

MINUTES
CITY PLANNING COMMISSION

Minutes of the City Planning Commission meeting held March 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
 Jim Nisbett
 Pat Henry
 Charlotte Perkins

MEMBERS ABSENT: Harold Robinson (excused)
 Dave Davison (excused)
 David Denham (excused)
 Neil Springborn (excused)

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

MINUTES OF THE FEBRUARY 14, 2013 MEETING

MOTION by Pereira, SECOND by Jones, to approve the minutes of the February 14, 2013 meeting as written. AYES: Jones, Pereira, Nisbett, Henry, Perkins. NAYS: NONE. MOTION CARRIED 5 – 0.

ADMINISTRATIVE

Amendment to 2030 Land Use Plan from
Residential/High Density to Industrial
Rescind Ordinance 11-61 reverting zoning, from R-3 to I-3
Southeast Corner of SW 11th Street & Bishop Road

1. This request is for 23.965 acres of land located at the southeast corner of SW 11th Street and Bishop Road. The City Council adopted Resolution No. 11-120 amending the 2030 Land Use Plan from Industrial to Residential/High Density and Ordinance No. 11-61 changing the zoning from I-3 to R-3 on December 20, 2011. The Lawton Metropolitan Area Airport Authority requested the City Council to reconsider the approval citing multiple-family residential could

affect the airport's ability to obtain funding. The City Council thereafter directed Staff to initiate the proceedings to rescind the rezoning ordinance and return the property to the I-3 zoning classification.

2. The zoning of the surrounding area is:

North - I-3

South - I-1 (Restricted Manufacturing and Warehouse District) and R-1 (Single-Family Dwelling District)

East - I-3

West - P-F (Public Facilities District) and C-4 (Tourist Commercial District)

3. The land use of the surrounding area is:

North - vacant

South - church, commercial, and single-family residential

East - He & I Construction and UPS

West - Lawton-Fort Sill Regional Airport

4. Notice of public hearing was mailed to 36 owners of property within 300 feet of the requested area on February 21, 2013, and proper notice was published in *The Lawton Constitution* on February 24, 2013. Prior to scheduling the public hearing, a letter was sent to the property owner advising him of the City's intention. No letters or calls either for or against the request have been received.

5. The analysis for this request follows.

This analysis is based upon criteria set out in Title 11, Sections 43-102 and 43-103, Oklahoma Statutes.

1. *To lessen congestion in the streets.* Southwest 11th Street is a 5-lane principal arterial street. The most recent traffic counts for this section of SW 11th Street (2008) indicate this portion of SW 11th Street to be at 31 percent capacity, which is Level of Service A. Bishop Road is a two-lane minor arterial street without curb and gutter. The 2011 traffic count data shows the average daily count for Bishop Road between SW 11th Street and SW 6th Street to be 2,018. There is no data available on capacity or level of service.

2. *To secure from fire, panic, and other dangers.* The requested area is not within the 100-year floodplain. It is not within the obstacle free zone or runway protection zone of the Lawton-Fort Sill Regional Airport. There are three fire hydrants along SW 11th Street on the west side of the requested area.

3. *To promote health and the general welfare.* The yearly day-night average sound level (DNL) accounts for the increased sensitivity to noise at night and is the metric preferred by the Federal Aviation Administration, Environmental Protection Agency, and Department of Housing and Urban Development as an appropriate measure of cumulative noise exposure. Noise sensitive

residential land uses contained within the 65 DNL and higher noise contours are considered incompatible. This area is outside the 65 DNL but is within Zone 2 of the proposed Airport Environs Noise District Overlay. Residential land uses are only allowed within Zone 2 with sound mitigation restrictions. The Lawton Metropolitan Area Airport Authority has stated that industrial zoning is a much more compatible land use than residential.

4. *To provide adequate light and air.* All setback and height requirements will have to be met during the building permit phase.

5. *To prevent the overcrowding of land.* The criterion does not apply.

6. *To promote historical preservation.* This criterion does not apply.

7. *To avoid undue concentration of population.* Much of the surrounding area is either vacant or single-family residential.

8. *To facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.* SW 11th Street is a five-lane principal arterial, and SW Bishop Road is a two-lane minor arterial. There is a water main along the west side of the property along SW 11th Street, and a sewer main along the south side of the property. This area is served by a sewer lift station. Prior to any development, the developer's engineer will be required to prepare an analysis of the existing lift station and indicate the specific upgrades that are required. It is also recommended by Public Works that for any development in this area, the 12-inch water main along Bishop Road be extended to the east and waterlines be looped around the development between the extended 12-inch waterline and the 10-inch waterline along SW 11th Street.

9. *To conserve the character of the district and buildings and encourage the most appropriate land uses.* There is concern with the proximity of apartments to the Lawton-Fort Sill Regional Airport. Industrial uses are much more compatible with the airport. There is a concern that residential development would result in an encroachment on the long-term operations and viability of the airport.

The 2030 Land Use Plan initially designated this area as Industrial. The Industrial designation was a consideration in the development of the Airport Master Plan, and industrial uses are more compatible with the airport activities than residential uses.

Based upon these facts, it is recommended Ordinance No. 11-61 be rescinded, and the zoning be returned to the I-3 designation.

Rogalski stated that a letter was sent to the property owner, advising them of the action requested by the City Council, and the property owner is in favor the zoning change back to Industrial.

Chairman Henry asked if any residential dwellings can be constructed in I-3 zoning districts.

Rogalski stated that only light industrial and commercial uses are allowed in I-3.

Commissioner Jones asked if there was a provision in Code that reverts a rezoning back to the original zoning classification if no development starts on the property within two years.

Rogalski stated that there is no reversion clause in Code. He stated that it has been discussed, but there is a concern of land valuation if the property reverts to a more restrictive classification.

Chairman Henry stated that she doesn't like the idea of a reversionary clause, because it could confuse a person wanting to purchase a property who is being told that it is in a particular zoning district when it reverted back to the original zoning.

Chairman Henry opened 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.

MOTION by Pereira, SECOND by Nisbett, to recommend to the City Council approval of an amendment to the 2030 Land Use Plan from Residential/High Density to Industrial and rescission of Ordinance No. 11-61 which changed the zoning on the property located at the southeast corner of SW 11th Street and Bishop Road to I-3 (Multiple-Family Dwelling District) zoning classification, thereby returning the property to I-3 (Light Industrial District) zoning classification. AYES: Pereira, Nisbett, Henry, Perkins, Jones. NAYS: NONE. MOTION CARRIED 5 – 0.

PAM AND BARRY, INC. AND LAKE CREST DEVELOPMENT

Amended Use Permitted on Review to Allow a Parking Lot to Be Constructed on Common Area F of The Meadows 3914 NW Elm Avenue

1. This request is to amend the site plan approved with the Use Permitted on Review for The Meadows, a townhouse subdivision, located at NW Elm Avenue and NW 40th Street. The Use Permitted on Review was approved on May 28, 2009. The site plan included several common areas along with the townhouse lots. The developer now wants to construct a parking lot on Common Area F which is located at the north end of the plat near the entrance to the subdivision. The parking lot will serve all property owners of the subdivision.

2. The zoning of the surrounding area is:

North - R-4 (High Density Apartment District) and C-4 (Tourist Commercial District)

South - R-1 (Single-Family Dwelling District)

East - C-1 (Local Commercial District), P-F (Public Facilities District) and R-1 (Single-Family Dwelling District)

3. The land use of the surrounding area is:

North - vacant

South - single-family residential

East - vacant and churches
West - single-family residential

4. Notice of public hearing was mailed on March 4, 2013, to 49 property owners within 300 feet of the requested area.

5. Staff has reviewed the site plan for the parking lot submitted with the application and recommends approval subject to the following:

a. Provide at least one handicap space with a van accessible aisle 8 feet wide which meets ADA standards.

b. Parking curb must be at least 2.5 feet from all property lines or provide parking blocks to ensure cars do not overhang the property lines.

c. Revise parking spaces to ensure all spaces are within the lot dimensions.

d. Obtain a revocable permit from the City Council for parking and maneuvering on the utility easement.

Dollarhite stated that condition (b.) has already been satisfied.

Chairman Henry opened 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.

MOTION by Jones, SECOND by Perkins, to approve the amended Use Permitted on Review for The Meadows to allow the construction of a parking lot on Common Area F at 3914 NW Elm Avenue, subject to conditions a, c & d listed. AYES: Nisbett, Henry, Perkins, Jones, Pereira. NAYS: NONE. MOTION CARRIED 5 – 0.

COMMISSIONERS' REPORTS OR COMMENTS

Chairman Henry stated that she is still concerned about the confusion that cumulative zoning can create. She stated that she wants to see that residential uses are not permitted in commercial zoning districts.

Commissioner Pereira stated that the committee looking into the issue only met once, but he still has the notes he created on the topic.

Rogalski apologized that this issue did not get any further. He stated that he has taken on the responsibility of being the project manager for the downtown redevelopment project. He stated that part of the delay was that the Code change should also include modernizing of the language contained in it.

Dollarhite stated that Staff is currently working on three Code amendments, and the cumulative zoning issue is the first on that list.

Commissioner Pereira asked if the change might come before the Commission by the summer.

Dollarhite stated that additional discussion should be taking place by then, but the actual Code amendment will be sometime after the summer.

Chairman Henry asked legal counsel how the removal of cumulative zoning would affect existing property owners.

Mackey stated that it is potentially upsetting to the property owner, because it would take away possible uses for their property.

SECRETARY'S REPORT

Rogalski stated that he received a letter from Brandie O'Connor, Administrator of the Comanche County Health Department (CCHD), thanking the Commission for their support. He added that the CCHD now has an official recognition that their organization has been accredited for five years that it meets or exceeds the standards established by the non-profit, non-governmental Public Health Accreditation Board.

AUDIENCE PARTICIPATION

None.

Meeting adjourned at 2:00 p.m.

Pat Henry, Chairman
City Planning Commission