting. Jeff Baldwin SECONDED the Motion. Roll was called:

**ROLL CALL:**

AYE: Benjamin, Baldwin, & Whisman  
NAY: None.  
ABSTAIN: None.  
MOTION CARRIED: 3:0:0

5. (Continued from August 20, 2012)

**Zoning Code Text Amendment.** Public Hearing to receive Public review and comment, and Planning Commission recommendations regarding the adoption of a proposed amendment to the Zoning Code of the City of Bixby, Oklahoma, pursuant to Oklahoma Statutes Title 11 Section 43-101 et seq. and Bixby Zoning Code/City Code Title 11 Section 11-5-3, regarding landscaping requirements for certain campus uses and other related amendments.

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Acting Chair John Benjamin introduced the item and asked Erik Enyart for the Staff Report and recommendations. Mr. Enyart summarized the Staff Report as follows:

**To:** Bixby Planning Commission  
**From:** Erik Enyart, AICP, City Planner  
**Date:** Tuesday, September 11, 2012  
**RE:** Report and Recommendations for:  
Zoning Code Text Amendment – Landscaping requirements for certain campus uses

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**AGENDA ITEM:**

**Zoning Code Text Amendment.** Public Hearing to receive Public review and comment, and Planning Commission recommendations regarding the adoption of a proposed amendment to the Zoning Code of the City of Bixby, Oklahoma, pursuant to Oklahoma Statutes Title 11 Section 43-101 et seq. and Bixby Zoning Code/City Code Title 11 Section 11-5-3, regarding landscaping requirements for certain campus uses and other related amendments.

**BACKGROUND INFORMATION:**

On April 23, 2012, the City Council approved Ordinance # 2080, and subsequently attached an Emergency Clause, pursuant to the following agenda item,

“Consider and take action on an ordinance declaring a moratorium on the enforcement of landscaping requirements codified in Bixby City Code Title 11, Chapter 12, “Landscape Requirements”, as they pertain to certain campus land uses.”

The City Attorney’s report for that item and the approved ordinance are attached to this report. The moratorium is in effect until October 31, 2012, and contains an October 01, 2012 deadline for the Planning Commission to review and provide recommendation to the City Council on a Zoning Code amendment.

On May 21, 2012, the Planning Commission discussed an informational item related to this conceptual Zoning Code Text Amendment. At that meeting, the Commissioners asked Staff why the School’s Landscape Architect’s estimates included [311] trees when only 126 were required (see BLPAC-8 September 2011). Answers were not known. Staff agreed to, as a part of preparing the report on the future Zoning Code Text Amendment matter, research the estimate and compare it to the approved

landscape plan [BLPAC-8], and talk to the Landscape Architect as required. Staff also agreed to find other examples of recently-approved landscape plans and report how they would be affected by whatever recommended changes may be promulgated.

No action was taken.

At the August 20, 2012 regular meeting, at the request of City Staff, the Planning Commission Continued the Public Hearing and consideration of this matter to this September 17, 2012 regular meeting.

**ANALYSIS:**

City Staff has met and discussed this matter internally and recommends the following pursuant to its understanding of the City Council's intent:

Zoning Code Sections 11-12-2 currently provides:

**"11-12-2: APPLICABILITY AND EXEMPTIONS:**

The landscape requirements herein established shall be effective upon the adoption date hereof and shall be applicable to all land for which a building permit is sought; provided, however, that the landscape requirements shall not be applicable to the following:

- A. Individual single-family or duplex lots wherein only one such structure is to be constructed on the lot;
- B. Restoration of buildings constructed prior to the adoption date hereof which are damaged by fire, flood or other catastrophe;
- C. Interior remodeling;
- D. Construction of a structure, other than a building, which does not increase the developed area of a lot more than thirty (30) square feet;
- E. Developed area of a lot if all proposed new buildings and/or additions to buildings contain less floor area than the floor area of existing buildings which remain on the lot after completion of the new construction; and
- F. For the purposes of this section, "developed area" shall mean the area of a lot which, on October 9, 1995 and after, is covered by a structure, off street parking or loading areas or other areas paved with all weather material. "Existing buildings" shall mean buildings completed and existing prior to the adoption date hereof. The definition of a "structure" is as follows: Anything constructed or erected with a fixed location on the ground, or attached to something with a fixed location on the ground, and including buildings, walks, fences and signs."

Zoning Code Sections 11-12-2 shall be amended as follows:

**"11-12-2: APPLICABILITY AND EXEMPTIONS:**

The landscape requirements herein established shall be effective upon the adoption date hereof and shall be applicable to all land for which a building permit is sought, **except as hereinafter provided**. For the purposes of this section, "developed area" shall mean the area of a lot which, on October 9, 1995 and after, is covered by a structure, off street parking or loading areas or other areas paved with all weather material. "Existing buildings" shall mean buildings completed and existing prior to the adoption date hereof. The definition of a "structure" is as follows: Anything constructed or erected with a fixed location on the ground, or attached to something with a fixed location on the ground, and including buildings, walks, fences and signs. **The landscape requirements shall not**, be applicable to the following:

- A. Individual single-family or duplex lots wherein only one such structure is to be constructed on the lot;
- B. Restoration of buildings constructed prior to the adoption date hereof which are damaged by fire, flood or other catastrophe;
- C. Interior remodeling;

- D. *Construction of a structure, other than a building, which does not increase the developed area of a lot more than thirty (30) square feet;*
- E. *The developed area of a lot if all proposed new buildings and/or additions to buildings contain less floor area than the floor area of existing buildings which remain on the lot after completion of the new construction; and*
- F. *Lands belonging to federal, state, county, and municipal governmental entities, and all instrumentalities, political subdivisions, departments, agencies, and authorities thereof, including, but not limited to, public school districts.”*

*On August 15, 2012, Staff requested the Schools’ architect and landscape architect assist in the reconciliation of the tree count matter. No response has been received. Staff will report if a response is given by the meeting date.*

*On the other research matter, pertaining to other examples of recently-approved landscape plans, a comparison is not applicable as a specific class of land uses would, by this amendment, be fully excepted from the landscaping requirements.*

Erik Enyart noted that, if the Commission was to Continue this case to allow for more members to be present [and to allow for longer discussion and deliberation], it would need to Continue it to a date after October 01, 2012, as he would be out of the office until this date. Mr. Enyart stated that there was an issue with this, however, in that the ordinance the City Council passed creating a Moratorium [on the application of the landscaping to “certain campus uses”] had an October 01, 2012 deadline for the Planning Commission to deliver its recommendation to the City Council.

Lance Whisman asked Erik Enyart why the City was now proposing to make the amendment exempt all public entities. Mr. Enyart deferred to City Attorney Patrick Boulden. Mr. Boulden stated that the change would relieve governmental entities [of the costs], and let them decide what amount of landscaping should be budgeted, and that they not be burdened with the regulations. Mr. Boulden stated that the current regulations do not take into consideration budget constraints governmental entities are subject to. Mr. Whisman again asked “Why,” and Mr. Boulden stated that the amendment was refined after talking to people in the City about what the Council expects. Mr. Whisman objected that businesses in the City will argue that they should be exempt too. Mr. Boulden stated there was no disputing that the new proposal was more broad [than the initial proposal]. Mr. Whisman asked, from a legal standpoint, if the City would be opening itself to a lawsuit. Mr. Boulden responded that, from a political standpoint, a business could make a claim, but “I’m not concerned legally,” particularly because of the budgetary considerations government is subject to. Mr. Boulden stated that he would have no difficulty demonstrating that this is fair and why [governmental entities] should be treated differently.

Erik Enyart asked Patrick Boulden if there was any flexibility of the dates in the Moratorium ordinance, and if it was not allowable to exceed the October 01, 2012 deadline to deliver the Planning Commission’s recommendations to the City Council. Mr. Enyart stated that, if the Commission held its Public Hearing and consideration of the item at the October 15, 2012 Regular Meeting, it would still be in time to allow the City Council to pass an ordinance at the final October meeting, before the end of the Moratorium on October 31, 2012. Mr. Enyart stated that the Commission could direct Staff to report to the City Council at its September 24, 2012 meeting that the deadline would be exceeded to allow for the completion of the review. Mr. Boulden did not express objection.

Erik Enyart recommended, in the interest of time, (1) that this item be Continued to the October 15, 2012 Regular Meeting, (2) that the Commission direct Staff to report to the City Council that the

October 01, 2012 deadline would be exceeded for this reason, and (3) the Commission hold a Worksession meeting in the first half of the month of October.

Lance Whisman expressed concern that the City could be entering a “slippery slope.”

Acting Chair John Benjamin asked to entertain a Motion. Jeff Baldwin made a MOTION to CONTINUE the item to the Public Hearing and consideration of this item to the October 15, 2012 Regular Meeting, to direct Staff to report to the City Council that the October 01, 2012 deadline would be exceeded for this reason, and to direct staff to coordinate a Worksession meeting in the first half of the month of October. Lance Whisman SECONDED the Motion. Roll was called:

**ROLL CALL:**

AYE: Benjamin, Baldwin, & Whisman  
NAY: None.  
ABSTAIN: None.  
MOTION CARRIED: 3:0:0

**PLATS**

**OTHER BUSINESS**

- 6. **BL-386 – William G. Elliott.** Discussion and possible action to approve a Lot-Split for Lot 15, Block 1, *Village at the Legends*.  
Property located: 9555 E. 109<sup>th</sup> St. S.

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Acting Chair John Benjamin introduced the item and asked Erik Enyart for the Staff Report and recommendations. Mr. Enyart summarized the Staff Report as follows:

**To:** Bixby Planning Commission  
**From:** Erik Enyart, AICP, City Planner  
**Date:** Monday, September 10, 2012  
**RE:** Report and Recommendations for:  
BL-386 – William G. Elliott

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**LOCATION:** – 9555 E. 109<sup>th</sup> St. S.  
– Lot 15, Block 1, *Village at the Legends*  
**LOT SIZE:** 0.2 acres, more or less  
**ZONING:** RS-4 Residential Single-Family District + PUD 44  
**EXISTING USE:** Vacant  
**REQUEST:** Lot-Split approval  
**COMPREHENSIVE PLAN:** Low Intensity + Vacant, Agricultural, Rural Residences, and Open Land  
**PREVIOUS/RELATED CASES:** (not necessarily a comprehensive list)  
*PUD 44 – Village at the Legends – Request for rezoning from AG to RS-4 and PUD 44 for Village at the Legends – Recommended for Approval by PC 05/16/2005 and Approved by the City Council 09/12/2005 (Ord. 913).*  
*Final Plat of Village at the Legends – Request for Final Plat approval for Village at the Legends (includes subject property) – Approved by PC 06/19/2006 and by the City Council on 06/26/2006.*  
**BACKGROUND INFORMATION:**  
**ANALYSIS:**

Subject Property Conditions. The subject property consists of Lot 15, Block 1 in Village at the Legends, zoned RS-4 + PUD 44. It contains approximately .02 acres and is vacant.

General. The Lot-Split is proposed to allow the houses on the east and west sides to have larger side yards. As the resulting tracts would otherwise be too small, they must be attached to the adopting lots on both sides. Provided this is done, the combined, enlarged lots would comply with the minimum bulk and area and other requirements of PUD 44.

The Technical Advisory Committee (TAC) reviewed this Lot-Split application and comments were requested in lieu of a meeting. The comments received are attached to this report.

Staff Recommendation. Staff recommends Approval, subject to both resultant tracts being attached to the adopting lots on both sides by deed restriction language such as:

[INSERT THE LEGAL DESCRIPTION OF THE EASTERLY OR WESTERLY TRACT].

The foregoing is restricted from being transferred or conveyed as described above without including:

[INSERT THE LEGAL DESCRIPTION OF THE RESPECTIVE ADOPTING LOT]

unless otherwise approved by the Bixby Planning Commission, or its successors, and/or the Bixby City Council as provided by applicable State Law,

Or other language provided by the Applicant for this purpose subject to City Attorney approval.

Acting Chair John Benjamin asked if the Applicant was present and wished to speak on the item. Applicant William Elliott of 10021 S. Sheridan Rd. was present and stated “We go along with Staff.”

Steve Winegeart of 9539 E. 109<sup>th</sup> St. S. stated, “We’re the west split. We will keep it maintained and landscaped.” Mr. Winegeart stated that he wanted a larger side yard.

Erik Enyart noted that, prior to the meeting, he had presented copies of a letter he had received in regard to the property. Mr. Enyart advised the Commission, “It’s your right as a property owner to use and dispose of your land as you see fit, subject to governmental regulations.” Mr. Enyart stated that, if combined with the adopting lots as recommended, the Lot-Split met the applicable governmental regulations.

Acting Chair John Benjamin asked if anyone else wished to speak on the item. Dr. Jim West of 9587 E. 109<sup>th</sup> St. S. stated he was opposed to the Lot-Split. Dr. West stated that the subdivision was [initially] planned as a “zero lot line” development, and that everyone knew [that each lot would have a house]. Dr. West stated that, if split, [the subdivision residents] would never have a house there. Dr. West stated that there were eight (8) to 10 [vacant] lots left in the subdivision. Dr. West stated that the maintenance of the lot as of today is awful, with its native grass. Dr. West stated that it was now an eyesore, and that it should be made to have a house on it. Dr. West stated that it looks like the neighborhood is unfinished. Dr. West stated that, if unbuilt, there would never be tax revenue for the City of Bixby. Dr. West stated that he was not sure the covenants would allow for the Lot-Split.

Andra Winegeart of 9539 E. 109<sup>th</sup> St. S. stated that the sprinkler system company told them they would have to have the land split before the sprinkler system was put in because you could not split the system [if the Lot-Split was denied].

Dr. Jim West stated that the owner of 9464 E. 109<sup>th</sup> Pl. S. [was another case of someone owning a vacant lot next door], but in that case it was not being split.

Laverne McCoy of 9571 E. 109<sup>th</sup> St. S. stated that she owned the [subject property] lot, and that [Andra Winegeart] was her neighbor. Ms. McCoy stated that she had checked with an attorney and [was informed that the Lot-Split could be done].

William Elliott stated that, if the Commission approved the Lot-Split, it would be landscaped. Mr. Elliott stated that he was an appraiser in Tulsa since 1958, and that, in those years, lots were typically 50' in width, and owners would split them as needed to suit their desire for the sizes of their houses and yards.

Jeff Baldwin clarified with the interested parties where their properties were located in relation to the subject property.

Acting Chair John Benjamin asked if anyone else wished to speak on the item.

Kevin Steck of 9523 E. 109<sup>th</sup> St. S. stated that he was opposed to the application. Mr. Steck stated that this was [originally] intended to be a “zero lot line” development, and that approval would “destroy the community plan you approved.” Mr. Steck stated that the Homeowners Association had 49 lots, and that the split would cause it to go to 48 lots. Mr. Steck stated that one (1) lot equaled one (1) vote. Mr. Steck stated that the other owner with two (2) lots is paying [dues] for both lots. Mr. Steck objected that approval would make the [lot removal] permanent, and revenue taxes for Bixby would be foregone. Mr. Steck asked Keith Bartsch if this was not correct, and Mr. Bartsch stated that it was unless the subdivision [Covenants] state otherwise. Mr. Bartsch stated that he lived just to the west of this lot and was a neighbor. Mr. Bartsch stated that the closeness of the houses was a known thing, and if someone comes in to buy a [house or lot], they will see that all the houses are 10' apart, as it is obvious. Mr. Bartsch stated that this is why the legislature makes [Lot-Split applications] come to you first before going to the City Council.

Gary Stamper stated that he had asked for a variance before, “an 18” variance to twist the house in[to] the easement,” but was denied “even if there wasn't any sewer in the easement.” Mr. Stamper stated, “If I can't, I don't see how you can approve this.”

Lance Whisman stated that he has lived in a neighborhood and can see that these can go either way.

Erik Enyart addressed Acting Chair John Benjamin and stated that he would like to revisit and refine what he had said earlier. Mr. Enyart stated a property owner has rights, along with responsibilities, to use and dispose of land as the owner sees fit, subject to certain governmental regulations. Mr. Enyart stated that one of the rights is to be able to use, develop, or choose not to develop one's land. Mr. Enyart stated that [some responsibilities include] private restrictions and covenants, but that the City does not have the responsibility to interpret or the standing to enforce private restrictions. Mr. Enyart stated, “Therefore, the report and recommendation only consider the governmental restrictions.”

Mr. or Mrs. Winegeart stated, “We're fine with the Homeowners Association dues so there will not be a change. We're prepared for that.”

Jeff Baldwin stated that he was concerned that these neighbors were sold their homes with one [idea] and then there is a change. Mr. Baldwin stated that he hadn't read the Restrictive Covenants. Erik Enyart stated that the City had no standing to enforce the private restrictions either way.

Acting Chair John Benjamin asked the Applicant if they had brought this matter before the Homeowners Association. William Elliott responded, "No, it is not required. We're in our legal right to do this." Mr. Benjamin indicated that neighbors will have a concern over whether or not the land is divided.

A man introduced himself as the President of the Homeowners Association. Acting Chair John Benjamin asked what the Homeowners Association's position was on the Lot-Split. The man responded, "We haven't held a meeting, but we can if it is a requirement." Mr. Benjamin stated that it was not a requirement. The man stated, "By your directive we can hold a session." Mr. Benjamin asked if an attorney had looked at this, and The man responded that the subdivision had Covenants and that Steck and [another subdivision resident] were both attorneys. The man stated, "At your recommendation we can make this more clear to our residents." Mr. Benjamin stated he would think the Applicant would have approached the Homeowners Association before they came to the Planning Commission.

Kevin Steck or Keith Bartsch read from Section 3 of the Deed of Dedication and Restrictive Covenants for *Village at the Legends*, pertaining to compatibility, architectural committee review, and substantive changes. Kevin Steck or Keith Bartsch stated that this [Lot-Split] matter is addressed under compatibility and consistency, and objected that approval would "change the fundamental design" according to the plat on file, which considered the [interests] of all the homeowners.

The Planning Commission read the Deed of Dedication and Restrictive Covenants and discussed them for a time.

Lance Whisman stated that he didn't see in the Deed of Dedication and Restrictive Covenants anything [specifically prohibiting this Lot-Split], and that the restrictions were "outside the scope" of [the Planning Commission's authority].

Jeff Baldwin asked whether lot maintenance was an issue the Commission should be considering. Dr. Jim West stated that the lot "hasn't been scraped." William Elliott stated that the lot was not being landscaped before the Lot-Split was approved. Ms. Winegeart stated that it was a "chicken or egg" issue.

Lance Whisman stated that he recommended approval of the Lot-Split. Mr. Whisman stated that it met the requirements under the Code, and was within the property owner's rights to do this. Mr. Whisman stated that the Commission should determine, "Does this meet Code?" Mr. Whisman stated that it does, and [Ms. McCoy] has the right to do it.

Kevin Steck or Keith Bartsch asserted the Restrictive Covenants required 5' of separation on each side of the house, which would be impossible if the lot was split [and no house built on it]. Acting Chair John Benjamin noted that this was a minimum 5' setback [and not a maximum setback

between houses]. Mr. Steck or Mr. Bartch responded, “Yes, but the theme was that each house would be in the center of each lot, and this would be destroyed if [the Lot-Split] is allowed to go through.”

Patrick Boulden stated that the Deed of Dedication and Restrictive Covenants require a minimum of 5,000 square feet per lot. Erik Enyart responded that this will be achieved if the lots are combined as recommended. Mr. Boulden indicated agreement. Jeff Baldwin clarified with Mr. Enyart that, as he was recommending, the lots would be legally combined [with the adopting lots on either side] into [two larger lots]. Acting Chair John Benjamin asked Mr. Enyart to clarify the 5,000 square foot issue, and Mr. Enyart responded that the resultant, combined lots would be larger than the 5,000 square feet minimum [of the Restrictive Covenants].

Erik Enyart offered to explain “the mechanics behind the combination.” Mr. Enyart stated that, the west part of the subject property was being sold to the neighbor, and deed conveying the land will have a deed restriction stating that it cannot be sold separate or apart from the adopting lot unless a new Lot-Split is requested of and approved by the Planning Commission. Mr. Enyart stated that the same would hold for the eastern part: it would be deeded from the owner to the owner with a restriction that it be legally combined with the owner’s adopting lot.

A woman who did not identify herself stated that this would “depreciate my property,” and objected to there being a big space between [the houses on either side].

William Elliott described an example [of a similar case] in Tulsa, and asserted, “I cannot see that this will have any change on the value of the lots.”

Dr. Jim West stated, of William Elliott, “This gentleman is very articulate but he doesn’t live in our neighborhood.”

Discussion ensued.

Lance Whisman stated that he did not see that there was anything to be used to deny this application.

A man who did not give his name stated, “Since there are questions at your table and in the crowd,” the Commission could require a special meeting of the Homeowners Association.

William Elliott addressed Acting Chair John Benjamin and asked “What does your [legal] counsel think?”

Erik Enyart solicited the attention of Patrick Boulden. Mr. Boulden advised the Commission, “You decide if you have enough information to decide [the application].”

Erik Enyart addressed Acting Chair John Benjamin and asked to interject a statement. Mr. Benjamin indicated agreement. Mr. Enyart stated that he believed the intent of the City Council, when it introduced the Public Notice requirement for Lot-Splits in 2006, was to address cases where one wanted to split a lot into two (2) lots, to allow for two (2) houses from one. Mr. Enyart stated

that the intent did not seem aimed at this type of situation. Mr. Enyart stated, “However, this is a Public process and Public comments are to be allowed into the record and used for deliberation.” Mr. Enyart stated that the Commission should continue to decide Lot-Splits based on the governmental regulations and not subjugate the property owner’s rights to a private process.

Kevin Steck asserted, “Oklahoma law gives you discretion.”

Patrick Boulden stated that the Commission “shouldn’t defer to the Homeowners Association to make your decision for you.” Mr. Boulden stated that the Commission should determine if the Lot-Split was appropriate or not in terms of the regulations and the Subdivision Regulations. Mr. Boulden stated that the Commission had allowed for discussion, and that it is not a foregone conclusion that [the Lot-Split] be granted.”

Lance Whisman stated that, if the Commission Continued it to another meeting, at that meeting there would be lawyers on either side of the issue arguing with each other. Mr. Whisman stated that, in regard to the Deed of Dedication and Restrictive Covenants, “I don’t see anything” that would otherwise prevent the Lot-Split.

Lance Whisman made a MOTION to APPROVE BL-386 subject to both tracts being attached to the adopting lots on either side and the deeds reflecting that. Erik Enyart confirmed with Mr. Whisman the wording of the Motion for the Minutes. Acting Chair John Benjamin SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Benjamin, Baldwin, & Whisman
NAY:	None.
ABSTAIN:	None.
MOTION CARRIED:	3:0:0

Acting Chair John Benjamin stated that the Commission was approving the Lot-Split based on the legality of the application.

7. **BLPAC-9 – American Foundry Group.** Discussion and possible action to approve a Landscaping Plan Alternative Compliance plan per Zoning Code Section 11-12-4.D for the construction of a storage building to support an existing Use Unit 26 foundry and related manufacturing facility on Lot 1, Block 1, *Morris-Bright Industrial Park Addition*.  
Property located: 14602 S. Grant St.

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Acting Chair John Benjamin introduced the item and confirmed with Erik Enyart that it had been withdrawn by the Applicant. Mr. Enyart stated that no action as required. No action taken.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

ADJOURNMENT:

There being no further business, Acting Chair John Benjamin declared the meeting Adjourned at 7:09 PM.

APPROVED BY:

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Chair

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Date

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City Planner/Recording Secretary