

CITY PLANNING COMMISSION
CITY HALL AUDITORIUM
July 13, 2023

Minutes of the City Planning Commission meeting held July 13 , 2023, 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 1:38 p.m. by David Denham

ROLL CALL

MEMBERS PRESENT:

Darren Medders
Allen Smith
Neil Springborn
David Denham
Michael Logan

MEMBERS ABSENT:

Ron Jarvis (Excused)
John Jones (Excused)
Joan Jester (Excused)
Deborah Jones (Excused)

ALSO PRESENT:

Madison Aust, Recording Secretary
Charlotte Brown Director Community Services/Planning
Kameron Good, Senior Planner
Tyler Pobiedzinski, Planner 1
Christina Ryans-Huffer, Planning Administrative Assistant II
Dewayne Burk Assist City Manager
Sheryl Gregory Great Plain Improvement Foundation

2. Verify posting of meeting.

The meeting was posted on July 7, 2023, at 11:10 am by Tammy Branstetter.

3. Establish Quorum.

5 (five) of the 9 (nine) members where present.

4. Election of a Vice-Chairman.

Denham stated our current Vice-Chairman is asked to resign due to time restraints. We need to elect a new Vice-Chairman. I will entertain motions.

Medders stated I make a motion to elect Allen Smith.

Logan stated I second that motion.

Denham stated we have a motion and a second, any discussion.

Motion by Medders, Second by Logan, to appoint Allan Smith as Vice-Chairman. **Aye:** Smith, Logan Medders, Springborn, Denham **Nay:** None **Motion Passed.**

Denham stated congratulations Mr. Smith.

5. Select Alternate for MPO Policy Board.

Denham stated that is the Lawton Metropolitan Planning Organization does the air mitigation, the transportation planning, Chairman of the Planning Commission is an assigned member. So due to quorums or lack thereof we have had to seek out alternates for each member. We need to nominate an alternate for that position. I will entertain a motion. The meeting is typically the first Tuesday of the month at 11:00 am here at City Hall.

Smith stated is that the one where they do the traffic and stuff.

Smith stated I nominate myself.

Medders stated I second.

Denham stated any discussion.

Motion by Smith, Second by Medders to appoint Allan Smith as Alternate for MPO Policy Board. **Aye:** Springborn, Logan, Medders, Smith, Denham **Nay:** None **Motion Passed.**

6. Hold a public hearing to consider a request for an amendment to the 2030 Land Use Plan from Industrial & Public Facility to Public Facility, and a change of zoning from the Temporary A-1 General Agricultural District to P-F Public Facilities District zoning classification for the property located at 2302 SW Bishop Road Lawton, OK 73505.

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Good stated good afternoon chair and commission, Kameron Good with the Planning Department. This is a request brought to you by Bishop Public Schools for the new middle school planned at the southwest corner of Bishop and Sheridan Road. This has a temporary zoning of A-1 on it and since they are wanting to build a structure, they do have to update that zoning. Here is the current zoning temporary T-1 zoning you have a R-1 to the north and PF to the east and where their elementary school is built. This is the current Land Use map that shows a portion of the piece of property as Industrial. That is why this is an amendment to the Land Use Plan as well. This is the current aerial shot, it's just farmland currently vacant and this is the proposed site plan for the new middle school. There is a proposed future parking on the north side, that is not being built at this time with another entrance onto Bishop Road. Right now the only entrance is off of SW Sheridan that will enter, do a loop and then exit back on SW Sheridan. These plans are currently in our license and permits under review. This was noticed to everyone from 300 feet, which was 4 (four) property owners on June 21, 2023 and was posted in The Lawton Constitution on June 25, 2023.

Denham stated have we heard anything.

Kameron stated we have not heard any phone calls or received any letters for or against this item.

Brown stated I will say Barbara McNally asked me about it yesterday and I told her it was not in their flight path. So it was not included in that.

Denham stated it was just that 1(one) building next to the loop.

Good stated yes Sir, just to the southwest of the loop is the proposed building and then there is a future portion of it that extends to the west that they are not building at this time.

Denham stated that is the little square on the top left.

Good stated yes sir.

Denham stated the triangle is the detention pond.

Good stated on the very southern portion of the proposed building. This won't take up the full parcel, it's only going to be built in the northeast corner of this parcel, which is a very large parcel.

Denham stated it would be about equivalent to the land for the elementary school.

Good stated yes Sir.

Denham stated any questions of Kameron before I open the public hearing. None, I will declare the Public Hearing open. Anybody wanting to speak for or against this item please approach the podium. We need you to sign in and state your name please.

Gregory stated good afternoon, everybody. My name is Sheryl Gregory, Executive Director for Great Plain Improvement Foundation Community Action Agency here in Lawton and we own property about 300 feet from the planned construction of Bishop Middle School. So, at the time that our agency purchased this land, which was 20 (twenty) years ago back in 2003, we were

going to build affordable housing on this property, but we were told at the time, well after we purchased the property, and we were in the middle of the application process to build. Our project was halted because we were told, later on after we got into the process, that we couldn't build anything taller than a blade of grass on this land. So, now that Bishop has petition to re-zone, I guess to re-zone the land for the middle school, where does that leave us as an agency. Can we now sale this property.

Denham stated where is your property related to this.

Brown stated so she owns property north of the existing school and it is within the airport easement. The airport easement extends all the way from Bishop up to Douglas, which I believe is the last road there, on the east side of Sheridan. The existing houses that are on the east side are not in compliance with the airport easement.

Denham stated so if she was on west side of Sheridan.

Brown stated if she were on the west side of Sheridan, she wouldn't have the restrictions.

Denham stated this property is on the west side of Sheridan.

Good stated I can get you a copy of the airport easement document we have on file down there plus the site plan that shows it but it's east of Sheridan Road, north of Bishop and this re-zoning is talking about south of Bishop and west of Sheridan. So, your property that you are talking about is up here and there is the easement. The airport easement runs from Bishop all the way up to the south side of the Lawton View Subdivision and it is a square of about 400 feet , east and west, and 1200 feet north and south. That was the restriction of when you were wanting to build, was that airport easement that has an overlay over those properties. Which we have met with Barbara McNally, we do have another meeting scheduled to come up with solutions potentially modifying that easement document, maybe putting a height restriction rather than what it states now, that nothing can be constructed.

Brown stated you can't have light poles, trees, or anything.

Denham stated I remember working when we were trying to get Delta Airlines in here, that was also another concern with the flight path, why that was brought into play. That is a pretty strict deal and it's a federal type requirement.

Good stated the easement is currently owned by the Airport Authority, nothing really that the City itself can really do about it other than try to come up with a solution the airport.

Denham stated what is that building to the northeast of the elementary school.

Good stated it is an existing single-family dwelling.

Denham stated was it there before the easement.

Good stated it was built before 1964 before the City zoning went into place. The easement went into place 1949 is when the document went into place. It's been there ever since, until 1964

when our zoning code went into place, we didn't police that. So, now after 1964 nothing has been constructed there. Everything constructed there is non-conforming.

Denham stated very good. Mrs. Gregory, I don't think that helps but does it answer your questions.

Gregory stated well it's water under the bridge, but I just hate the fact that our agency went out and purchased this land and this wasn't told to us before we got involved, it was after we were almost done with this to start constructing that we found this information out.

Denham stated this was in 2003.

Gregory stated this was in 2003 yes. Johnny Owens has been working with me to try to sell this parcel of land for us. We've been digging and digging trying to figure out what we can do to unload this property. Now according to this letter, it says it's 300 feet from where Bishop wants to build. So, can you put that picture back up there so I can have a visual again of what that 300 feet looks like.

Good stated yes ma'am. Your property is up here in this area, so 300 feet is roughly right across the corner from where they're building is where the easement starts but it's outside this easement.

Denham stated since you own that property that is within 300 feet of the northeast corner of this property we're talking about. That is how you got noticed.

Good stated this has been a current topic recently in the Planning Department because there is also a R-4 zoned property within that easement that use to be a trailer park before 1964 and it's for sale as well and it's exchanged hands, I feel multiple times without disclosure of the easement. The current owner is disclosing the easement and he is having trouble selling it. It has dropped in price a lot because nothing can be constructed there right now. We've probably received at least 1 (one) phone call a week currently for interest in selling that property. They want to put another Mobile Home park there and right now.

Denham stated even a mobile home is too high to go that property.

Good stated yes Sir and all these people we have been directing to the Airport Authority and that's why the Airport Authority has been in touch with us trying to come up with a solution for this entire easement area.

Gregory stated there are other structures there, not too far from where our land is but it's hills, we have put dirt out there and so it's grass. It just looks like hills over there that is taller than a blade of grass, I mean it's been sitting there for 20 years, and we haven't been able to do anything with it. So, I don't know, I hope that the City, well I don't know if you guys can do anything. That's Airport Authority, that's federal property from what I understand. Is that considered federal property.

Denham stated it's sits; I don't know if it's federal property but it's.

Gregory stated the air space.

Denham stated yes.

Good stated it's privately owned but because of this easement overlays it, that's the restriction they have an easement overlaying the private property but like I said we have been in discussion with the Airport Authority to come up with a solution for these problems.

Denham stated you think you could get grazing land or something.

Brown stated we have a meeting scheduled with Barbara next week to discuss if they would allow single family dwellings, no taller than 20-25 feet or something to be constructed in there. I think that help a lot and would allow for some development in that area.

Good stated I know that there is FDA restrictions and stuff and they're going to be more knowledgeable about that, but I would believe flight capability has changed in the last 70 years, since this easement was put into place. They are open to the ideas to modifying this easement. We just got to come up with a solution and we are meeting next week about it.

Denham stated they're going to have things like lighting and other issues that can affect planes landing and taking off is part of it too. So that's the nature of it in the first place and you're not the first person that brought property with an intended use. Somebody selling the property should have known about.

Gregory stated we've always had a, we kind of in our heads we were trying to figure out how in the world can Bishop build, and Bishop added on to their school going west closer to the airport as opposed to where we wanted to build. I mean that's what didn't make sense to us that Bishop was allowed to build and extend their school going west and we weren't able to build at all.

Kameron stated I have Tyler printing out the easement.

Smith stated but it starts at Bishop Road.

Gregory stated I'm sorry.

Smith stated the zoning starts at Bishop Road.

Good stated yes, so everything.

Denham stated the easement starts at Bishop Road north.

Smith stated Bishop Road north.

Good stated Tyler has gone to the office to print off the document with the easement and it has a map on it that shows the outlined easement with the actual easement document. I definitely get that to you.

Gregory stated can we get a copy of that. I would love that.

Good stated yes ma'am absolutely .

Denham stated we'll have that to you this afternoon, I mean soon. Mrs. Gregory thank you very much and good luck. Hopefully we got you some more answers, might not been the right

answers or preferred answers but some answers. Anybody else. Seeing no body, I will go ahead and close the public hearing. What does the Commission feel. I will entertain a motion.

Medders stated I will move to approve.

Logan stated I second the motion.

Denham stated any further discussion.

Motion by Medders. **Second** by Logan, to approve an amendment to the 2030 Land Use Plan from Industrial & Public Facility to Public Facility, and a change of zoning from the Temporary A-1 General Agriculture District to P-F Public Facilities District zoning classification for the property located at 2302 SW Bishop Road, Lawton, OK 73505. **Aye:** Logan, Denham, Smith, Medders, Springborn **Nay:** None **Motion Passed.**

7. Commissioner's Reports or Comments.

Medders stated thank you for the monthly report.

Denham stated Isn't it great and thank you Mr. Smith.

8. Secretary's Report.

Brown stated the only thing is we are working with Garver Engineering on the contract for the Land Use Plan and so hopefully before too much longer we'll start seeing some of that. The MPO is paying for it. It may be, we do some and then wait, get some money back from ODOT and then do some more. So, we may have some touch and go's with that but we are moving forward to update to the 2050 Land Use Plan.

Denham stated we're currently working on the 2030, so we're 20 years behind. That's been a long-drawn-out process. What is the Planning Commission's role in approving or in the past staff would do this report, bring it to us, we'd have a couple of public hearings, we'd approve it, and it goes to City Council.

Brown stated we're going to set up a steering. I'm not sure yet if that will actually be CPC or if it will be members of the different bodies CPC, City Council, MPO, Technical Board and we will be doing public input meetings outside of this body and when we have a rough draft, we will bring it back to you guys for review and questions or changes before we submit a final draft for approval.

Denham stated okay, very good. Thank you.

Brown stated Kameron has the easement documents we just talked about.

Good stated that's a map right there and the easement document itself. That's the airport itself. The map you have in your hands the northwest corner with the hash on it. This hash and the northwest of it, is the easement.

Denham stated and this is Bishop School.

Good stated yes Sir. The easement document that I'm also passing out is the actual document itself that's filed as record of 1949 and on page 2(two) is where it specifically lists, nothing can be constructed because the hazard of the flight of the aircrafts.

Denham stated whoever built that house just did it without any approval because that was after 1949.

Good stated after 1949 prior to any of this City of Lawton Reviews.

Smith stated this was built in 1964.

Good stated 1964 yes Sir.

Brown stated building codes weren't really followed either.

Denham stated Tyler , thank you. Kameron , thank you. We got a history lesson in addition with the meeting today. So, that worked out well. Anything else Charlotte.

Brown stated no that's all I have.

Denham stated any additional comments from the public on Item 9. Mrs. Gregory again thank you for coming, we appreciate you pointing this stuff out to us. Alright seeing nothing else I'll go ahead and call for a motion to adjourn.

10. Adjournment.

Motion by Springborn. Second by Smith. to adjourn the meeting, **Aye:** Smith, Medders, Logan, Springborn, Denham **Nay:** None **Motion Passed.**

With no further business the meeting was adjourned at 2:03 pm.