

MINUTES
CITY PLANNING COMMISSION

Minutes of the City Planning Commission meeting held March 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: Dave Davison
 David Denham
 Shelli Fox
 Ron Jarvis
 Deborah Jones
 John Jones
 Michael Logan
 Darren Medders

MEMBERS ABSENT: Neil Springborn

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

2. Verify posting of meeting.

Meeting was posted on March 4, 2022, at 8:40 a.m.

3. Establish Quorum.

Denham stated there were seven (7) of the eight (8) members present.

4. Approval of Minutes.

Action: Motion to approve minutes from the February 10, 2022 meeting.

Motion by Jones, D, **Second** by Medders, to approve the minutes of February 10, 2022 as written. **Aye:** Denham, Fox, Jarvis, D Jones, J Jones, Logan, Medders, Davison. **Nay:** None. **Motion Passed.**

BUSINESS

5. 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.

Recommended 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, subject to condition of opaque screening.

Good stated this is a rezoning request and an amendment to the Land Use Plan off NE 20th Street just north of the Los Tress off Gore on the eastside. This portion of the parcel is zoned I-3 and this portion is R-4 and they are requesting it go to I-3. The existing Land Use Plan is residential high density with proposed industrial. This is the binding sight plan they have proposed. There is a proposed building on the southwest portion of the property with a lay yard that doesn't go all the way to the eastside of the property. If the proposed building is built, they will install a waterline from the south going up the property line and install a fire hydrant that is required by the fire marshal. They must have an opaque screening and tree buffer due to the zoning of the property to the south and east of them. An additional piece that was not presented in the past is an easement agreement from the properties around them and the platted road to the south does not continue. We attached the agreement in your packets and highlighted the section that says it will be allowed for a road for the future plans of the property.

Davison stated I'm curious about the location. Is SE 20th by the VFW.

Good stated this is just north of the VFW. As you see on the site plan this is the VFW building. This R-4 cuts through both properties. This is the parcel to the north; this is the property we want to rezone, and this is the VFW property.

Denham stated this easement shows to be dated back in 1995.

Jones D asked does the VFW fire line have two (2) plugs. I assume it is a private fire line. Normally fire lines are not dedicated. Are they going to run a parallel line, hook on to that line or go to NE 20th?

Good stated they have representation here and can speak on this if you like.

Jones D stated okay.

Denham stated I'll open the public hearing shortly and we can do it at that time.

Ezell stated we closed the public hearing at the last meeting.

Denham asked I did close the public hearing.

Ezell stated yes.

Jones D stated okay, does anyone know if the nearest sewer is Skyline Addition. It must be because you can't go upward to Scissortail.

Good stated we are looking that up to be for certain.

Jones D asked would you also look to see if the VFW fire line is private. Normally they are. My concerns in asking these questions is because you could end up with a really long dead-end fire line and it diminishes the pressure.

Brown stated the sewer line runs on the west side of the parcel.

Jones D asked is it dedicated.

Brown stated yes.

Jones D asked what is the size.

Good stated they will be running a new fire line.

Jones D asked from what point to what point. To my knowledge the last water that is to city specifications would be to turn this in at NE 20th.

Brown stated it is a 10" sewer line that runs on the east side of the property.

Jones D stated so you have a main that runs on that property.

Brown stated yes, on the east property is a 10" sewer main.

Jones D stated as compared to Skyline East.

Brown stated yes.

Jones D stated okay, thank you. A 10" is not very big.

Denham asked where does it tie into. The water line is definitely different than the sewer line.

Jones D stated yes, the sewer will flow south along the east Cache Creek basin. I'm sure it spaghetti outs everywhere.

Brown stated they will tie into the public watermain and go up and loop back around.

Jones D asked so they will tie into the terminus end of the watermain at NE 20th.

Brown stated yes.

Jones D stated okay, then they are going to go around the property to form the loop.

Brown stated yes, and that will help with the flow.

Denham asked this is still a proposed lay yard right.

Good stated yes.

Denham asked with a binding site plan.

Good stated yes, to extend the fence to the eastside of the property line would be an adjustment to the site plan and they would have to come back for review.

Denham asked extending the privacy fence.

Good stated yes, to extend the lay yard father east. The lay yard is not all the way to the property line. They have a green area here.

Jarvis stated we had quite a bit of discussion about the status of the road on NE 20th Street. Did we resolve that issue? Is that to become a city street.

Denham stated it is going to stay as it is for now. This was the purpose of the easement.

Jones D stated actually it is an asphalt driveway and not a local road. It is a driveway that extends to the north and ends on private property.

Denham asked does the road end at the VFC.

Jones D stated no it ends where the neuter and spayed clinic is on NE 20th.

Good stated you see this is a dedicated road right-of-way. This Oklahoma shaped parcel is the VFW, and it is just short of that. There is a split in the road and before the split is where the dedicated road ends.

Jones D stated you are absolutely right Kameron. It goes around the back of the VFW as well as the front. It is a driveway on the access easement. This answers our questions as to what the purpose is and that is good.

Denham stated yes, our concern was the trucks using the lay yard. At the last meeting we were concerned about the clarification of the easement and the waterline.

Jones D stated I'm still concerned about the waterline.

Good stated in your packet I gave you is a letter we received from a resident in the Scissortail neighborhood with concern of this rezoning. We did not receive any other calls or letters. I was informed by some of the commissioners they had received calls.

Jones D asked did we send this proposal of a fire line extension to engineering.

Martin stated they have coordinated with utility services and engineering on what needed to be done to get the proper flow.

Denham asked does that go through the permitting process if this is rezoned.

Jones D stated my concern is if we change the zoning and then found out it is too expensive to do the fire line the zoning stays with the land.

Denham stated so does the binding site plan.

Good stated to do another use they have to come back through the approval process.

Jones J stated I'm not sure there is a homeowner within the three hundred (300) foot notification.

Good stated there was not. The current Scissortail development is over one thousand two hundred (1,200) feet away. Part II is over six hundred (600) and Park III is over three hundred (300). Scissortail was not within the three hundred (300) foot notification.

Jones J stated shouldn't the citizens of that area have not been notified that something was going on.

Good stated state statues require we publish in the newspaper. We publish fifteen (15) days before the public hearing. This notice was published before the original hearing.

Jones D asked does the code still state that if there aren't any property owners within the three hundred (300) feet you extend to four hundred (400) feet.

Good stated there were residents that were notified. I can give you the number and I have the ownership list if you would like to see it.

Jones D stated no but John brings up a good point. We have had a couple of industrial rezoning's. Six Hundred (600) feet is not that far away considering what you can do on an I-4 zoning. We might want to consider recommending a code change extending that footage if you don't hit a certain number of residents.

Smith stated I would add that we have two (2) citizens from the Scissortail neighborhood with us today. I assume they were notified through the newspaper.

Jones D stated my point is industrial rezoning has the most intense uses and the most potential for obnoxious emissions and smells. In that particular case, we might want to extend the notice area if you don't notify so many residents within the three hundred (300) feet.

Good stated so like a tiered structure.

Jones D stated yes. I'm not certain if it is still in the code but it use to be if you didn't have a certain number of notifications you went to four hundred (400) feet.

Good stated seven (7) property owners were notified with one (1) being Scissortail Real Estate, LLC.

Jones D stated which is the developer.

Good stated yes.

Medders stated to reiterate this is a binding site plan and they can't change it. They can't change the building or the laydown yard. To change it they would have to come before this committee and the residents would be notified at that time.

Good stated the proposed building is on the binding site plan so they can move forward with that building. The building and fire line must meet all city codes and the fire line must meet the marshal's requirements.

Jones D stated or any permitted use in I-4.

Good stated I-3, yes ma'am.

Denham stated that will fit on the binding site plan.

Medders stated so, they can't put a grow facility in the building unless it comes back to this committee.

Good stated that would be a change in use.

Medders stated I believe the residents biggest fear is to have something they don't want next to their resident.

Jones J stated sometimes the zoning is missed by the public because they don't know what I-3 is. How will the city look at this in two (2) years when somebody wants to put in a junk yard. Is there something that triggers the fact this has a binding site plan. What triggers the knowledge of a binding site plan to a future buyer.

Good stated we put a hatch on the zoning map stating a binding site plan exist.

Jones D asked it is retained in the title.

Good stated no ma'am.

Jones J stated so it could be sold without knowledge of a binding site plan until after the deal has closed. Is that correct.

Good stated yes sir.

Jones J stated being in the real estate business this concerns me. You see a zoning and assume you can purchase the property for certain uses to find out after the fact there is a binding site plan that doesn't allow you to do so. This is a problem.

Good stated we are constantly informing the public of what we work on. We try to update our GIS map to include the binding site plan We are constantly trying to update our GIS map with our zoning, land use and overlays. This is always available to the public. We are trying to go through the history of binding site plans and attach them to their parcels.

Jones J stated the typical realtor is not going to check that. I have concerns with this zoning, and it's uses. It can be switched so quickly.

Denham stated we have addressed this issue numerous of times and we are at the point there are several of them out there. We need to either do more on the city side or educate the realtor better. That needs to be part of the process they check when dealing with the property. There needs to be some education for the realtors. This is a valid concern. People have purchased properties not knowing there were things they couldn't use the property for. This can be expensive.

Good stated I would like to say their intended use would be allowed on the part zoned I-3.

Denham stated correct, it is only the new piece.

Good stated the binding site plan kicked in because of the adjacent residential zoning. This is to protect the residents from future uses coming in with review. This gives us the opportunity to review it to make sure we want to allow certain uses. The lay yard is allowed in the I-3. They want to go just past this line, so they need to rezone. That is why we are here today.

Denham stated the binding site plan applies to the whole parcel.

Fox asked did we ever decide who is responsible for the road.

Good stated the property owners that have the easement agreement.

Fox stated so they are responsible for anything that goes wrong.

Jones D stated in theory, but it didn't work at the post office out west.

Fox asked did Scissortail LLC ever respond.

Good stated no. The only response I received was the letter I attached to your packet.

Motion by Jarvis, Second by Davison, to approve the 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.

Jones D stated we have a bunch of uses out there, a private driveway and now we are extending a fire line. I just think we have reached a point there needs to be a plat. The reason you have I-3 is Floyd Freeman had an existing yard there when the zoning was adopted in 1964. He owned everything to the flood plain and subsequently sold or leased it to several industrial yards or companies. You have the flood plain to the north, this large area of R-3 and this R-1. I'm

concerned it is a jumbled land use. If we rezone this and then the R-3 turns industrial, we are on the boundary line of Skyline. I'm not sure that is a good idea. What happens when you have these private driveways, private waterlines, private fire hydrants and when it starts to go sideways is when things go wrong. Nobody is maintaining the driveway and it becomes impassable. Oh, I thought this was a potable line not a fire line. A fire line is not necessarily potable water. Oh, the fire hydrant is the wrong size, and we can't hook up to it. All these things will tumble out over a period of time. That is the purpose of platting. Subdivide land in an organized manner and to be compatible with your neighbor. Plan for the future and know you have supporting infrastructure for the use. Those are the issues I'm having with this. I just can't recommend this to Council. Thank you.

Denham asked is there any other discussion. Seeing none, call the roll please.

Aye: Jarvis, Davison, Denham. **Nay:** Jones, D, Jones J, Logan, Medders. **Abstain:** Fox. **Motion Failed.**

Denham stated this will be forwarded to Council with a negative recommendation from this body.

New Business

6. Discuss changing the lot area requirement for single family dwellings platted before November 10, 1964.

Recommended Action: None

Smith stated you should have some draft ordinance and a map showing the areas we will be discussing. We have some lots that are not the typical six thousand (6,000) feet for building homes. We have some that are half the size or less. If you will refer to the map, we have a tally sheet here as well. We have LURA lots that have been available for purchase for quite a long time. They are mainly in the Lawton View area. In an effort to supply affordable housing we are looking at the possibility of reducing the lot size and building smaller houses. LURA has asked us to do some work to see if we can get something new on the books because right now we are restricted to build on a certain lot size. We have come at this from a couple of different ways. First, we considered an overlay district that we could do the SPUD. Then we looked at it from a secondary perspective. We have a developer who wants to purchase the lots and build on them. There were seven (7) lots that were smaller. They proposed to purchase those lots if we would allow them to build a smaller home. We want to make this available to anyone who is looking at our municipal codes so they could see we were going to allow this type of build to occur. This way we get affordable homes in some of those areas where we really need better homes. We all know that the Lawton View area needs a remake. We have some developers who are interested in bringing homes that would be around the \$90,000 range. We have been excited about presenting something to you. It starts with the Planning Commission and then ultimately City Council for approval. We have put together some things we wanted to discuss with you

today. I'm going to let the guy's step in and explain what we have done. We have taken the existing ordinances and added a few things. The draft you received has changed. The new one is the one we handed to you today.

Good stated I'll run through the ordinance and Paul will explain the map. The definition of a non-conforming lot is a lot pre-November 10, 1964 that doesn't meet our lot area or width requirements. If it is not stated in the pre-1964 it is because it is called out in the definition. We went through each section of the residential area and added in the non-conforming lot word. When we got to non-conforming lot Section 18-7-1-704 we made the modification of adding single-family dwelling that maybe constructed on a non-conforming lot if it meets the following standards. We are proposing a set of standards that would take some of this away. A variance request at this times goes to the Board of Adjustment if it is a non-conforming lot or if more than fifty (50) percent of the lot is damaged. This set of standards would allow CPC and Council to approve or deny a variance. This makes it a streamline process and gives a set of standards for those who want to develop the twenty-five (25) foot lots. That requires them to be in a residential zoning classification. You couldn't go any smaller than fifty (50) percent than the required six thousand (6,000) square feet for a single-family resident. That allows them to development on a three thousand (3,000) square foot lot. Next is the forty-five (45) percent coverage. This is already in place we just reiterated it in this section. You still must meet the forty-five (45) percent of the property. This allows roughly a fifteen hundred (1,500) square foot home to be developed on the smaller lots. The developers are talking about developing in the \$90,000 price range which will be great for these areas and an awesome step in revamping the area.

Smith stated on the 18-7-1-704 non-conforming lots we have dealt with residential and then non-residential.

Good stated we have modified number two (2) under that section. It used to say a conforming structure and we have switched that to a non-conforming structure and a non-residential zoning classification. If there is a residential use in a commercial or industrial zoning and weren't more than fifty (50) percent this still gives them the ability to come to the Board of Adjustments and ask for a variance to rebuild their home.

Martin stated any structure on a non-conforming lot is considered non-conforming. We are cleaning that up a little bit. You can see the twenty-five (25) foot lots on the map in orange. We flagged those and they are zoned residential. There are some that have other zoning, but this code does not apply to them. I did discover other lots that were under the six thousand (6,000) square feet standard. Then there is the fifty (50) foot frontage requirement. That is why I have three (3) categories. The orange is the twenty-five (25) foot lots, and the blue is the frontage but just below the six thousand (6,000) square feet. Most of these have existing homes. They are residential lots platted small before we got the standards in place. Then we have some random

ones that have a forty (40) foot frontage. They don't meet the standards but are typically bigger than the twenty-five (25) foot lot.

Smith stated the triangle area at the bottom of your map in Ward 7 is in our URP. We will probably exclude those from what we are trying to accomplish. There is a different set of rules for that area.

Good stated she is referring to east of Railroad and north of Gore. You have a little purple, orange, and blue.

Smith stated we will reserve that and handle it after we handle the larger one where we can accommodate more of our residents. This has been a quest for us to find a way we can get brand new homes with smaller footage but affordable. We have members of our community young, single, senior citizens and military needing affordable housing. We wanted to bring this to you, and we welcome your input. This is not an action item today, but it is for discussion. We will probably bring it back as an action item. LURA has wanted to sell these lots for a long time, but this doesn't just apply to them. Our priority is to help establish equity and fairness where everybody has access to be able to see what we are allowing. As we have worked thought this, we feel putting it in our municipal code where it can be accessed so everyone has the same opportunity. We feel the public is best serviced this way.

Good stated Paul did a great job on this chart. This shows all the subdivisions that were affected.

Denham asked what is the numbers.

Good stated the vacant twenty-five (25) foot lots that you could develop on is one thousand forty-eight (1,148).

Martin stated I did a rough count from the aerial overlay.

Denham stated I'm looking under the twenty-five (25) foot lot width is two thousand five hundred forty-six (2,546).

Martin stated on the lot width those are the number of lots that qualify. Existing lots where they are built on or not. That is how many and what is flagged here. If you go to the right, vacant, I went through the twenty-five (25) foot lots and did a rough count from aerials to see if there was a house/structure and I did the individual lots. If there were four (4) twenty-five (25) foot lots together with a house I counted that as one (1) parcel.

Smith stated the numbers show eight hundred twenty (820) vacant lots in Lawton View. We have a total of one thousand forty-eight (1,148) vacant lots that this applies towards.

Denham asked are these real homes or tiny homes. Is this a fully developed home.

Good stated yes, it is fifteen (15) foot wide. You are talking multiple bedrooms and nice finishes.

Jones D asked does this prohibit little houses.

Good stated no.

Jones D stated as long as they can make the setbacks.

Good stated yes, if they meet the setbacks and all the city building codes.

Denham stated no wheels.

Martin stated no wheels. That is prohibited by our mobile home.

Jones D stated under the current code a mobile home is a dwelling.

Martin stated they are restricted to designed mobile home parks and mobile home subdivisions. Some are grandfathered. This will not permit additional mobile homes.

Jones D asked is that currently the code.

Martin stated yes, there is a section on mobile homes.

Jones D stated so, I can't come in on a fifty (50) foot frontage and one hundred fifty (150) depth and put a mobile home/manufactured home on that lot.

Martin stated if it is set on a permanent foundation without wheels. It can't have wheels.

Jones D stated okay. My next questions is between 17th, Sheridan, Bishop Road and Lee in the Lawton View area, basically the western section of Lawton View, is impacted by the airport noise zone. To my knowledge you could not get federal funding in that area for housing. Has that changed?

Smith stated I don't believe it has. We have restrictions for placement of all of it. This is not going to go into those areas. We are talking about the existing platted areas. We are not talking about developing anything new.

Jones D stated let me make the statement again and you follow me. Between Sheridan Road, 17th, Lee Boulevard and Bishop, that square is the clear zone. This was impacted by a noise cone zone, and you could not get federal funding. It is an existing subdivision. That could have changed. Every time you change aircraft the noise cone changes. In the Land Use Plan, we use to have a policy that it converted to industrial because of that impact. Can you look into that?

Good stated yes ma'am. I'm currently working on the 2045 Land Use Plan

Jones D stated can you look at it now for this ordinance

Good stated absolutely.

Jones D stated I don't want to approve building tiny houses here and when they go to the VA they inform them they are not going to secure the mortgage. I'm all for smaller lots if you can meet the fire codes. I like less yard and don't believe we need six thousand (6,000) square feet in this day and age. Society has changed. I don't have a problem with that. I have a problem if you can't guarantee Council and neighborhoods on where you stand on the placement of manufacture housing. The last thing is to go to Council and talk about this wonderful map that displays this. By the way, you both did a very fine job on this map. You may get some resistance in Mountain View Addition for instance.

Martin stated there are very few empty lots in Mountain View Addition, but yes.

Jones D stated if there is only one (1) I would recommend you talk with them.

Martin stated absolutely because we do allow it.

Jones D stated I think there ought to be a provision in the code for an Urban Renewal areas for instance with distressed sales. There ought to be an incentive to go into those areas. It might be discounting the lots, changing the lot sizes or common parking area. There are all kinds of things you can do. I don't know if it is legal, but I would say yes. They are blighted areas and completely cleared.

Jones J asked can they go in and build something like a two hundred (200) square foot home.

Brown stated code requires a minimum square footage in certain rooms of the house. You can't build anything less than five hundred fifty (550) square foot. By our code that is the smallest you can build.

Jones J stated unless you apply for a non-conforming.

Brown stated yes.

Jones J asked is there anything to prohibit a manufactured home coming into an area even if it is on a foundation.

Brown stated if you tie it down to a permanent foundation it is allowed. Typical mobile homes with chasey and wheels are not permitted in a regular subdivision.

Jones D stated there is no prohibition from removing the chasey and mirroring it on a foundation.

Jones J asked what are you calling a chasey.

Brown stated the axel. Mobile homes built on an axel and wheels are tagged and inspected by HUD. They are tagged to move down the road. Once they remove the axel they no longer qualify as a mobile home.

Jones D stated they are manufactured home.

Brown stated yes.

Jones D stated you might want to look at state law and manufacturing housing. There are a lot of provisions.

Denham asked are we talking about the ones driving down the road.

Jones D stated yes.

Denham asked like what the Vo-Tech builds.

Brown stated that is an actual home.

Denham stated okay.

Jones D stated if you ask firemen there are different fire accesses to a manufactured homes and the way they fight it. There are just differences and a lot of state and federal laws to make sure there is no discrimination in manufactured housing.

Denham stated you have a fine line there. Very interesting.

7. Commissioner's Reports or Comments.

Denham stated we talked about a tiered level of notification.

Jones D stated it seems to me we had two (2) of these. One was out west and there was a subdivision that was four hundred (400) feet and this one. The folks out west were very upset they didn't receive notice. My concern is where you have existing residential or existing residential zones and you put I-3 or I-4. This is just such an intense use. I believe you need to touch those subdivision in some way with notice.

Denham stated practical application would be a tiered notification.

Jones D stated that is what I think. If it is three hundred (300) feet and you have twenty (20) or twenty-five (25) notified the whole neighborhood will know. But if you don't have anyone notified you are serving notice to the prairie. The residential neighborhoods are going to be unhappy.

Denham asked do you understand what she is recommending as far as extended notification for the more intrusive zone changes.

Jones J stated can we place the address in the notice so the public can identify the property.

Denham stated it is in there.

Jones J stated okay, it is hard to find. You see the legal. The notification is so small it took me a while to find it.

Good stated the location map is attached and it has the address of the property. Then we list the legal. This is what is attached to our rezoning notification, amendment to the Land Use Plan and use permit on review. This goes with the letter and if there is a binding site plan that is sent also. I do understand the tier approach. Do you have any suggestions on how you want it to increase for commercial and industrial? How far do you want to reach out?

Jones J stated I picked six hundred (600) because that was double. There is no magic number. When you have people living this close, they should be notified in some way. I have trouble rezoning when you have residents that have no say in what's going on. This is tough.

Jones D stated when we get these reviews, I personally would like to see a hatched map of construction plats that have been approved. This tells me there is a Scissortail II and III. They may not build exactly as they have proposed, but it shows me how they did their land planning. If they don't develop it, they may sell it for development. I think it is important for the Commissioners to see the big picture. I don't believe it needs to go out with the notice.

Denham stated check to see if other communities have codes that address this. I doubt it because it is a standard three hundred (300) nationwide.

Jones D stated do we want to try eight hundred (800) to a thousand (1000) feet.

Jones J stated that would be good. It's tough to find something that will work. I just believe in a case like this there needs to be notification.

Jones D asked is the nearest platted lots about eight hundred (800) feet.

Martin stated residential platted lot is five hundred eighty-five (585) feet. If we did six hundred (600) it would catch one (1) lot. Would we want to do like a minimum of thirty (30) or fifty (50) notices?

Jones D stated maybe set twenty (20) or twenty (25). If you don't hit that number of notifications move out further. You may not hit any when you move further out.

Martin asked would you want something based on how large of a rezoning it might be. The bigger the rezoning the potential of a larger impact.

Jones D stated I don't think that has much to do with activity. You could have a small wrecking yard crushing cars at night. It's hard to wrap your head around. If a homeowner buys a home and there is an obnoxious use that effects their property, they can't get out.

Denham stated another issue is how we record binding site plans for future buyers. Buyers and realtors need to be aware there is a binding site plan on the property. I'm aware of a couple different ones this happened to. They spent a lot of money and couldn't do what they wanted to. We need to make sure when commercial real estate is being sold they know about the binding site plans. Maybe an annual map showing the binding site plans.

Martin stated it needs to include Urban Renew and other overlays.

Denham stated yes. Historical overlays and all that good stuff.

Jones D stated the urban renewal areas are in the title chain and often in the deed. I don't believe realtors look at the title chain. At one time we had books we sold to realtors that had the zones. Every time it changed a data sheet was issued and it got to the point realtors didn't know what pages to keep or disregard. Now you have gone digital.

Denham stated a couple of interesting areas to study.

8. Secretary's Report.

Smith stated I don't have anything for you today.

9. Comments from the Public.

Lohman stated my name is Jeremy Lohman and I live in Scissortail. First, I want to say thanks for all these important questions and thoughts. The land being discussed is an impact for me. I live in the furthest southwest corner. There is a lot of noise currently with the trucks and movement. I would be against any expansion. I don't know who's letter you received but it may have been mine.

Denham stated no.

Lohman stated I appreciate the effort you put into looking at this situation. My opinion is to not expand the zoning that affects where I live every day.

Denham stated so you know our vote is a recommendation to Council. Council has the final decision. You might want to attend that meeting or write a letter.

Lohman stated I understand.

Denham asked do we have a council date.

Good stated we must send notice by mail twenty (20) days before the hearing and by publication fifteen (15) days. Council will be the next date after that.

Simpson stated my name if Mike Simpson and I also live in Scissortail. We both live on the very west end of the neighborhood. The area described is almost due south of my house. Prior to the lay down yard there was a concrete batch plant/asphalt plant that was constantly making noise and dust. When talking about how far you should notify somebody in our area, we need to think about which way the wind is blowing. If it is blowing east and west it's no biggie, but due south or southwest, which is a prevailing summer wind, you get all the dirt, dust and noise that goes with it. I understand you want to generalize a distance. I'm not sure if the new homes being built show on this map. They are closer than our homes are. There is at least \$10,000,000 worth of homes being planned or built in that area right now. The laydown yard could detour someone from wanting to buy. The laydown yard is not a big deal. It is what could come after the laydown yard. I don't think any of us want to get into a position like the neighbors of the Republic Plant with the stench. The fear is something could be put there that would affect the quality of life we have in our neighborhood.

Denham stated we do appreciate you coming out. I apologize for closing the public hearing at the last meeting. Same recommendation to you as to Mr. Lohman you might want to attend the council meeting. Is there anyone else that would like to come and speak. Thanks.

10. Adjournment.

There being no further business the meeting adjourned at 2:45 p.m.

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