

MINUTES
CITY PLANNING COMMISSION

Minutes of the City Planning Commission meeting held January 24, 2013, in the City Council Auditorium, City Hall, 212 SW 9th Street, Lawton, Oklahoma.

The agenda for the meeting was posted on the bulletin board in City Hall in compliance with the Oklahoma Open Meeting Act.

The meeting was called to order at 1:30 p.m. by Chairman Pat Henry.

MEMBERS PRESENT: Harold Robinson
 John Jones
 John Pereira
 Jim Nisbett
 David Denham**
 Pat Henry
 Charlotte Perkins
 Neil Springborn*
MEMBERS ABSENT: Keegan Ledford (excused)

ALSO PRESENT: Richard Rogalski, Secretary
 Steven Greb, Assistant City Attorney
 John C. Mackey, Legal Counsel
 Debbie Dollarhite, Senior Planner
 Cindy Augustine, Zoning and Subdivision Administrator
 Jackie Monette, Recording Secretary

*Commissioner Springborn entered the meeting at 1:31 p.m.

**Commissioner Denham entered the meeting at 1:33 p.m.

MINUTES OF JANUARY 10, 2013 MEETING

MOTION by Nisbett, SECOND by Pereira, to approve the minutes of the January 10, 2013 meeting as written. AYES: Jones, Pereira, Nisbett, Henry, Perkins, Springborn, Robinson. NAYS: NONE. MOTION CARRIED 7 – 0.

OLD BUSINESS

HOLD A PUBLIC HEARING AND CONSIDER AMENDING SECTIONS 18-5-3-522, 18-5-4-534, AND 18-5-5-550 OF CHAPTER 18, LAWTON CITY CODE, 2005, MODIFYING THE SIDE YARD SETBACK REQUIREMENTS FOR DETACHED ACCESSORY BUILDINGS ON CORNER LOTS WITHIN THE R-1 (SINGLE-FAMILY DWELLING DISTRICT), R-2 (TWO-FAMILY DWELLING DISTRICT), AND R-3 (MULTIPLE-FAMILY DWELLING DISTRICT) ZONING DISTRICTS.

The public hearing for this proposed code amendment was opened on December 13, 2012, and after discussion, the Commission voted to continue the public hearing to January 24, 2013. Staff has been working on an ordinance which amends covered porches and fences in addition to accessory structures on corner lots. The proposed ordinance is on the agenda as a separate discussion item and will require a new public hearing notice to be published.

Rogalski stated that Staff has decided to make all of the changes in a different section of Chapter 18, Lawton City Code, and it will require a new notice to be published and public hearing.

Chairman Henry continued the public hearing and requested anyone desiring to speak on this item to please come forward. No one came forward, and Chairman Henry declared the public hearing closed. No action was taken on this item.

DISCUSS AMENDING THE REGULATIONS FOR DETACHED ACCESSORY BUILDINGS ON CORNER LOTS WITHIN RESIDENTIAL DISTRICTS, COVERED PORCHES ATTACHED TO RESIDENTIAL STRUCTURES, AND FENCES.

At the January 10, 2013 meeting the Commission received a proposed ordinance amending the permitting requirements for accessory structures, a modification of the minimum setback for detached accessory structures on corner lots within residential districts, regulations for covered porches attached to residential structures, and the permitting requirements for fences. After a brief discussion, the Commission requested the proposed ordinance be modified and discussed at the January 24th meeting.

Staff is seeking input from the CPC on the proposed changes prior to scheduling a public hearing. The attached draft ordinance amends the regulations for accessory structures as follows:

Requires a building permit for accessory structures located on a permanent foundation or having a gross floor area greater than 200 square feet. Currently all accessory structures regardless of size require a building permit.

Allows accessory structures less than 200 square feet located within an opaque screening fence between 6 feet and 8 feet high to observe a minimum side yard setback of 5 feet from the right-of-way of the intersecting street on a corner lot in all residential districts. The opaque screening fence must be maintained in place or the accessory structure must be relocated to meet the minimum setback of the zoning district. The proposed amendment does not change the setback requirement for detached garages or other structures designed to be accessed from the street.

Requires a building permit to construct a fence only if setting or replacing posts or other pertinent items which require excavation or significant disturbance of the ground. Currently a building permit is required for all fence construction or replacement.

Allows covered porches to extend up to 10 feet into the front yard setback or into the side yard setback on a corner lot when the covered porches are open on three sides from the grade surface to the eave line; requires covered porches to harmonize with the main structure in material and appearance; sets the maximum height at 24 feet or

the height of the structure, whichever is less; requires covered porches to be anchored to the ground with minimum 12-inch diameter concrete footings set a minimum of 24 inches into the ground and able to withstand a minimum of 20 pounds per square foot of uplift pressure; and for covered porches which extend into the platted building limit line, the applicant must sign a disclaimer indicating they understand the building permit does not relieve them of any obligation to any plat restrictions, covenants, or conditions that may prohibit or limit the construction of the covered porch. The regulations for covered porches are similar to the regulations for carports.

Commissioner Jones asked what action during the building permit process would identify the easement or where the utility lines are located.

Rogalski stated that, in the building permit process, the applicant is urged to call in locates for the utility lines on their property prior to doing any digging.

Commissioner Jones asked what will be done to guarantee that the property owner calls in locates. Rogalski stated that they inform the property owner about the need to have their utility lines located prior to digging, but there is no way to enforce it.

Chairman Henry asked if the property owner is responsible for any damage created if they don't call in to have the utilities located.

Rogalski stated that he believes that the property owner would be financially responsible for any damage.

Commissioner Pereira stated that the signs posted on fences that enclose the easement have small print on the bottom stating that the homeowner is responsible for costs and labor associated with replacing a fence if it has to be removed to get to the utility lines.

Commissioner Jones stated that he still has issues with a property owner having to obtain a permit when replacing a post in the same location. He stated that a property owner would already know that there was nothing in that place when there was already a post at that location. He added that it could end up creating an issue where a permit has to be obtained to dig a hole and plant a tree.

Rogalski stated that the concern is where the post hole is made larger than the existing hole.

Commissioner Pereira stated that a provision could be made where a permit was not required if the replaced post is in the same location and at the same depth.

Commissioner Springborn asked how someone would know the definition of a 'significant disturbance' to the ground.

Rogalski stated that the intent is basically for post holes or longitudinal disturbance for a header or something as part of the fence.

Commissioner Springborn stated that the term is subjective and should be clarified.

Greb asked what the minimum depth that utilities are buried.

Rogalski stated that there are no regulations for depth of utility lines on a property. He added that the settling of the earth can also change the depth of the lines.

Commissioner Jones stated that there are specifications for the depth of utility lines within an easement, but there are no regulations for lines going across a property. He stated that the electrical and gas lines in an easement must be at least three feet deep, but he isn't sure about the depth of phone and cable lines. He added that the contractor determines the depth of the lines that run to the house.

Greb stated that he believes that telephone lines must be buried between twelve and eighteen inches deep.

Mackey stated that he doesn't see the difference between digging a post hole and digging a hole for a tree. He stated that landscapers or property owners don't have to obtain a permit to plant a tree.

Commissioner Denham stated that putting in a sprinkler system would create the same disturbance of the earth. He asked if a permit is required to install a sprinkler system.

Rogalski stated that no permit is required for a sprinkler system. He stated that there was a big push to educate the public with the catch phrase 'before you dig, call Okie'. He stated that the concern is not with the professional installation, but with the lay person installing it themselves.

Commissioner Springborn stated that it appears that this code change is an attempt at fixing a system that isn't broken.

Rogalski stated that permits are currently required for all new or replacement fences. He stated that this code change is trying to reduce the need for permits in certain circumstances.

Commissioner Jones stated that he thinks that the requirements should be reduced even more.

Rogalski stated that Staff can do some additional adjustments to reduce the need for fence permits. He stated that permit will be required for all new fences and fences where a new post hole will be dug.

Commissioner Springborn stated that there are usually no utility lines on the side yard where you would fence the property between your lot and your neighbor's lot.

Rogalski stated that there are utility lines located there in some instances.

Commissioner Jones stated that telephone and cable lines are an inconvenience, but safety is involved with cutting into a gas or electrical line. He also asked about the term 'opaque screening fence' in the proposed ordinance. He asked if shrubbery can be used as opaque screening for an accessory building.

Rogalski stated that the landscaping code does address that issue, but he will confirm that the language will be the same in both code sections.

Rogalski stated that a section on covered porches is the final section of the proposed Code. He stated that it was drafted to be worded in a similar manner to the carport code.

Commissioner Robinson asked about the anchoring of the covered porch. He stated that it says the anchors must be 24” into the ground. He also asked how many anchors are required.

Rogalski stated that the depth is set out in the building code. He added that the number of anchors is based on the porch being able to withstand twenty pounds per square foot of uplift pressure.

Commissioner Robinson asked how a person would know how many anchors would be needed or where they are located.

Rogalski stated that, when obtaining the building permit, the applicant would submit their plans and the Code Official will see that the structure will meet the Code requirements.

Chairman Henry asked if most of the carports in town have been built to withstand the twenty pounds per square foot of uplift pressure.

Rogalski stated that they are. He added that this is a requirement when the carport would extend into the front yard setback.

Rogalski thanked the commissioners for their input and stated that the public hearing for this ordinance will be held at the next meeting.

NEW BUSINESS

FIRE VIEW ADDITION

Replat of Lot 3, Block 1

Fire View Addition, is located on the west side of NW 67th Street and south of Quanah Parker Trailway. The replat of Lot 3, Block 1, Fire View Addition, contains 3 lots and is zoned R-1 (Single Family Dwelling District). There are no public improvements to be constructed with this plat. The developer is Stephen Livingston and the consulting engineer is Landmark Engineering. Staff has reviewed the plat and recommends approval.

Rogalski stated that there is a thirty-five foot wide access from 67th Street to the rear lot.

MOTION by Pereira, SECOND by Robinson, to approve the record plat for the Repat of Lot 3, Block 1, Fire View Addition. AYES: Pereira, Nisbett, Denham, Henry, Perkins, Springborn, Robinson, Jones. NAYS: NONE. MOTION CARRIED 8 – 0.

CONSIDER MAKING A DETERMINATION AS TO WHETHER A FUNERAL HOME IS A PERMITTED USE IN THE COMMERCIAL-LIGHT INDUSTRIAL DISTRICT OF THE DOWNTOWN I URBAN RENEWAL PLAN.

After receiving an inquiry as to whether a funeral home would be permitted in the Commercial-Light Industrial District of the Downtown I Urban Renewal Plan, research indicated that a funeral home is not listed as a permitted use and could only be allowed if the Planning Commission determined the use is similar in character to the uses permitted in this district. The Commercial-Light Industrial district is intended to serve as a complement and to provide support for the Commercial Central District. It is also intended that this district include those less intense commercial establishments not

usually associated with a planned shopping center. The light industrial facilities eligible for this district can produce only limited noise, dust, vibration, and nuisance. Permitted uses are:

- (1) Automotive laundry and steam cleaning
- (2) Bakeries (wholesale and retail)
- (3) Bottling works, soft drinks
- (4) Building material sales yard and lumber yard, including the sale of rock, sand, gravel and the like as an incidental part of the main business, but not including a concrete batch plant or transit mix plant; provided they are screened by an opaque fence not less than six feet (6') or more than eight feet (8') in height
- (5) Carpet and rug cleaning
- (6) Cold storage plants
- (7) Furniture repair
- (8) Galvanizing small utensils, etc
- (9) Manufacture of: Artificial flowers, ornaments, awnings, tents, and bags, blacking, cleaning or polishing preparations, boats (small) twenty eight (28) feet in length, brooms or brushes, buttons and novelties, canvas products, syrups, fruit juices, extracts, drugs or medicine, furniture, gas or electric fixtures, ice cream, mattresses or their renovation; peanut and pecan products, potato chips, radio and television sets, signs, including electric; provided power not in excess of fifty (50) horsepower is employed in the operation of any one machine and all equipment is included within a soundproof building
- (10) Milk bottling or central distribution stations
- (11) Monument or marble works, finishing and carving only
- (12) New automobiles, trucks, camping trailers, boats and marine sales
- (13) Paint Shop
- (14) Paper box manufacture
- (15) Parking
- (16) Pattern shops
- (17) Printing, lithographing, bookbinding, newspaper and publishing
- (18) Professional offices and financial institution (excluding pawn shop)
- (19) Public utility service yard or electrical receiving or transforming station; provided they are screened by opaque fence not less than six feet (6') or less than eight feet (8') in height
- (20) Retail and wholesale sales of automotive and marine parts and equipment
- (21) Service stations, gasoline, oil, washing, greasing and accessories
- (22) Any other use which is similar in character to those enumerated above as determined by the Planning Commission, provided these uses are not more obnoxious or detrimental to the area in which it is located, by reason of noise, offensive odor, smoke, dust, vibration, traffic congestion or danger to life and property than those uses enumerated above.

Section D.1.g of the Plan states "All uses not shown and which are not similar in character are prohibited."

In the City Code, a funeral home or mortuary is allowed as a permitted use in C-1 Local Commercial District and in all of the industrial districts.

The Commercial-Light Industrial District of the Downtown I Urban Renewal Plan is between Railroad Street and 1st Street from SW C Avenue to SW F Avenue and from Railroad Street to SW 7th Street from SW F Avenue south to the railroad tracks.

Staff believes that a funeral home is similar in character to the businesses in this area and those permitted in the Commercial-Light Industrial District.

Chairman Henry asked what zoning district would allow a funeral home.

Rogalski stated that it is allowed in C-1 and all industrial zoning districts. He stated that it was just not included in the Downtown I Urban Renewal District.

Chairman Henry asked if a crematorium would be allowed within the funeral home. She stated that she was not sure if it would emit any smoke or offensive odor.

Commissioner Nisbett asked if all funeral homes have crematoriums or if there have been any complaints about the ones that have them.

Rogalski stated that there are a few funeral homes with crematoriums, and he is not aware of any complaints. He added that, as some smoke is expected in a commercial-light industrial district, it would be expected.

MOTION by Pereira, SECOND by Robinson, to determine that a funeral home is similar in character to the permitted uses of the Commercial-Light Industrial District of the Downtown I Urban Renewal Plan. AYES: Nisbett, Denham, Henry, Perkins, Springborn, Robinson, Jones, Pereira. NAYS: NONE. MOTION CARRIED 8 – 0.

COMMISSIONERS' REPORTS OR COMMENTS

Chairman Henry stated that Kim McConnell wrote a wonderful article about David Denham in the newspaper. She added that she has known him for many years and he was raised to give back to the community.

Commissioner Pereira stated that he wrote an article for the newspaper about the current drought situation. He stated that he has read projections that the drought situation will continue for another six to eight years. He suggested that the landscaping code be adjusted to give developers an alternative of xeriscape instead of regular landscaping. He stated that river rock and cactus will survive in high heat and require very little water, and it still can look really beautiful. He stated that he doesn't want to see landscapers waste thousands of dollars on landscaping that dies because they can't water it.

Rogalski stated that xeriscape is built into the landscaping code. He added that enforcement of the landscaping code is suspended if the City is in a Stage 3 water conservation.

Chairman Henry stated that Stage 2 is a risky situation as well.

Rogalski stated that there is a provision where enforcement can be suspended for 120 days if the weather is not conducive to planting grass and other landscaping.

Chairman Henry asked for an explanation on the property located at 1804 NW 67th Street after the City Council chose to rezone the property in the C-1 zoning district.

Rogalski stated that the site plan was revised to show the uses for the property in the C-1 zoning district that don't require more than twenty-five spaces. He stated that the City Council had some concerns about the sale of sporting goods, because sporting goods are only allowed to be sold in the C-4 zoning district. He stated that the City Council directed Staff to change the Code to allow an archery range with a minimum amount of square footage for the sale of related products. He stated that the existing store does sell some fire arms and ammunition, but the code change would stipulate the sale of archery related products.

Commissioner Denham asked if any residents came to the City Council meeting to protest the rezoning.

Chairman Henry stated that there were still some people present that were against a change to the C-1 zoning district.

SECRETARY'S REPORT

Rogalski stated that a new secretary, Debbie Burgamy, will be starting work in the Planning Division on January 28th.

AUDIENCE PARTICIPATION

None.

Meeting adjourned at 2:25 p.m.

Pat Henry, Chairman
City Planning Commission