

**MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
October 15, 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:

Chair Thomas Holland called the meeting to order at 6:02 PM.

Erik Enyart stated that there were, in attendance, some interns with the Bixby Metro Chamber of Commerce's Leadership Bixby [XI] program, which could be recognized. Chair Thomas Holland recognized the Leadership Bixby interns and asked if they wanted to introduce themselves. Shawn Stephens of Citizens Security Bank, Rachel Wagner of Rachel Wagner Etiquette and Protocol, and Daniel Williams of Doc's Food Stores, Inc. introduced themselves and the Planning Commissioners welcomed them. (Reta Hallam of Manhattan Construction Company arrived later).

ROLL CALL:

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

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
4. Approval of Minutes for the September 17, 2012 Regular Meeting

Chair Thomas Holland introduced the Consent Agenda Item Numbers 1, 2, 3, and 4. Erik Enyart noted that there was a quorum of those present at this meeting as were present at the July 16, 2012 meeting, but not for any of the others. It was observed that there were several months of unapproved Minutes due to tight, three (3)-member quorums with different combinations of Planning Commissioners at each meeting. Discussion ensued. Mr. Enyart stated that he hesitated to suggest it, but that in the past, commissions and boards had decided to approve Minutes of meetings they had not attended, if they had faith [in Staff and their fellow members who were present] that they were correct. Discussion continued.

Larry Whiteley made a MOTION to APPROVE to the Minutes of the June 18, July 16, August 20, and September 17, 2012 Regular Meetings as presented by Staff. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whiteley, & Whisman
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 3:0:0

5. Approval of schedule of meetings and application cutoff dates for 2013

Chair Thomas Holland introduced the Consent Agenda Item Number 5. Erik Enyart described the schedule and noted that, for [the third Mondays of the month] that fall on holidays, the meetings are set on the immediately following Tuesday. Mr. Enyart recommended Approval of the schedule.

Larry Whiteley made a MOTION to APPROVE the schedule. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whiteley, & Whisman
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 3:0:0

PUBLIC HEARINGS

During the introduction of the next item, Chair Thomas Holland recognized Mike Daniels and another gentleman that arrived at this time.

Mike Daniels asked if the [rezoning application BZ-357 – JR Donelson for Clinton Miller and Roger Metcalf] at Riverview Rd. and the Arkansas River was on this meeting agenda. Erik Enyart responded that the Metcalf/Miller application had been Continued to the November 19, 2012 Regular Meeting]. Mr. Daniels and the other gentleman left at this time. Mr. Enyart addressed Chair Thomas Holland and asked to be able to clarify something. Mr. Enyart clarified that, in respect to the question just asked, one of the owners, Metcalf, of that property is also the owner of the property in this BZ-359 case.

6. **BZ-359 – Roger & LeAnn Metcalf.** Public Hearing, Discussion, and consideration of a rezoning request from AG Agricultural District to RM-2 Residential Multi-Family District for part of the W/2 of the NW/4 of Section 23, T17N, R13E.
Property located: 15329 S. Sheridan Rd.
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Chair Thomas Holland introduced the item. Erik Enyart noted that Applicant's agent JR Donelson had requested by email that the item be Continued to the November 19, 2012 Regular Meeting. Mr. Enyart recommended the owner's request be granted.

Lance Whisman made a MOTION to CONTINUE BZ-359 to the November 19, 2012 Regular Meeting. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whiteley, & Whisman
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 3:0:0

7. **BZ-360 – Rodney Stacy for True Life Tabernacle, Inc.** Public Hearing, Discussion, and consideration of a rezoning request from RS-3 Residential Single-Family District to CH Commercial High Intensity District for Lots 41, 42, and 43, Block 34, *Midland Addition*.
Property located: 2 W. Breckenridge Ave.

Chair Thomas Holland 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, October 08, 2012
RE: Report and Recommendations for:
BZ-360 – Rodney Stacy for True Life Tabernacle, Inc.

LOCATION: – 2 W. Breckenridge Ave.
– Lots 41, 42, and 43, Block 34, Midland Addition

LOT SIZE: 0.2 acres more or less

EXISTING ZONING: RS-3 Residential Single Family District

EXISTING USE: True Life Tabernacle church

REQUESTED ZONING: CH Commercial High Intensity District

SUPPLEMENTAL ZONING: Central Business District

SURROUNDING ZONING AND LAND USE:

North: (across Breckenridge Ave.) CH; Charley Young Park, and to the northeast, downtown commercial storefront buildings along N. Armstrong St., including The Ice House fitness facility, the Masonic Lodge, the Cookie Advantage business, the Just My Style hair salon, the former Jake's Place Bar-B-Q restaurant, and the general business office of Armour Management, Inc.

South: RS-3, CH, & RM-3; The Bixby Post Office at 16 S. A Ave., vacant/underutilized land to the southeast including parking for the BTC Broadband central office, and residential areas south of 5th St.

East: (across A Ave.) CH & RS-3; The BTC Broadband central office, the Bixby Library and the former First United Methodist Church property (now belongs to the Tulsa City-County Library Commission), all along E. Breckenridge Ave.

West: RS-3, CS, & CG; Vacant land and residential houses along the south side of Breckenridge Ave. The Pepper Express restaurant is across Breckenridge Ave. to the northwest.

COMPREHENSIVE PLAN: Development Sensitive + Commercial Area + Special District # 1.

PREVIOUS/RELATED CASES: None found.

RELEVANT AREA CASE HISTORY: (not necessarily a complete list)

BZ-42 – Lloyd Tomberlin for Vela Moore – Request for rezoning from RS-3 to CH for property across A Ave. to the east (now the eastern part of the BTC Broadband headquarters building) – Approved in January 1975 (Ord. # 304).

BZ-110 – Bixby Telephone Co. – Request for rezoning from RS-3 to CH for vacant/underutilized property to the southeast of subject property, Lots 5 & 6, Block 2, [Original Town of] Bixby – Approved in September 1981 (Ord. # 448).

BBOA-110 – George Brown – Request for Special Exception to allow a Use Unit 2 post office on property to the south at 16 S. A Ave., All of Block 1, [Original Town of] Bixby – Approved 11/08/1982.

BZ-127 – Norman Ahrend – Request for rezoning from RS-3 to RM-3 for property to the southeast at the northwest corner of 5th St. & B Ave., Lots 1, 2, & 3, Block 2, [Original Town of] Bixby (now vacant land owned by Bixby Telephone Co.) – Approved in February 1983 (Ord. # 471).

BZ-180 – Norman Ahrend – Request for rezoning from RS-3 to RM-3 for property to the southeast at the northeast corner of 5th St. & A Ave., Lot 4, Block 2, [Original Town of] Bixby (now vacant land owned by Bixby Telephone Co.) – Approved in June 1987 (Ord. # 561).

BBOA-189 – Norman Ahrend – Request for Variance from bulk & area and parking requirements for a proposed “Town Square” apartment development for property to the southeast at the northwest corner of 5th St. & B Ave., Lots 1, 2, 3, & 4, Block 2, and Lot 1, Block 11, [Original Town of] Bixby (now vacant land owned by Bixby Telephone Co.) – Approved July 13, 1987.

BZ-336 – Jill Hamilton – Request for rezoning from RS-3 to CS for a ‘boutique’ for sale of small household items, with upstairs office space for property located to the south at 8 W. 5th St. – PC Recommended Denial 11/19/2007 (not appealed).

BZ-343 – Robert M. Hamilton – Request for rezoning from RS-3 to RM-2 for five (5) attached ‘townhouse-style’ apartment buildings for property located to the south at 8 W. 5th St. – Temporarily Withdrawn by Applicant 12/18/2009.

BZ-351 – Bixby Properties, LLC – Request for rezoning from RS-3 to CH for the western part of the BTC Broadband headquarters building to allow for commercial signage – PC Recommended Approval 12/20/2010 and City Council Approved 01/24/2011 (Ord. # 2052).

BACKGROUND INFORMATION:

The Applicant has expressed to Staff interest in rebuilding the church larger than its current size. The current RS-3 zoning makes it difficult, if not impossible, to redevelop the lot and still comply with all development requirements, such as setbacks and parking. The requested CH zoning would afford much more flexibility to redevelop the site. CH zoning has no setbacks or maximum Floor Area Ratios, no minimum number of required off-street parking spaces, provides that a Use Unit 5 church is allowed by right, and is otherwise more flexible. As suggested by Staff, the Applicant has requested rezoning to CH, consistent with surrounding Zoning patterns and recent rezoning applications on the peripheries of the downtown area. The Applicant has provided drawings and a survey site plan that represent the redevelopment plans; these are attached to this report for reference.

ANALYSIS:

Property Conditions. The subject property of approximately 0.2 acres is located in downtown Bixby and consists of Lots 41, 42, and 43 in Block 34, Midland Addition. The subject property is zoned RS-3 Residential Single Family District and contains the True Life Tabernacle church. It is relatively flat and appears to drain generally to the south through the downtown drainage project.

Each lot measures 123’ in depth (parallel to S. A Ave.) and has 25’ of frontage along E. Breckenridge Ave. There is 15’ alley to the south, separating the subject property from Post Office on all of Block 1, [Original Town of] Bixby. Divided into northerly and southerly parcels, the three (3) platted lots abutting to the west are vacant and belong to Bixby Real Estate Investments, LLC.

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Development Sensitive, (2) Commercial Area, and (3) Special District # 1.

The “Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan” (“Matrix”) on page 27 of the Comprehensive Plan provides that CH zoning May Be Found In Accordance with the Development Sensitive designation of the Comprehensive Plan Land Use Map.

The Matrix does not indicate whether or not the CH zoning would be in accordance with the Commercial Area Land Use designation of the Plan Map.

Page 7, item numbered 1 of the Comprehensive Plan states:

“The Bixby Comprehensive Plan map depicts desired land uses, intensities and use and development patterns to the year 2020. Intensities depicted for undeveloped lands are intended to develop as shown. Land uses depicted for undeveloped lands are recommendations which may vary in accordance with the Intensities depicted for those lands.” (emphasis added)

This language is also found on page 30, item numbered 5.

This text introduces a test to the interpretation of the Comprehensive Plan Land Use Map, in addition to the Matrix: (1) If a parcel is within an area designated with a specific “Land Use” (other than “vacant, agricultural, rural residences, and open land,” which cannot be interpreted as permanently-planned land uses), and (2) if said parcel is undeveloped, the “Land Use” designation on the Map should be interpreted to “recommend” how the parcel should be zoned and developed.

Therefore, it is evident from this section that the “Land Use” designation of the Comprehensive Plan Land Use Map, in addition to the Intensity designation, is also intended to inform/provide direction on how rezoning applications and land use decisions should be considered.

The subject property is developed, however, as is most of the historic downtown area, which is also primarily zoned CH. Arguably, if the church on the subject property would have been razed prior to making this application for rezoning, the lot would then be “undeveloped.” Staff believes that CH zoning, a commercial zoning district, if not manifestly In Accordance, should nonetheless be recognized as being consistent with the Commercial Area Land Use designation of the Comprehensive Plan.

The Comprehensive Plan includes the subject property in Special District # 1 (Downtown Area). Per the “Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan” (“Matrix”) on page 27 of the Comprehensive Plan, the requested CH zoning Is In Accordance with the Special District # 1 designation.

Nothing in the Comprehensive Plan text would appear to discourage a rezoning from RS-3 to CH. In fact, CH zoning could enable some of the recommended design characteristics for Special District # 1, such as buildings constructed up to the front property line with parking in the rear and an “emphasis ...on the pedestrian scale,” as is seen on the subject property and other properties along Armstrong Street and Breckenridge Ave. Comprehensive Plan page 15, item numbered 4, provides:

“Emphasis should be placed on the pedestrian scale and external linkages to the “downtown area,”

and item numbered 7 on the same page provides,

“Scale and Texture: A pleasant combination of materials and scale should be used in area modifications and improvements that relate to the one and two story scale of existing and historical facades and architectural motifs suitable for the area theme. New buildings and construction should use materials and styles indigenous to the region.” (emphasis added).

Special District # 1 specifically provides for CH zoning, and indeed most of the downtown area is already zoned CH (which is particularly suitable for downtown buildings, due to having no setback or off-street parking requirements and having a broader scope of allowable uses).

For all the reasons outlined above, the proposed CH zoning is In Accordance with the Comprehensive Plan.

Surrounding Zoning and Land Use Compatibility. Surrounding zoning patterns are primarily CH, RM-3, and RS-3.

To the north (across Breckenridge Ave.) is Charley Young Park and, to the northeast, downtown commercial storefront buildings along N. Armstrong St., all zoned CH, and including the Jake’s Place Bar-B-Q restaurant, the general business office of Armour Management, Inc., The Ice House fitness facility, the Masonic Lodge, the Cookie Advantage business, and the Just My Style hair salon.

To the south the zoning is a mix of RS-3, CH, & RM-3. Immediately south of the 15’ alley is the Bixby Post Office, zoned RS-3, at 16 S. A Ave. To the southeast is a large area of vacant/underutilized land in Block 2 of the [Original Town of] Bixby, including parking for the BTC Broadband central office zoned CH and RM-3. There is residential use zoned RS-3 to the south of 5th St.

Zoning to the east (across A Ave.) is a mix of CH and RS-3. Immediately to the east is the BTC Broadband central office, zoned CH. Further east along Breckenridge Ave. are the Bixby Library, a parking lot serving the current library, the former First United Methodist Church facility (which now belongs to the Tulsa City-County Library Commission), and the First Baptist Church of Bixby property.

Finally, to the west is vacant land and residential houses along the south side of Breckenridge Ave. The Pepper Express restaurant is across Breckenridge Ave. to the northwest.

The requested CH zoning would be a logical extension of the existing, established CH zoning district abutting to the north, east, and southeast, and would be highly compatible with the surrounding CH zoning and the CS and CG districts further to the west along Breckenridge Ave. Further, the subject property is already developed with a nonresidential use, and would be compatible with the balance of the nonresidential uses surrounding on all sides but west.

For the most part, therefore, the requested CH zoning would be compatible with and complimentary to existing and future surrounding land uses and zoning patterns.

Further, Staff believes that it would be most appropriate to extend the CH district further west along the south side of Breckenridge Ave. to connect to the CS districts at Cabaniss St. This would accommodate the existing downtown-style True Life Tabernacle church building, and could facilitate the further redevelopment, in a similar appropriate urban style, of properties along Breckenridge Ave. encircling the south side of Charley Young Park.

Staff Recommendation. For the reasons outlined above, Staff recommends Approval.

A Commissioner asked Erik Enyart what would be done in terms of parking. Mr. Enyart responded that there was an on-street parking lot to the east of the building, which was there historically but was paved when the downtown drainage project was completed, and that the subject property was located in the downtown area, where on-street parking was typical. Mr. Enyart stated that the subject property, being in the downtown area, should be afforded the same flexibility to use on-street parking consistent with the balance of downtown's urban form.

Chair Thomas Holland asked Erik Enyart what was abutting the subject property. Mr. Enyart responded that, on the west were vacant tracts owned by Bixby Real Estate Investments[, LLC], which was basically Bixby Telephone Company, on the south was a 15' alley separating the property from the post office, to the east across the street was Bixby Telephone Company, to the north across Breckenridge Ave. was Charley Young Park, and to the northeast was the main part of the downtown area at Breckenridge Ave. and Armstrong St.

Chair Thomas Holland asked to entertain a Motion. Lance Whisman made a MOTION to Recommend APPROVAL of BZ-360. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Holland, Whiteley, & Whisman
NAY:	None.
ABSTAIN:	None.
MOTION CARRIED:	3:0:0

8. (Continued from August 20 and September 17, 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.

Chair Thomas Holland 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, October 08, 2012
RE: Report and Recommendations for:
Zoning Code Text Amendment – Landscaping requirements for certain campus uses

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.

At the September 17, 2012 regular meeting, the Planning Commission discussed the matter and Continued the Public Hearing and consideration of this matter to the October 15, 2012 regular meeting, discussed plans to have an early-October Special/Worksession meeting to discuss the matter, and directed Staff to report to the City Council that the October 01, 2012 deadline would necessarily be exceeded. This was reported to the City Council on September 24, 2012. Due to scheduling conflicts, a Special/Worksession meeting was not called.

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.

In response to a question, Patrick Boulden stated that he believed the intent of the Council was that the City not be subject to the regulations, and that it should let the political influences on schools, counties, and the like decide if landscaping would be provided to a certain degree.

Lance Whisman asked Erik Enyart what other communities require for landscaping in this regard. Mr. Enyart stated that he could not answer this question, as he had not looked at other cities' codes. Mr. Whisman noted that, in other [Zoning Code Text Amendment] cases like this, Mr. Enyart

normally researches other communities to find out what they required. Mr. Whisman asked why this was not done. Mr. Enyart responded, "In this case, I was not asked to research."

Chair Thomas Holland referred to the restoration exemption under Zoning Code Section 11-12-2.B, and compared that standard to definitions of "substantial damage" under the Building Code and other regulatory documents. Mr. Holland stated that the current exemption appeared very broad. Erik Enyart agreed that it was very broad, and responded that, in a hypothetical situation Mr. Holland had mentioned, a building [without code-compliant landscaping] could burn completely to the ground and be rebuilt, and in that case would have to comply with all other Zoning Code standards that apply except for the landscaping. Mr. Enyart noted that this provision appeared to him to be from the original landscape ordinance in 1995, and would not be changed by this amendment.

Chair Thomas Holland and Larry Whiteley discussed with Erik Enyart the scope of the amendment. Mr. Enyart noted that, with the exception of a couple minor edits for clarification, the addition of a new exemption for governmental entities as a class of land use was the only substantive change.

Chair Thomas Holland asked if there were any questions.

Lance Whisman clarified with Erik Enyart that, if the amendment was passed, governmental entities would not be subject to the landscaping requirements [of the Landscaping Chapter of the Zoning Code] at all. Mr. Whisman clarified with Mr. Enyart that there was no tree species standard in the Zoning Code.

Chair Thomas Holland asked what had been done in the way of Public Notice for this item. Erik Enyart responded that he had had a Public Notice published in the *South County Leader* for the initial Public Hearing, which notice had been preserved by Continuing the [Public Hearing and consideration of this item] from month to month. Mr. Holland stated that, if the Public response was not in favor of this [he would have reservations], but it appears that no one had presented any objections to it. Mr. Enyart gestured to those in attendance and stated, "Anyone here can speak on any item." No one spoke on the item.

Larry Whiteley noted that architects normally plant some landscaping in their projects, and that schools normally go by their architect's plans.

Larry Whiteley made a MOTION to Recommend APPROVAL of the proposed amendment. Chair Thomas Holland SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Holland, Whiteley, & Whisman
NAY:	None.
ABSTAIN:	None.
MOTION CARRIED:	3:0:0

PLATS

Chair Thomas Holland noted that there were no plats to consider. No action taken.

OTHER BUSINESS

Chair Thomas Holland noted that there was no other business to consider. No action taken.

NEW BUSINESS:

Erik Enyart addressed Chair Thomas Holland and stated that he had some New Business. Mr. Enyart stated that the developer’s engineer for the “Southridge at Lantern Hill” subdivision had requested that the City expedite the plat review process and call a Special Meeting at some time before the end of the month of October. Mr. Enyart stated that the project was located at 146th St. S. and Sheridan Rd., and the Commission may recall reviewing the PUD a few months prior. Mr. Enyart stated that City Staff had reviewed the Subdivision Regulations and determined that both the Preliminary and the Final Plats were required, and that they must be reviewed and recommended upon by the Planning Commission before going to the City Council. Mr. Enyart stated that their goal was to get the plat finally approved by the City Council at its November 12, 2012 meeting.

Chair Thomas Holland indicated he would be willing to call a Special Meeting, subject to determining a quorum would be achieved. After discussing schedules for a time, Mr. Holland asked Erik Enyart to call him [with the dates that would work]. Mr. Enyart agreed to do this.

OLD BUSINESS:

None.

ADJOURNMENT:

There being no further business, Chair Thomas Holland declared the meeting Adjourned at 6:30 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary