

MINUTES
CITY PLANNING COMMISSION

Minutes of the City Planning Commission meeting held January 30, 2020 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 David Denham.

MEMBERS PRESENT: David Denham
 Ron Jarvis
 Paula Bowen
 John Jones
 Neil Springborn
 Dave Davison*

MEMBERS ABSENT: Deborah Jones

ALSO PRESENT: Richard Rogalski, Secretary
 Debbie Dollarhite, Assistant Secretary
 WR Moon Jr, Assistant City Attorney
 Tammy Anderson, Recording Secretary

*entered meeting at 1:36 p.m.

APPROVAL OF MINUTES OF THE JANUARY 16, 2020 MEETING.

MOTION by Springborn, SECOND by Jarvis, to approve the minutes of the January 16, 2020 meeting. AYES: Springborn, Denham, Jarvis, J. Jones, Bowen. NAYS: None. MOTION CARRIED 5 - 0.

LAWTON ECONOMIC DEVELOPMENT CORPORATION

Amendment to Land Use Plan from Residential/Low Density to Industrial

Change of zoning from Temporary A-1 and R-1 to I-4

One mile north of SW Lee Boulevard between SW 82nd Street and Goodyear Boulevard

1. This request is to rezone approximately 142 acres of land from Temporary A-1 to I-4 and approximately 57 acres of land from R-1 to I-4 for expansion of the West Lawton Industrial Park.
2. The zoning of the surrounding area is:
 - North - Temporary A-1
 - South - Temporary A-1 and I-4

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- East - R-1, R-3 Multiple-Family Dwelling District, C-1 Local Commercial District, and C-3 Planned Community Shopping Center District
 - West - Temporary A-1
3. The land use of the surrounding area is:
 - North - vacant
 - South - West Lawton Industrial Park
 - East - single-family residential and vacant
 - West - vacant
 4. The Land Use Plan shows the portion of the requested area currently zoned R-1 to be Residential/Low Density. The request will provide a 16-acre buffer of R-1 between the proposed I-4 and the existing single-family residential subdivision (Wyatt Village).
 5. Notice of public hearing was mailed on January 10, 2020 to 16 property owners within 300 feet of the requested area, and proper notice was published in *The Lawton Constitution* on January 14, 2020. No calls or letters either for or against the request have been received.
 6. The applicant has provided a buffer of 16 acres of R-1 zoned land on the north and west sides of the existing single-family residential subdivision. Due to the acreage included in the request and the buffer of R-1 from the existing residential subdivision, a binding site plan is not required. The majority of the requested area is shown to be Industrial in the Land Use Plan.

The following is an analysis of the request based upon criteria set out in Title 11, Sections 43-102 and 43-103, Oklahoma Statutes.

1. *To lessen congestion in the streets.* This property is adjacent to SW 82nd Street which is classified as a principal arterial and Goodyear Boulevard which is classified as a minor arterial. Most of the traffic in the industrial park travels on Goodyear Boulevard, and with the buffer of R-1 zoning near 82nd Street around the existing single-family residential subdivision (Wyatt Village), it is anticipated this traffic pattern will not change.
2. *To secure from fire, panic, and other dangers.* A portion of this property is within the floodplain, and future development would be required to obtain the appropriate permits.
3. *To promote health and the general welfare.* All construction will have to meet all City Code requirements.
4. *To provide adequate light and air.* There are no setback requirements in the I-4 district other than a front yard setback of 25 feet from a major arterial street or section line road, and there are no height restrictions for this property. The applicant has proposed a buffer from the existing single-family residential subdivision of at least 300 feet.

5. *To prevent the overcrowding of land.* This criterion does not apply.
6. *To promote historical preservation.* This criterion does not apply.
7. *To avoid undue concentration of population.* This criterion does not apply.
8. *To facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.* This property is part of the expansion of the West Lawton Industrial Park. There is adequate street access, and there are water and sewer services available in this area; however, upgrades will be needed for future development of the industrial park and the upgrades are being planned.
9. *To conserve the character of the district and buildings and encourage the most appropriate land uses.* With the exception of the single-family residential subdivision located along SW 82nd Street, this area is mainly industrial in nature. The Land Use Plan indicates the majority of the requested area to be developed as Industrial.

Based upon these facts, it is recommended the request be approved.

All requirements of the Lawton City Code will be in full force and effect.

Rogalski noted there is flood plain that impacts the area, and the applicants were made aware of this.

Commissioner J. Jones asked who would maintain the buffer zone if the request were approved.

Rogalski said the property owner would maintain the buffer zone.

Commissioner J. Jones said he has experience with vacant land surrounding a subdivision, and most of this land is not maintained. He is concerned the buffer zone would not be consistently maintained if it were left to the responsibility of the property owner.

Rogalski said there would be an obligation to maintain the land, and Neighborhood Services can issue citations for code violations.

Chairman Denham declared the public hearing open.

Jim Eason said he owns 200 acres north of the proposed industrial area, and he has a housing development off Cache Road that is expanding to the south. He said the housing development will eventually exit on either Goodyear Boulevard, Gore Boulevard or 82nd Street. Mr. Eason thinks the proposed industrial zoning would destroy his property value, and he is against this request. Mr. Eason said he has been very kind to the City of Lawton – he's given the City easements on 82nd Street and Cache Road.

Tolbert Wyatt, resident of Wyatt village since 2014, said he paid \$234,000 for his house. Mr. Wyatt said as of November 2019, his property value decreased to \$210,000. He is concerned the proposed rezoning request will further diminish property value.

Bob Morris, 401 SW 83rd Street, said he is concerned that the proposed buffer zone is not large enough – he thinks it needs to be doubled. Mr. Morris said he'd prefer the property be rezoned to a lighter industrial zoning district. He is also concerned the proposed rezoning request would decrease nearby property value.

David Holcomb, 8308 Fitzroy Place, said he has lived in Wyatt Village for a little over ten years. Mr. Holcomb said he is a proponent for growing Lawton, but he feels that the proposed rezoning would be a disruption to the area. He said the City has yet to resolve the issue with smells emitted from Republic. Mr. Holcomb also noted that the proposed area to be rezoned is home to the horned lizard, which is an endangered species. He said the City needs to take wildlife into consideration. Mr. Holcomb asked what kind of industrial environment would be created by I-4 zoning.

Rogalski said staff does not have an indication as to what specific use will be made of the property. He said this particular request is large enough that it does not require a binding site plan. However, all uses must adhere to Lawton City Code.

Mr. Holcomb said there is open land on the east side of Goodyear Boulevard that's not being utilized, and he asked why a request for rezoning wasn't made for this area.

Rogalski said the applicant chose the location.

Mr. Holcomb said our population has declined, and the way to get our population growing again is to make Lawton a welcoming environment – not by irritating the people who already live here.

Ron Nance, Chairman of the Lawton Economic Development Corporation, said the LEDC is interested in purchasing this land to create shovel-ready land for new employers for our community. He said it's true that the population in both Lawton and Comanche County is declining. Property value is declining because of this population decline. Mr. Nance said if you don't have land that's ready for use by potential employers then these potential employers will look to expand their businesses elsewhere. He said the LEDC is considering the residents of Wyatt Village through implementation of the proposed buffer zone. Though no final plans have been outlined for the buffer zone, Mr. Nance said the LEDC can envision this potentially being a green space for everyone in Lawton to use. He said the LEDC just completed a transportation study which suggested Gore Boulevard be expanded to four lanes between 67th Street and 112th Street and that there be trails/sidewalks alongside this roadway. Mr. Nance said the LEDC is also wanting to create off-street parking so that people from other parts of the City can utilize the new trails. Mr. Nance said the water retention area located near the buffer zone would potentially widen the buffer zone. He said he appreciates the concern(s) of nearby citizens, and that the LEDC has been looking at ways to mitigate these issues. Mr. Nance

said so far, all the prospective employers interested in this area have been particularly interested in the land closer to Goodyear Boulevard.

Chairman Denham asked if the LEDC would maintain the buffer zone if they became the property owner.

Mr. Nance said their goal is to enhance the buffer zone, but they would maintain it at the least.

Michael Gill, 8305 SW Fitzroy, said there are approximately 45-50 homes in Wyatt Village. With each home approximately \$250,000, he said this subdivision contains \$10-12 million dollars of financial impact. Mr. Gill said there's about 2400 feet (or 800 yards) from the corner of Wyatt Village to the corner of Republic Paperboard. He said the noise and smell coming from Republic Paperboard is almost overcoming. Mr. Gill said if this type of industrial use is brought closer to Wyatt Village, this would be an even larger nuisance to home owners. Mr. Gill said no matter who maintains the buffer zone, it's not large enough. He said if this request is not denied, there should at least be a compromise. He said the LEDC should consider rezoning property that is not abutting Wyatt Village.

Councilman Sean Fortenbaugh, 817 NW Thornberry Drive, said he heard from many of the residents of Wyatt Village yesterday. He said the citizens are deeply concerned about the proposed request for rezoning. The residents said they were told the surrounding land was residential and that future Wyatt Village homes would be built there. Councilman Fortenbaugh said citizens are also concerned about the potential noise that comes along with heavy industrial zoning, and they're concerned with the buffer zone not being large enough.

Brad Cooksey, 908 NW Micklegate Boulevard, said he is President of the Lawton Economic Development Corporation. Mr. Cooksey said he's lived on the west side of Lawton for a long time, and he respects the Wyatt Village Community, as well as Wyatt Acres, Bly's Pointe, and Mr. Eason's development. Mr. Cooksey noted the importance of rail access when it comes to economic development. He said there is access to railroad tracks on the southside of the land they're interested in purchasing. Mr. Cooksey said the CCIDA has purchased 320 acres to the northwest of property in question, and they're trying to develop this land as well. He also noted that the flood zone would create a larger buffer zone than originally planned.

John Mackey, lawyer representing the Lawton Economic Development Corporation, said anytime a business proposes to come to Lawton, one of the first things they talk about is access to rail. Mr. Mackey said he's a real estate lawyer by profession, and he knows that one of the most important things when buying or selling property is to determine the value. He said property value in our community is going down because there are too many foreclosures – not from industrial zoning. These foreclosures directly affect the comparable property values. Mr. Mackey said the only way for a community to survive is to bring in new industry.

Chairman Denham declared the public hearing closed.

Commissioner Bowen asked Mr. Cooksey and Mr. Nance how they felt about making a compromise regarding the location of the proposed rezoning.

Mr. Nance said the property owner has an overall investment in the entire tract, and if he only sells half of the track, he would need to get significantly more dollars per acre. Because of this, it would not be economically feasible for the LEDC to purchase only a portion of the land.

Commissioner J. Jones asked if the LEDC would consider purchasing all of the property, but using the land for differing purposes (i.e. only using a portion of it for industrial development).

Mr. Nance asked what Commissioner J. Jones proposed the LEDC do with the part of land that wasn't used for industrial development.

Commissioner J. Jones suggested some other type of residential zoning (e.g. low or high density residential). He said the citizens have a valid concern, but the City has a valid concern too. He said a compromise might be best for everyone involved.

Mr. Nance said the LEDC is looking for land to build industrial development. He said this is what the CIP is setup for. Mr. Nance said their objective is to create primary jobs through expanding industry, which will then generate secondary jobs.

Chairman Denham asked how much it would cost to redirect the water in the flood zone area so that this land may become developable.

Mr. Nance said it would be extremely expensive, and it would be impossible to redirect water flow.

Commissioner J. Jones asked Mr. Nance what the LEDC has planned for water retention.

Mr. Nance said there are no plans at this point. He said unless there were a reason to want to have a water feature at this location, the water flow would remain the same.

Commissioner J. Jones said the creation of a pond could serve as a means of water retention and it would further expand the buffer zone between Wyatt Village and the proposed industrial zoning.

Mr. Nance said he can appreciate this position, and he is open to exploring this option.

Commissioner Davison said there seems to be concern that the buffer zone will not mitigate sound generated from new industrial facilities. He asked if there are plans to tree line the buffer zone to help with this issue.

Mr. Nance said they're in the preliminary planning stage, but that is something that can be looked at.

Commissioner J. Jones said he understands this land is a prime location for industry. However, he would like to see more concrete plans from the LEDC as to how they can increase the distance between the residential area and industrial area.

Moon noted that nothing that the Commission does prevents any private home owner from initiating a private nuisance action.

MOTION by Davison, SECOND by Springborn, to recommend to the City Council approval of an amendment to the Land Use Plan from Residential/Low Density to Industrial and a change of zoning from Temporary A-1 General Agricultural District and R-1 Single-Family Dwelling District to I-4 Heavy Industrial District zoning classification for property located approximately one mile north of SW Lee Boulevard between SW 82nd Street and Goodyear Boulevard. AYES: Jarvis, J. Jones, Denham, Davison, Springborn. NAYS: Bowen.

MOTION CARRIED 5 - 1.

COMMISSIONERS' REPORTS OR COMMENTS

Commissioner Davison said the City of Lawton has 53 applicants for medical marijuana dispensaries and/or growing facilities. He said this is a very high number, and the City may need to look at putting a cap on the number of these types of facilities.

Commissioner Springborn said this number is so high because it's a newly passed legislation. He said the number of medical marijuana facilities will decrease in time.

Moon said as long as staff follows standard procedure with regards to rezoning or Use Permitted on Reviews when it comes to these medical marijuana facilities then the City will be in good legal territory.

Bowen asked how far the State has gotten with regards to setting a cap on the number of medical marijuana facilities a city can have.

Moon said a cap has not been set, and he's not sure of any current legislation that is moving towards this objective. However, it's something that could be brought up in the future.

Rogalski said after this legislation was passed, the City saw an influx in sales taxes. However, sales taxes have began to flatten out, which means we've reached our market.

SECRETARY'S REPORT

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Rogalski said this is Moon's last meeting as legal counsel for the City, and he thanked Moon for the great job he has done.

Rogalski also noted Commissioner Hargrove resigned his position on the Commission after accepting a job in another town.

AUDIENCE PARTICIPATION

None.

Meeting adjourned at 2:37 p.m.

David Denham, Chairman
City Planning Commission

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