

MINUTES  
CITY PLANNING COMMISSION

Minutes of the City Planning Commission meeting held February 10, 2022, 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  
                                 Shelli Fox  
                                 Ron Jarvis  
                                 Deborah Jones  
                                 John Jones  
                                 Darren Medders  
                                 Neil Springborn

MEMBERS ABSENT:     Dave Davison

ALSO PRESENT:        Michael Cleghorn, City Manager  
                                 Richard Rogalski, Deputy City Manager  
                                 Kameron Good, Planner  
                                 Paul Martin, Planning Administrator  
                                 Greg Gibson, Assistant City Attorney  
                                 Denise Ezell, Recording Secretary

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**2.     Verify posting of meeting.**

Meeting was posted on February 4, 2022, at 3:45 p.m.

**3.     Establish Quorum.**

Denham asked if there was a quorum and Ezell verified there were seven (7) members present.

**4.     Approval of Minutes.**

Action: Motion to approve minutes from the January 27, 2022 meeting.

Jones D stated I would like to say that I sent an email to Kameron stating that I would not be available for that meeting.

Denham stated let the record reflect that the absence of Ms. Jones was excused for the January 27, 2022 meeting.

**Motion by Medders, Second by Jarvis**, to approve the minutes of January 27, 2022 with the stated corrections. **Aye:** Denham, Fox, Jarvis, D Jones, J Jones, Medders, Springborn. **Nay:** None.  
**Motion Passed.**

## **BUSINESS**

### **5. Hold a public hearing to consider a change of zoning from the R-4 High-Density Apartment District to the I-3 Light Industrial District zoning classification and a change to the 2030 Land Use Plan from Residential/High Density to Industrial located at 119 NE 20th St, Lawton, OK 73507.**

Action: Recommend approval to the city council for a change of zoning from the R-4 High-Density Apartment District to the I-3 Light Industrial District zoning classification and a change to the 2030 Land Use Plan from Residential/High Density to Industrial located at 119 NE 20th St, Lawton, OK 73507.

Good stated good afternoon. This location is north of Gore off NE 20<sup>th</sup> Street. The current zoning is R-4 and the parcel includes an I-3. This zoning line is in the middle of the parcel and that is why you have the little jagged line. As pieces were rezoned this one was left out. The intended use is a laydown yard for K & D Construction. Currently it is a vacant field. The existing land use is high density residential and the intended is industrial. The zoning surrounding it is R-3 to the east, R-4 and I-3 to the south, I-3 to the west and flood to the north. The surrounding land use is residential road to the east, which they have acquired this property as well with the intention of bring this back as another rezoning, tribal land to the north, industrial to the west and residential high density to the south. Here is the proposed site plan. This is NE 20<sup>th</sup> Street and the proposed laydown yard. The property line extends over here. The section that abuts the residential due to the I-3 zoning will need a opaque screening as a condition of your approval. A representative from K & D Construction and I are here to answer any questions.

Jones D asked does NE 20<sup>th</sup> physically exist past Summerwood Square? Is it a road?

Good asked where is Summerwood Square?

Jones D stated Summerwood Square is to the south and abuts Gore.

Good stated there is an existing road that turns into a gravel/pavement.

Jones D asked is that dedicated?

Good stated as 20<sup>th</sup> Street, yes ma'am.

Jones D stated so it has been accepted as a dedication by the city.

Good stated I don't know at this time. I'll have to check into that.

Jones D stated Summerwood Square was a nasty plat that we had to cleanup, and I don't remember NE 20<sup>th</sup> being a dedicated street.

Bridgforth stated my name is Chase Bridgforth and I represent K & D Construction. Our home office is in Chelsea, Oklahoma. Northeast 20<sup>th</sup> Street beyond Summerwood Square is not a

dedicated street. I spoke with the street division about this when I was looking into the easements. There is a private utility and access easement where the existing road lies but it stops 100 feet short of our northern boundary.

Jones D asked do you intend to plat this area?

Bridgforth stated no ma'am.

Jones D stated I have concerns creating a tract by zone that doesn't plat upon a publicly dedicated street. Where are we legally?

Denham asked is it the road to the north of the property.

Jones D stated no, it abuts the property.

Denham asked is there a road to the north.

Jones D stated on the section line.

Good stated 20<sup>th</sup> Street comes over here. This is zoned I-3 but the parcel is this entire square. They are wanting to rezone this half to match what is existing. This tract was left out when they rezoned.

Jones D stated I don't know where we are. Does the City Attorney have any advice? The entire parcel does not front on a publicly dedicated street. Since I haven't seen the instrument, I don't know what the access easement reads.

Denham asked so there are no roads on this section line.

Jones D stated this is the shopping center, this is the VFW, and the road terminates here. They own this whole tract. They are accessing through a privately filed access easement and they are not going to plat it. We are not getting this road improved and dedicated. Even if they did, they would have to get some participation here.

Smith asked Paul, do you have access to any information that you can assist us with at this time.

Jones D stated this is creating a no man's land. I can't see theses descriptions to see if this is a separate description from this. The worse thing you want is for this to be sold separately if it is a freestanding description. It doesn't access anything unless they get a private easement.

Smith stated if you are planning a lay yard how are you planning ingress and egress.

Bridgforth stated the access is from the southwest corner of 20<sup>th</sup> Street.

Jones D asked how do you have legal access to that parcel if the street falls short.

Bridgforth stated a recorded easement between three (3) property owners. The ten (10) acres on the west is owned by Clinton Herring and the matching tract to the south is owned by the VFW Post. The VFW sold their sixteen (16) acres to the Fraternal Order of Police in 2001 and they made a private access and easement between those three (3) property owners.

Jones D stated okay, so the entire tract was a deed in 2001 and you subsequently purchased the property.

Bridgforth stated yes, we purchased the property last year from the Fraternal Order of Police

Jones D stated my concern in 2001, and that lays on my doorstep, is how in the heck we got this lot split. A lot split requires a publicly dedicated street.

Smith asked what type of equipment will be in the lay yard.

Bridgforth stated we have leased the property to American Electric and Power the parent company of PSO. They will use it for a regional laydown yard when rebuilding transmission lines.

Jones D stated I have no issue with the use of the rezoning.

Denham stated just the accessibility.

Jones D stated I'm concerned about them not having access to a publicly dedicated street.

Denham stated with it being PSO there will be some heavy trucks rolling in.

Jones D stated that will be true as well.

Bridgforth stated the property to the left is leased to three (3) yards and all three (3) use semi-tractor trailers.

Smith asked and there is a recorded easement between the three (3) owners.

Bridgforth stated that is my understanding from the surveyor. When we bought the parcel there was a description for the sixteen and a half (16 ½) acres and two (2) separate easement descriptions.

Jones D stated at one time the VFW asked the city to rebuild NE 20<sup>th</sup> and to accept dedication. I don't believe the city has ever done that because it would require building a new road.

Denham asked is that a private street all the way from Gore.

Jones D stated no, from the corner of Summerwood Square.

Denham stated okay.

Jones D stated Summerwood Square was a plat done by the Dellumo family.

Denham stated in essence Los Tres and that area.

Jones D stated yes. There are several uses. The portion abutting Summerwood Square is dedicated and stops at the plat.

Denham stated we would have the same concern for the land currently zoned R-4 between them.

Jones D stated yes. We need platting in there.

Bridgforth stated if this is helpful, we are willing to leave a thirty (30) foot access lane on the southern boundary of the property. Even when the yard is leased, we have that as private access to the eastern side. We have that in our plans to get to the east side for our own use.

Denham stated we have some valid concerns here.

Jones J stated I have concerns zoning a tract where it is blocked in. I also have concerns with this being so close to residential particularly where they don't have a land use tied to them. I'm not certain what is allowed in I-3, but they may put something next to residential that shouldn't be there. Once that zoning is there then the use can change to whatever is in that zoning classification.

Denham asked what side was the fence going.

Good stated the east and south. This is a parcel and this is another parcel. In switching this to I-3 this section and this section will have to have the opaque screening.

Denhan stated it is because it is zoned residential.

Good stated yes, it would be everything adjacent to the residential zoning. That is a condition of your approval.

Denham asked does this leave the city with liability of any sort as far as accessibility and future use.

Jones D stated on past experience when you create parcels by rezoning the city is susceptible to the owners saying we want you to improve this street and take dedication for maintenance. When you plat land, the developer puts in the infrastructure and then dedicates it to the city for them to assume maintenance responsibility. It is a joint participation. When you have industrial you can anticipate needing a substantial street to handle the trucks.

Denham stated the development to the northeast doesn't have a street there.

Jones D stated no. Scissortail comes off Flower Mound and is a sole entrance except for a fire lane and Skyline is self-contained. I'm having problems with that. Without looking at the title you don't know that this description didn't occur prior to 1964 and is grandfathered in from platting. You don't have good information on how it happened. I have serious concerns creating a zoning tract that cannot access a publicly dedicated street.

Denham stated thank you for the input.

Good stated they are already I-3 on the left so they can do what they are wanting to do.

Jones D stated I know but the left side abuts a non-dedicated street. That street for all practical purposes doesn't exist. It is just a private access easement.

Denham stated yes.

Fox stated given where this is, and it looks as if they were going to build houses around there, how is that going to affect property value.

Good stated they have acquired this triangle tract as well but is not a part of the rezoning.

Martin stated I'm Paul Martin with City Planning. My apology, we show lots and blocks for Scissortail Part II. I have the wrong plat. That hasn't been developed that far south so those are still un-platted.

Jones D asked does the construction plat show that.

Martin stated Part II doesn't actually go that far down.

Denham stated didn't they bring that to us when they changed the rezoning. It was brought to us for consideration, but I don't know that it was ever adopted.

Martin stated Part II was shortened. It is a block north of that.

Jones D asked is it north of block 6.

Martin stated yes, Redhawk Lane does not exist. Part II ends a block north of Redhawk Lane.

Jones D asked does the development sketch show that.

Martin stated there was a development sketch, but the property has sold, and it hasn't been platted yet.

Jones D asked is it zoned R-1.

Martin stated absolutely, they are just not platted lots. I just wanted to clarify that.

Smith asked and you own this other parcel that says residential.

Bridgforth stated yes ma'am. We acquired that at the beginning of January from Lance Wade.

Denham stated that is basically from the drainage north.

Bridgforth stated yes, basically it is a big triangle from the drainage ditch north. There is a strange leg that runs off behind that row of houses with the line marked five (5). There is a twenty (20) or thirty (30) foot piece that dead ends in the self-storage. There is not a place for an access easement or road. It is just a dead piece of land.

Denham stated let's open the public hearing. Anyone wishing to come forward and speak for or against this please come to the podium and state your name and address.

### **Public Hearing Opened**

Denham stated seeing no one come forward we will close the public hearing.

### **Public Hearing Closed**

Denham asked what is the pleasure of the commission.

Jones D asked would everyone be okay with continuing this until the next meeting to allow staff to investigate the chain of title.

Medders stated they have the easement from the end of that street, so they have legal access.

Denham stated that part has not been researched. That is our problem.

Medders stated okay.

Bridgforth stated I have a stamped survey and a deed that describes the easements if that is helpful

Denham stated it will be helpful, but I don't know if there will be enough there for staff to give a recommendation at this moment. Has this been scheduled for Council?

Good stated no.

Denham stated if we continue this to the next meeting it's going to cost you a council meeting.

Jones J asked what is your intended use for the tracts to the east?

Bridgforth stated we don't have an immediate use. When I called the property owner stating that we would like to clear the fencerow he asked if we were interested in purchasing the property and we reached an agreeable price. We knew it would be a buffer between us and the existing homes that wouldn't be developed if we owned it.

Jones J stated it is a little triangle piece of ground, right.

Bridgforth stated yes sir. I believe there is road access to the right underneath the lettering for Skyline East Part III. We were told we would have access across the drainage ditch. We figured if we did access it, we would do so from our tract on the west.

Jones J stated I'm just curious as to why you would buy land if you didn't have any use for it. It's none of my business, but we are rezoning this tract and then you will come back and want to rezone this one. I have a concern because it is so close to residential.

Bridgforth stated well they don't make more land and it was a good place to park some money. We knew if we could control our neighbor on the eastside that would be to our benefit.

Denham stated obviously we can't make projections, but I believe it would be close to impossible to rezone that to I-3 with neighbors on two-thirds (2/3) of your sides.

Bridgforth stated ultimately us having our whole tract a single zoning as opposed to two (2) separate zonings would be our goal. We hope that our tenant would want to use the other six (6) acres and we can extend the yard into the remaining tract. Then they will use the southwest entrance to access the whole yard. At this point we have no indication they need more than the ten (10) acres.

Denham stated if you have a lay yard that is off the beaten path it won't be an eye sore for anybody.

**Motion by Jones D, Second by Medders**, to continue this item until the next CPC meeting and ask staff to research the history on the tracts and any other instruments that they feel are pertinent to the rezoning request.

Denham asked if there was any further discussion. Mr. Bridgforth, I do appreciate your clarification and please provide as much of your information to staff as you can. Hopefully that will help to speed this along.

**Aye:** Fox, Jarvis, Jones, D, Jones J, Medders, Springborn, Denham. **Nay:** None. **Motion Passed.**

**6. Consider approving the construction plat for Rolling Hills Part 5 and Drainage Channel Rolling Hills Area, subject to conditions.**

Action: Recommend approval to the city council for the construction plat for Rolling Hills Part 5 and Drainage Channel Rolling Hills Area, subject to conditions.

Martin stated the construction plat for Rolling Hills Part 5 was approved in 2011 but was never done. Here we are again, and we are bringing it up to current standards. Lester resubmitted the plans and Rusty's group has reviewed those. Lester missed a couple of things but has resolved most of them. Rusty emailed yesterday and they have a couple of technicalities. Here is the location map. Rolling Hills Part 5 is west of 38<sup>th</sup> Street and north of Southwest Bishop behind the trailer park. Included in this is a drainage piece at the southwest corner of the of the trailer park and runs into Rolling Hills. The way it was designed originally it was just \_\_\_\_ flowing across. As houses and fences were built it started to funnel narrowly and has become a problem. Lester worked with drainage maintenance and made a plan that will work. They bought back one of the

lots to put the channel from the southwest corner of the trailer park. This clears the drainage requirements and gets it into the street. To be able to proceed with further development we want to resolve this issue at the same time. Here is the layout for Part 5 with all the lots and blocks. It abuts Part 4B extending it further north.

Jones D asked has he reviewed the resubmission.

Martin stated yes.

Jones D asked these conditions are for the resubmitted plans.

Good stated yes, they are.

Jones D stated your kidding.

Good stated I spoke with Rusty and asked if he was comfortable with moving forward with these conditions. He stated it might look like a lot, but it is minimal/minor corrections. He is comfortable moving forward since the changes were minor.

Jones D asked will all the conditions be met prior to going to Council.

Good stated the construction plat can be approved through Council with the conditions.

Jones D asked you don't issue a notice to proceed.

Good stated yes. We won't schedule a pre-construction meeting until all the conditions are met. After the pre-construction meeting is when they get the approval. Council can approve the construction plat with conditions, and they would then need to make those changes.

Martin stated Lester has resubmitted and Rusty stated all corrections have been made. When the agenda was posted they had not been met.

Denham asked so condition A has been met.

Martin stated yes.

Jones D asked are you wanting conditions on this construction plat.

Denham stated it would be conditions B through F.

Good stated if you approve it with conditions it will go to Council without conditions due to the resubmittal. The corrections were made after the agenda was posted.

Jones D stated I'm confused because A says resubmit the corrections. Do we need conditions or not?

Martin stated my apology, they have been met but when we did the agenda they had not.

Denham stated we can modify the conditions if we know that some of A through F have been met.

Martin stated yes.

Denham stated but I don't think they have submitted a DEQ permit in that time.

Good stated we can approve it with these conditions as listed.

Denham stated and modify the conditions when it goes to Council.

Good stated yes.

Jones J asked usually a construction plat is for a whole area, but they can plat any portion of this area at one time and do it in phases, right.

Martin stated yes, they can.

Denham asked are there any other questions.

**Motion** by Medders, **Second** by Springborn, to recommend approval to the city council for the construction plat for Rolling Hills Part 5 and Drainage Channel Rolling Hills Area, subject to conditions. **Aye:** Jarvis, Jones, D, Jones J, Medders, Springborn, Denham, Fox. **Nay:** None. **Motion Passed.**

## **7. Commissioner's Reports or Comments.**

Springborn stated one of our previous City Mangers, Gill Shumpert, took a bad fall and isn't faring well.

Jones D stated he was probably walking his dog. He is an avid dog walker.

## **8. Secretary's Report.**

Smith stated I would like to report we have a traffic flow study that has been approved through the MPO that will address some of the traffic flow concerns on Cache Road. A couple of weeks ago we had the HTO come through CPC and Council. Council indicated they would like to know what was going on with the traffic flow in that area. It is basically a comprehensive look at the entire city.

Denham stated it will be for all the arterials.

Smith stated yes.

## **9. Comments from the Public.**

None

**10. Adjournment.**

There being no further business the meeting adjourned at 2:15.

**Motion** by Fox, **Second** by Medders, to adjourn. **Aye:** Jones, D, Jones J, Medders, Springborn, Denham, Fox, Jarvis. **Nay:** None. **Motion Passed.**