

MINUTES
CITY PLANNING COMMISSION

Minutes of the City Planning Commission meeting held February 14, 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: John Jones
 John Pereira
 David Denham*
 Pat Henry
 Charlotte Perkins
 Neil Springborn

MEMBERS ABSENT: Harold Robinson (excused)
 Jim Nisbett (excused)
 Keegan Ledford (excused)

ALSO PRESENT: Richard Rogalski, Secretary
 John C. Mackey, Legal Counsel
 Debbie Dollarhite, Senior Planner
 Jackie Monette, Recording Secretary

*Commissioner Denham entered the meeting at 1:32 p.m.

MINUTES OF THE JANUARY 24, 2013 MEETING

MOTION by Pereira, SECOND by Perkins, to approve the minutes of the January 24, 2013 meeting as written. AYES: Jones, Pereira, Henry, Perkins, Springborn. NAYS: NONE. MOTION CARRIED 5 – 0.

HOLD A PUBLIC HEARING AND CONSIDER AMENDING SECTION 18-5-8-580 OF THE CITY CODE TO ADD INDOOR ARCHERY RANGE AND ARCHERY EQUIPMENT SALES AS A PERMITTED USE IN THE C-1 LOCAL COMMERCIAL DISTRICT.

Recently there was a request to rezone a tract of land for an indoor archery range and retail store. The current Code does not specifically list an indoor archery range as a permitted use in any zoning district. During the public hearing for the request, the CPC directed staff to prepare an amendment to the City Code to allow an indoor archery range and archery equipment sales as a permitted use in C-1. The City Council approved C-1 zoning for the tract and concurred with the CPC that an amendment to the City Code which would allow an indoor archery range and archery equipment sales as a permitted use in C-1 should be prepared.

Attached is the proposed ordinance which would add “archery range, indoor, and archery equipment sales” as a permitted use in the C-1 district. C-1 zoning would allow the retail sales of other items which are not otherwise included in less restrictive zoning districts.

Notice of public hearing was published in *The Lawton Constitution* on January 29, 2013.

Commissioner Pereira stated that he didn’t like the wording on the first page of the ordinance where it says “Archery range, indoor, and archery equipment sales”. He stated that, for clarification, it should read “Archery range (indoor) and archery equipment sales”.

Rogalski stated that the change could be made prior to the ordinance being brought before the City Council.

Commissioner Pereira stated that the Code stated that C-1 zoning district allow a restaurant as long as it is not a drive-in restaurant. He asked if that would eliminate a restaurant that has a drive-thru window for ordering and picking up food.

Mackey stated that a drive-in restaurant has always been understood to be similar to a Sonic where the patron would drive into a stall and order from and eat in their car.

Chairman Henry opened the public hearing and requested anyone desiring to speak on this item to please come forward.

Steve Livingston, 258 SW Crater Creek Road, Cache, asked if camouflage clothing for hunting would be allowed.

Commissioner Pereira stated that ‘archery equipment’ could be changed to ‘equipment sales related to archery’.

Rogalski stated that the ordinance was worded in such a way where there could not be a broad interpretation where the items being sold would not be considered sporting goods. He added that the sale of clothing and shoe sales are already a permitted use in C-1 zoning districts.

Mr. Livingston stated that he just wanted clarification for his buyer that is building the indoor archery range. He added that he and his buyer are aware that guns and ammunition will not be permitted for sale at the location.

Chairman Henry declared the public hearing closed.

MOTION by Denham, SECOND by Pereira, to recommend to the City Council approval of an amendment to Section 18-5-8-580 of Lawton City Code to add indoor archery range and archery equipment sales as a permitted use in the C-1 Local Commercial District, with item A.2. corrected to read “Archery Range (indoor) and archery equipment sales”. AYES: Pereira, Denham, Henry, Perkins, Springborn, Jones. NAYS: NONE. MOTION CARRIED 6 – 0.

HOLD A PUBLIC HEARING AND CONSIDER AMENDING SECTION 18-4-1-404.1 OF THE LAWTON CITY CODE MODIFYING BUILDING PERMIT REQUIREMENTS FOR ACCESSORY STRUCTURES, MODIFYING THE SIDE YARD SETBACK REQUIREMENTS FOR DETACHED ACCESSORY STRUCTURES ON CORNER LOTS WITHIN RESIDENTIAL DISTRICTS, MODIFYING THE BUILDING PERMIT REQUIREMENT FOR FENCES, AND ADDING THE DEFINITION AND REGULATIONS FOR COVERED PORCHES EXTENDING INTO FRONT AND SIDE YARD SETBACKS.

During the past three meetings, the Commission has discussed proposed modifications of building permit requirements for accessory structures and fences, modifications of side yard setback requirement for detached accessory structures on corner lots within residential districts, and adding the definition of and regulations for covered porches attached to residential structures extending into front and side yard setbacks.

The attached draft ordinance amends the regulations for accessory structures and fences 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 new fence and to replace fencing if new post holes or other excavation will be required. 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 if a title opinion would show if the property would have an encroachment onto the building line.

Mackey stated that an abstract doesn't usually show if there would be an encroachment. He added that a survey would show if there were any encroachments.

Commissioner Jones asked if it would be appropriate to stipulate to add that a permit would be required for new post holes dug in an easement. He stated that putting a requirement for digging on their property would be the same issue as a landscaper planting a tree in the property owner's yard.

Rogalski stated that digging new post holes for fences in all areas would require a permit, and added that most property owners don't know exactly where the easement on their property is located.

Chairman Henry opened the public hearing and requested anyone desiring to speak on this item to please come forward.

Dave Davison, 3721 NE Eastlake Drive, stated that he has concerns about gas and electric lines leading up to the house. He stated that a property owner should be calling 1-800-CALLOKIE when digging anywhere on their property or in an easement to ensure safety. He added that a property owner should be required to obtain a permit for any digging on their property.

Commissioner Jones stated that the intent is so that the City doesn't tie the property owners' hand on what they can do with their property. He added that he just doesn't want to see this ordinance open the door for permits being required for landscaping and the installation of sprinkler systems.

Rogalski stated that this ordinance is specific to fences and does not address other any other digging on a property.

Commissioner Pereira stated that, at some point, a property owner has to assume some risk when digging on their property.

Chairman Henry declared the public hearing closed.

MOTION by Pereira, SECOND by Springborn, to recommend to the City Council approval of amendments to Section 18-4-1-404.1 of the Lawton City Code modifying building permit requirements for accessory structures, modifying the side yard setback requirements for detached accessory structures on corner lots within residential districts, modifying the building permit requirement for fences, and adding the definition and regulations for covered porches extending into front and side yard setbacks. AYES:

Denham, Henry, Perkins, Springborn, Jones, Pereira. NAYS: NONE. MOTION CARRIED 6 – 0.

COMMISSIONERS' REPORTS OR COMMENTS

Commissioner Pereira stated that he was surprised to find out that alleys in the City don't have to be paved or be covered in gravel. He stated that he went to the Back Porch Grill on Gore after it had rained and the alley was nothing but mud. He also stated that he was concerned about how the parking requirement for the restaurant was calculated. He stated that it is a small strip center where the other businesses are low intensity, but there is not sufficient parking for the restaurant.

Rogalski stated that there are always issues with the Parking Code. He stated that needs vary from business to business. He added that different restaurants can have different parking needs, but the regulations are the same.

Chairman Henry told the commissioners that Keegan Ledford has resigned his position on the Planning Commission. She added that he will be missed.

Commissioner Pereira stated that there is a discussion being held at City Hall at 6:00 this evening to discuss the drought situation and landscaping issues.

SECRETARY'S REPORT

None.

AUDIENCE PARTICIPATION

None.

Meeting adjourned at 2:04 p.m.

Pat Henry, Chairman
City Planning Commission