

MINUTES
CITY PLANNING COMMISSION

Minutes of the City Planning Commission meeting held September 24, 2020 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
Ron Jarvis
Paula Bowen
Neil Springborn
Deborah Jones
Dave Davison
John Jones
Darren Medders

MEMBERS ABSENT: None

ALSO PRESENT: Charlotte Brown, Planning and Subdivision Administrator
Greg Gibson, Assistant City Attorney
Richard Rogalski, Secretary
Tammy Anderson, Recording Secretary
John Mackey, Legal Counsel

CONSIDER APPROVING THE MINUTES OF THE AUGUST 27, 2020, MEETING.

MOTION by Springborn, SECOND by Jarvis, to approve the minutes of the August 27, 2020 meeting. AYES: Jarvis, J. Jones, D. Jones, Davison, Denham, Bowen, Springborn, Medders. NAYS: None. MOTION CARRIED 8 - 0.

HOLD A PUBLIC HEARING AND CONSIDER AN AMENDMENT TO THE LAND USE PLAN FROM PROFESSIONAL OFFICE TO RESIDENTIAL/HIGH DENSITY AND A CHANGE OF ZONING FROM THE P-O PROFESSIONAL AND OFFICE DISTRICT TO THE R-3 MULTIPLE-FAMILY DWELLING DISTRICT ON PROPERTY LOCATED AT 501 NW 38TH STREET.

1. This request is for a tract of land approximately 6.47 acres in size. The property is located approximately ¼ mile north of Gore Boulevard on the east side of NW 38th Street. The proposed use is an apartment complex. The property owner, Steve Rich, has signed the application.
2. The zoning of the surrounding area is:

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- North - P-F
 - South - P-O and P-F
 - East - R-1
 - West - R-1
3. The land use of the surrounding area is:
 - North - Greer Park
 - South - vacant land and Tomlinson Park
 - East - single-family residential
 - West - single-family residential
 4. As shown on the site plan submitted with the application, the applicant proposes to build 8, two-story apartment buildings.
 5. Notice of public hearing was mailed to 50 owners of property within 300 feet of the requested area on September 2, 2020, and proper notice was published in *The Lawton Constitution* on September 4, 2020. At least 3 calls against the rezoning have been received. A petition against the request was received on September 18, 2020.
 6. On March 25, 2008, City Council approved an amendment to the Land Use Plan from Residential/Low Density to Professional Office and a rezoning from the R-1 Single-Family Dwelling District to the P-O Professional and Office.
 7. An Earth Change Permit was issued for the property and grading work was started. No building permit was issued to construct the professional office buildings that were proposed for this location.
 8. Staff has reviewed the request, and the analysis is attached. The site plan will need to be revised with the following prior to the City Council Hearing:
 - a. Show the turning radius for the fire lane to ensure fire truck access
 - b. The setbacks from the R-1 zoning to the north shall be the height of the buildings (26 feet 6 inches)
 - c. Remove the “retail/commercial” from the portion of the tract that is not included in the rezoning as it will remain P-O Professional and Office District.
 9. While the applicant has made an effort, with the reduced building height, to lessen the impact of this development on the adjacent neighborhood, this impact is still considerably higher than the current zoning would produce. With the proximity to Comanche County Memorial Hospital and Cameron University, future development of this property into a professional office complex continues to be a viable use. Staff therefore recommends against the request to amend the Land Use Plan from Professional Office to Residential/High Density and the rezoning from the P-O Professional and Office District to the R-3 Multiple-Family Dwelling District.

The following is an analysis of the request to amend the 2030 Land Use Plan from Professional Office/Transition to Residential/High Density and to change the zoning from P-O Professional and Office District to R-3 Multiple-Family Dwelling District zoning classification on property located at 501 NW 38th Street. The applicant is Steve Rich. The purpose of the application is to construct an apartment complex on the property.

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.* NW 38th Street is a four-lane major arterial with a center turn lane at this location. The proposed construction shows using the existing entrance at the traffic signal located at NW 38th Street and NW Meadowbrook Drive, with an exit only curb opening on the south portion of the property. The most recent traffic count shows 15,900 vehicles travel this section of road on a daily basis which is below the nominal capacity (31,000 vehicles per day) of the roadway.
2. *To secure from fire, panic, and other dangers.* The Fire Marshal will require fire hydrant(s) and designated to be installed within the development. Additional Fire Department access may be required. This property is not within the floodplain.
3. *To promote health and the general welfare.* All construction will be required to meet City Code requirements.
4. *To provide adequate light and air.* The site plan includes a landscaping and recreation area within the apartment buildings.
5. *To prevent the overcrowding of land.* The property includes approximately 281,833. square feet of lot area and approximately 93,900 square feet of building. The proposed site plan shows approximately 35% of the property covered with buildings. The site plan will need to be revised to meet the setback from the R-1 Single-Family Dwelling District to the East.
6. *To promote historical preservation.* This criterion does not apply.
7. *To avoid undue concentration of population.* The R-3 zoning district will allow 139 units on this development. The applicant has proposed only 128 units to be constructed.
8. *To facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.* This property is adjacent to a 4-lane major arterial street with a center turn lane in good condition. Adequate water infrastructure serves this property. Sanitary sewer infrastructure may need to be upgraded depending on the load from the apartments. This property is just south of Greer Park and north of Tomlinson Park. An Earth Change permit will be required because the property is over an acre. Drainage Calculations and most likely Stormwater Detention will be required to be submitted as part of the building permit process. This property is located on Green bus routes for the Lawton Area Transportation System and there is a bus stop just north at Greer Park. There is a bicycle route that goes through Greer Park and goes all the way downtown.
9. *To conserve the character of the district and buildings and encourage the most appropriate land uses.* The maximum height allowed within an R-3 district is 45 tall and

3 ½ stories. The maximum height allowed within a P-O district is 30 feet tall and only 2 stories. The existing zoning of P-O is a good transition between an adjacent existing stable single-family neighborhood and a major arterial. The uses permitted in the P-O district are primarily daytime uses so there is generally no traffic in the evenings and minimal during the weekends. Activity will increase during the evenings and weekends which is typical of residential use. The proposed landscaping and recreation area is adjacent to the single-family dwelling area. The proposed R-3 Multiple-Dwelling District will allow 21 units per acre on this property. The existing R-1 Single-Family Dwelling District to the east has approximately 1.5 unit per acre. The existing R-1 Single-Family Dwelling District to the west has approximately 3.7 houses per acre. The increase in units between the two districts is significant.

While the applicant has made an effort, with the reduced building height, to lessen the impact of this development on the adjacent neighborhood, this impact is still considerably higher than the current zoning would produce. With the proximity to Comanche County Memorial Hospital and Cameron University, future development of this property into a professional office complex continues to be a viable use. Staff therefore recommends against the request to amend the Land Use Plan from Professional Office to Residential/High Density and the rezoning from the P-O Professional and Office District to the R-3 Multiple- Family Dwelling District.

Prior to City Council, the binding site plan will need to be revised with the following conditions:

1. Show the turning radius for the fire lane to insure fire truck access.
2. The setbacks from the R-1 zoning to the north shall be the height of the building (26 feet 6 inches).
3. Remove the “retail/commercial” from the portion of the tract that is not included in the rezoning as it will remain P-O Professional and Office District.

All requirements of the Lawton City Code will be in full force and effect.

Commissioner D. Jones said she received a phone call from Mike Mayhall. Mr. Mayhall questioned whether property values were pertinent to a rezoning and he also had questions about notice requirements. Commissioner D. Jones said she referred Mr. Mayhall to the Planning Division for his questions regarding notice requirements.

Rogalski said the petition received by staff has approximately 354 signatures. However, staff will be evaluating the signatures on the petition to ensure they belong to property owners within 300 feet of 501 NW 38th Street. Rogalski said if more than 50% of the ownership within the specified 300-foot radius are opposed to the rezoning, the rezoning can only be approved by City Council with a three-fourths majority vote.

Commissioner D. Jones asked if the applicant had to show their stormwater detention on the site plan.

Rogalski said stormwater detention would be required on this property to some extent. Rogalski said it would not necessarily have to be shown if it can be done without changing the site plan.

Commissioner Jarvis said he only sees one entrance to the facility. He asked if there is a code requirement for emergency vehicles to have more than one access point to a property such as the proposed apartment complex.

Rogalski said this is a requirement of the general fire code. He said this facility does have a separate egress; however, the fire marshal would have to address any access issues. Rogalski said there are several areas of the property where achieving the appropriate turning radius may pose a challenge.

Jarvis said the elevation change from the street to the property grounds is very steep. He said this could be problematic in the event of inclement weather.

Chairman Denham declared the public hearing open.

Shon Tomlinson-Erwin, 130 NW 36th Street, said he objects to the request for rezoning. He believes the rezoning would adversely affect an established neighborhood. He said he's lived in this neighborhood for 45 years. Mr. Tomlinson-Erwin said his great aunt, Emma Tomlinson, developed the Tomlinson Ridge area (sometimes referred to as "Pill Hill"). Mr. Tomlinson-Erwin said he and his brothers donated a portion of Emma Tomlinson's land on 38th Street to be used for park space. He said over 12 years ago when Dr. Wavel Wells, through Steve Rich, purchased the seven-acre track from his family the property was zoned for single-family residential. Mr. Tomlinson-Erwin said his family decided to assist Mr. Wells and Mr. Rich in obtaining a rezoning from residential to professional and office space zoning. Mr. Tomlinson-Erwin said he advised his neighbors that professional and office space zoning would best protect them from commercial development. He said the property would have never sold to Mr. Wells and Mr. Rich had they intended to rezone the property to R-3 zoning. Mr. Tomlinson-Erwin said the proposed apartment complex would bring unwanted noise and light pollution.

Tom Sutherlin, 154 NW 36th Street, said the proposed apartment complex would negatively impact the surrounding neighborhood. He said he is concerned about drainage issues. He said the catchment basin that's currently on the property would have to be relocated, as it would lie underneath the proposed buildings on the west side. He said the basin would also have to be much larger than it is now to accommodate the amount of water that would come off. Mr. Sutherlin said he is also concerned about achieving the proper turn radius for emergency vehicles. He is also concerned about an increase in sewer density. Mr. Sutherlin said the traffic on NW 38th Street would increase, and a visibility problem may occur. Mr. Sutherlin said the drawing provided by Mr. Rich references an existing wooden fence alongside the embankment, but the fence does not currently exist. Mr. Sutherlin said from an engineering standpoint he would recommend the addition of a retaining wall regardless of whatever is built on the property.

Vicki Campbell, 146 NW 36th Street, said she has lived in her home for 23 years. She said there's an eroding City easement behind the current property and an easement between the park and the property that forms an alleyway directly to 35th Street. She said there's also an existing sidewalk from the property to Ridgeview Way which gives way to foot traffic entering the neighborhood. Because of this alleyway and sidewalk, the apartment complex will likely impact a larger area than the specified 300-foot radius. Ms. Campbell said she spoke to a gentleman who uses the new bike path in the park area, and he said he would no longer feel safe riding his bike if the proposed apartment complex were to be built and occupied. Ms. Campbell said the citizens who utilize Greer Park should also have a say-so in the decision to rezone the property. She said she is also concerned about light pollution, traffic congestion, and increased noise. Ms. Campbell said park land in this area is well-maintained and it doesn't make sense to place an apartment complex in between two well-maintained parks. She doesn't think it's what Lawton needs to entice people to live here. She said Lawton should work on increasing and improving its green space. Ms. Campbell said she hopes the City will not put the interest of one out-of-town builder before the interest of the local community.

Dr. Rosemary Bellino, 21 NW 38th Street, said she is against this project. She said a study was done approximately 2-3 years ago by MIT and the Federal Reserve Bank in Philadelphia. The study asked the question, "What makes a person move to a city, establish roots, and live there the rest of their life?" Dr. Bellino said, according to the study, that the appearance of the city along with the amenities (e.g. parks and recreation) it offers is the number one thing that draws people to a city and has them live there. Dr. Bellino said the City Council recently voted to hire a group to develop a recreation plan for the city. The proposed apartment complex does not seem to align with the City's vision. Dr. Bellino said another recent study that aired on CNBC stated that Lawton ranks number 8 with regards to the number of people working from home within cities that have a population of anywhere from 10,000 – 500,000. She said the trend of working from home is accelerating. She said the trend of people moving from larger cities into small communities is also increasing, and Lawton needs to attract these people. Dr. Bellino said she has two other homes – one in Florida and one in Michigan. She said Lawton is the best place to live, and the value of this city is underestimated.

David Drummond, 137 NW 36th Street, said he and his wife have lived in their home for 28 years. He said he and his wife are both adamantly against the rezoning request. Dr. Drummond said he is concerned about how the apartment complex will affect property value. He said historically apartment complexes have a much higher crime rate than the current residential zoning. Dr. Drummond is worried that insurance rates will go up due to crime going up. He also noted that electricity has been an issue in the area already, and the apartment complex may exacerbate the issue. Dr. Drummond said the property in question is directly in the line of sight for the helicopter that's based at Memorial Hospital. He said there's already been one helicopter crash. Dr. Drummond said there's already a problem with waterflow on 38th Street and adding an apartment complex might make matters worse.

Dr. Pamela Murari, 301 NW 33rd Place, said she has lived in her home since 1994. She said she and her husband are against the rezoning. Dr. Murari said she is concerned that the proposed apartment complex will compromise the safety of the surrounding neighborhood.

Chairman Denham declared the public hearing closed.

Commissioner D. Jones made a motion for denial due to the following reasons:

1. There is no evidence of sufficient sewer capacity. This was raised by the Department of Public Utilities.
2. It's a principle of the Planning Division that you do not have high intensity uses abutting low intensity uses.
3. There is no evidence that the site plan will accommodate the turning template for fire apparatus or that the fire emergency access as shown on the site plan will work.
4. Storm detention is not addressed.
5. This request is spot zoning.

Commissioner Springborn said he visited Elk City a few years ago, and he remembers how beautiful the parks were in this city. He also believes that beauty is what attracts residents. Commissioner Springborn said he thinks there may already be enough apartment complexes in Lawton. He asked Commissioner J. Jones what the current vacancy is for apartments in Lawton.

Commissioner J. Jones said there's been a change this year in occupancy. He said he doesn't know what the apartment level occupancy is today, but he thinks it's significantly larger than it was this time last year. Commissioner J. Jones said he lives in Meadowbrook Addition, and his neighborhood is surrounded by apartment complexes. He said it's true that crime rate affects property value.

Chairman Denham said he received seven phone calls and one letter in opposition to the request for rezoning.

MOTION by D. Jones, SECOND by Davison, to recommend to the City Council denial to the City Council of an amendment to the Land Use Plan from Professional Office to Residential/High Density and a change of zoning from the P-O Professional and Office District to the R-3 Multiple-Family Dwelling District on property located at 501 NW 38th Street. AYES: Jarvis, J. Jones, D. Jones, Davison, Bowen, Medders, Springborn, Denham. NAYS: None.
MOTION CARRIED 8 – 0.

COMMISSIONERS' REPORTS OR COMMENTS

None.

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SECRETARY'S REPORT

None.

AUDIENCE PARTICIPATION

None.

Meeting adjourned at 1:51 p.m.

David Denham, Chairman
City Planning Commission

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