

MINUTES
CITY PLANNING COMMISSION

Minutes of the City Planning Commission meeting held January 10, 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: Harold Robinson
 John Jones
 John Pereira
 Jim Nisbett
 David Denham
 Pat Henry
 Neil Springborn

MEMBERS ABSENT: Keegan Ledford (excused)
 Charlotte Perkins (excused)

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

ELECTION OF CHAIRMAN AND VICE-CHAIRMAN.

MOTION by Nisbett, SECOND by Robinson, to elect Pat Henry as Chairman and David Denham as Vice-Chairman of the City Planning Commission for the 2013 calendar year. AYES: Jones, Pereira, Nisbett, Denham, Henry, Springborn, Robinson. NAYS: NONE. MOTION CARRIED 7 – 0.

MINUTES OF DECEMBER 13, 2012 MEETING

MOTION by Denham, SECOND by Jones, to approve the minutes of the December 13, 2012 meeting as written. AYES: Pereira, Nisbett, Denham, Henry, Springborn, Robinson, Jones. NAYS: NONE. MOTION CARRIED 7 – 0.

STEVE LIVINGSTON
Rezoning from R-1 to C-4
1804 NW 67th Street

1. This request is for a 100 foot by 200 foot portion of Lot 3, Block 1, Fire View

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Addition. The property owner, Steve Livingston, has submitted a replat to subdivide Lot 3 into three lots. This rezoning request is only for a portion of the lot. At this time the property owner is not sure how the remainder of the lot will be developed. The purpose of the rezoning request is for construction of an indoor archery range and store.

2. The zoning of the surrounding area is:
North - C-1 (Local Commercial District)
South - R-1
East - R-1 and P-F (Public Facilities District)
West - C-4
3. The land use of the surrounding area is:
North - First National Bank
South - vacant and single-family residential
East - single-family residential and church
West - vacant, Laugh Out Loud Amusement Center, Jim Norton Toyota Car Lot, and Lawton Academy of Arts and Sciences
4. The 2030 Land Use Plan designates this tract as Commercial.
5. Notice of public hearing was mailed on December 20, 2012, to 18 owners of property within 300 feet of the requested area, and proper notice was published in *The Lawton Constitution* on December 26, 2012.
6. Staff has reviewed this request, and the analysis follows. The site plan attached to the application states the proposed uses are all C-4 uses. Staff recommends approval subject to billboards not being permitted.

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.* Northwest 67th Street is a 5-lane minor arterial which was reconstructed within the last three years.
2. *To secure from fire, panic, and other dangers.* This tract is not located within the 100-year floodplain. All building code and City Code requirements must be met during the construction of all buildings.
3. *To promote health and the general welfare.* All construction will have to meet all City Code and building code requirements.
4. *To provide adequate light and air.* All setback requirements and height restrictions must be met.
5. *To prevent the overcrowding of land.* The maximum lot coverage for buildings in the C-4 district is 60 percent.
6. *To promote historical preservation.* This criterion does not apply.
7. *To avoid undue concentration of population.* This criterion does not apply.

8. *To facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.* Adequate infrastructure is provided to this site: NW 67th Street is a five-lane minor arterial in very good condition, and water and sewer are available to this site.
9. *To conserve the character of the district and buildings and encourage the most appropriate land uses.* The 2030 Land Use Plan designates this tract as Commercial, and this lot is part of a commercial subdivision. It is appropriate for commercial businesses to be located along arterials.

Based upon these facts, it is recommended the rezoning request be approved.

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

Dollarhite stated that Staff received two phone calls against the rezoning, stating that the reasons are excessive trash, lighting, noise and traffic.

Chairman Henry stated that she received two phone calls against this rezoning for the same reasons.

Commissioner Pereira stated that he also received two phone calls against this rezoning for the same reasons. He stated that he received a phone call from Chris Meyer, an attorney representing at least one of the thirty-five signers on a petition against the rezoning that was distributed to the commissioners at today's meeting.

Dollarhite stated that Staff would calculate the percentage of land in the 300' radius represented in the petition.

Commissioner Pereira stated that, in this instance, a 300' radius doesn't give a lot of notice to property owners. He asked why notice can't be sent to property owners within a 500' radius of the property in question.

Dollarhite stated that State Statutes require that notice be sent to property owners within a 300' radius.

Commissioner Pereira stated that the City can make it more restrictive and spend a little more postage and give notice to more people.

Commissioner Denham stated that the public notice is published in the newspaper, so the public is already being given notice.

Chairman Henry asked if the rezoning would affect the entire parcel or just a portion of the property.

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Dollarhite stated that the request is for a 100 foot by 200 foot portion of the lot. She added that the applicant has submitted a replat to subdivide the lot into three lots, but the replat was not ready to be submitted at this meeting. She added that the one portion is the only part requesting C-4 zoning, as the balance of the property will remain R-1 at this time.

Commissioner Pereira asked what would stop the applicant from requesting C-4 zoning on the rest of the property. He also asked why an archery range would have to be in a C-4 zoning district and why it can't be rezoned C-1.

Dollarhite stated that the applicant can request a rezoning of the balance of the property at any time, but it would have to go through the same public hearing process.

Rogalski stated that the applicant has submitted a binding site plan requesting all C-4 uses. He stated that the binding site plan can restrict the uses to an archery range and all other C-1 uses.

Commissioner Pereira asked why they can't approve C-1 zoning with a Use Permitted on Review.

Rogalski stated that it would require a change to City Code.

Commissioner Pereira stated that he has some objections to C-4 zoning being so close to residential property. He stated that he has no problems with C-1 zoning, but C-4 zoning carries some obnoxious uses.

Rogalski stated that the binding site plan can be modified to restrict the C-4 uses. He added that Code sets out that an archery range would fall in C-4 zoning, even though it doesn't seem to be that intense of a use.

Chairman Henry asked for some of the more intense or objectionable uses in a C-4 zoning district.

Rogalski stated that a hotel is allowed in C-4 zoning, but the height of the hotel would be limited because of setback requirements.

Dollarhite stated that other possibly objectionable uses would be a new car dealership, gas station, a lounge or a dance hall.

Chairman Henry stated that the phone calls objecting to the rezoning was about the lighting at the Toyota Dealership and the trash coming from Laugh Out Loud. She asked if the City has any regulations that address these issues.

Rogalski stated that there has been a lighting ordinance that has passed that only allows 0.10 foot candles of light trespass on adjacent property. He added that this is not a very significant amount of light. He stated that trash has always been against Code, but the

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wind makes it difficult to see who created the trash. He added that it is unfortunate when your property is downwind when trash is blown. He stated that the Land Use Plan had determined that this property, being on a minor arterial, will be zoned commercially. He stated that the property in question is very close to the intersection at Quanah Parker Trailway and 67th Street, so a certain amount of commercial intrusion would be expected to occur. He stated that Staff felt that an archery range is a fairly low-intensity use, with limited traffic. He added that there are some C-4 uses that should not be in this location, but an archery range is categorized as a recreation center which must be in a C-4 zoning district. He stated that it would be possible to zone the property C-4 with uses limited to an archery range and all of those uses allowed in a C-1 zoning district.

Commissioner Pereira asked if restricting the uses on commercial property would affect the property owner's ability to obtain financing.

Mackey stated that any property restrictions can affect the ability to obtain financing.

Commissioner Nisbett stated that the Land Use Plan designates the property as commercial. He stated that he feels that the City Council should need to know what uses are allowed in C-1 zoning districts.

Chairman Henry stated that, if C-4 zoning is approved, it should be conditional to the archery range and all C-1 uses.

Commissioner Pereira stated that most of the uses in C-1 zoning districts aren't very obnoxious. He added that the Toyota dealership and Laugh Out Loud have not been very good neighbors in the upkeep of the properties where trash is concerned.

Rogalski stated that there were several complaints about the lighting at the Toyota dealership, so the owner was contacted by Staff. He stated that the lighting was set wrong and said the owner would fix it.

Commissioner Pereira stated that the public address system at the Toyota dealership is also really loud. He stated that, if you are downwind, the sound carries quite a distance.

Commissioner Jones stated that he doesn't like the idea that recommendations are being made with restricting uses. He stated that, in the future, it may be difficult to find the restrictions. He added that, if the restrictions aren't identified, any C-4 use can go in this property.

Rogalski stated that the zoning maps are noted when the property is subject to a binding site plan.

Commissioner Jones stated that a real estate agent or buyer may not identify the restrictions before entering into a contract.

Commissioner Robinson asked if there is still a drainage issue in the area.

Rogalski stated that he does not know if a drainage issue still exists, but it should have been relieved several years ago.

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

Chris Meyers, 15 NW 44th Street, is an attorney representing thirty-five families that have signed a petition indicating their objection to the rezoning of the subject property. He provided all of the commissioners with a copy of the petition. He also provided the commissioners with a copy of a letter from the City's Right-of-Way Agent dated January 15, 2008, regarding the widening of NW 67th Street and correcting the drainage issues in their neighborhood. He stated that there is still a significant slope from north to south. He stated that during and after the Toyota dealership and Laugh Out Loud properties were developed, a significant amount of excessive water runoff and flooding occurred. He stated that the City obtaining easements from the property owners and creating a drainage channel and changing the elevation of the property was supposed to correct the problem. He stated that changing the zoning on the property in question to develop the property commercially will create additional drainage issues. He added that, if this property is allowed to be changed to C-4 zoning, other properties in the area could also be changed to C-4. He stated that the neighbors are also concerned about trash or lights that may be installed if the property changes to a car dealership.

Commissioner Nisbett asked if any of the residents discussed the possibility that the property could be changed to C-1?

Mr. Meyers stated that he could not speak on behalf of any of the property owners on that matter, because their objection was to the current request for C-4.

Chairman Henry stated that, for all practical purposes, if the property was developed for C-1 use, it would have the same drainage issues as if it were developed for a C-4 use.

Rogalski stated that the only way that the drainage would not be impacted at all would be if the property was never developed, and that is not reasonable to expect. He added that the City's drainage policy requires detention so that post-development run-off amount does not create worse drainage issues than what is there prior to development. He added that the lighting cannot exceed 0.10 foot candles of light trespassing on adjacent property, so the issue with lighting should not be a problem. He stated that there are many protections in Code to protect residential homeowners, and the binding site plan showing the footprint or use of the property is one of them.

Commissioner Pereira asked why the replat was not submitted to the Planning Commission at the same time as the rezoning request.

Rogalski stated that the timing just happened this way. He added that it is not inappropriate to rezone only a portion of a property.

Chairman Henry asked if drainage problems will be alleviated by anything that shows on the site plan.

Rogalski stated that developing a smaller portion of the parcel will make any necessary adjustments for additional drainage or detention minimal. He stated that the 67th Street project, which included the construction of additional drainage improvements, should have eliminated the previous drainage issues.

Mr. Meyers stated that there are no current drainage problems in the area.

Steve Livingston, 258 SW Crater Creek Road, stated that he is the owner of the property and applicant. He stated that his intention is to enhance the area. He stated that Laugh Out Loud has been blamed for all of the trash that blows onto the property, but he stated that a large portion of trash that he picks up on his property are WalMart bags. He stated that a drainage ditch was constructed with the 67th Street project, so the water runs out to 67th Street instead of the residential neighborhood. He stated that there should be no issue for a potential car lot on the property. He stated that C-4 zoning only allows a new car dealership. He stated that new car dealerships are usually located on 2-4 acre lots, and his property is only ½ of an acre. He stated that he would control to whom he sells his property, and it would not be for a bar or dance club. He stated that his intent is to sell the property to a man who owns a family-run business in the Atwoods Shopping Center. He stated that they are being evicted from their current location when that property was sold to a new owner. He stated that the archery range and store rarely has more than five customers in it at any one time. He stated that they don't want to pay high rent and want to have their own building for their family business. He stated that Staff explained that C-4 zoning is what would be needed for this use. He stated that he has been entertaining putting professional offices on the other property, but that will be at some future time after he submits another rezoning request. He stated that his intention is not to devalue anyone's property. He added that he understands the concerns of the neighbors and wouldn't do anything to reduce property values in the area.

Commissioner Pereira asked if there would be a retail establishment included.

Mr. Livingston stated that he is not involved in the construction of the building, but he believes that there will be 400 – 500 square feet of retail space for the sale of equipment. He stated that the business owner is in his 50's and just wants to keep this family business. He stated that they have been in business for eight or nine years, and their establishment is only open from 3:00 p.m. to 8:00 p.m. He added that it is a part time job for them and not their main source of income.

Debra Lorene Anderson, 6706 NW Westaire Circle, stated that she has no objection to an archery range. She stated that she has concerns about pre and post drainage issues. She stated that they purchased their home twelve years ago. She stated that the Lawton Arts and Science Academy being developed started the excess water issues running through their property. She stated that during the construction of the Toyota dealership, the

runoff created mud collecting on their properties. She stated that the lot directly to the north of her has been a business sometime, and there are fifteen vehicles parked on that lot for about three years. She stated that this issue has never been addressed by the City. She stated that she's concerned that the adjacent residential area will be sandwiched. She stated that she is not in the 300' area, but she understands the concerns of those property owners. She stated that she doesn't object to having commercial businesses on 67th Street, but she is concerned that this small neighborhood will get surrounded by commercial properties.

Dennis Woommavovah, 6702 NW Westaire Circle, stated that he is also outside the 300' area. He stated that he is opposed to C-4 zoning for this property because of some of the intense uses within the C-4 zoning district. He suggested that, as an archery range may be a much less intense use, there should be a provision in Code where it could go into a C-1 zoning district with a Use Permitted on Review. He stated that he purchased his home recently and doesn't want to see the property value decrease because of commercial property surrounding his area. He stated that he agrees with Commissioner Pereira that the notification area should be increased, as 300' is not enough. He also stated that the site plan looks like there is no access to the property off of 67th Street. He stated that the current site plan shows the driveway on the R-1 property which would be a zoning violation.

Mr. Livingston stated that he was informed that the contractor is amending the site plan to correct the driveway. He stated that the access to the property will be from 67th Street.

Rogalski stated that there would be screening required on the south side and west side of the development, so it would probably catch most of the blowing trash.

Chairman Henry declared the public hearing closed.

Commissioner Denham stated that it seems pretty clear that, with the opposition shown, this property will probably not be rezoned per this request. He stated that the property owners need to be aware that this property will eventually be commercial. He stated that the houses on 67th Street are now in the same position as the ones that used to be on Cache Road. He stated that, unless the neighborhood wants to get together and purchase the property north of their neighborhood, commercial neighbors would eventually be adjacent to them. He stated that, although he does not like the C-4 zoning, this use makes for a fairly low intensity neighbor. He stated that, if the use could be limited to the archery range without billboards, it would be a fairly good commercial use adjacent to their property.

MOTION by Denham, to recommend to the City Council approval of a change of zoning from R-1 to C-4 for the property located at 1804 NW 67th Street, subject to the amended binding site plan for driveway and parking, no billboards being allowed on the property and the only use for the property is a archery range.

Commissioner Pereira stated that he was concerned that this is migration zoning. He stated that the property is not even subdivided yet, and a small portion of the lot is the only part requesting C-4 zoning. He stated that, if C-4 zoning is granted to this portion of the parcel, it will be used as a reason to rezone the balance of the parcel and possibly the lot south of this property to C-4 zoning. He stated that some of the uses in the C-4 zoning district are fairly obnoxious, and he also doesn't like the fact that the site plan is incorrect with respect to the entrance to the property. He stated that he doesn't like the idea of putting use restrictions with a rezoning. He added that the people who are building the archery range may keep the property in the family for years, but it will eventually be sold. He stated that a buyer could come in and see the property is C-4 and, unaware of any restrictions, will put whatever business allowed in a C-4 zoning district. He stated that he thinks that C-1 zoning is more appropriate for the area.

SUBSTITUTE MOTION by Pereira, SECOND by Jones, to recommend denial to the City Council of a change of zoning from R-1 to C-4 zoning classification located at 1804 NW 67th Street for the reasons as stated in the above paragraph.

Commissioner Jones stated that whatever the Commission does today will set a precedent for what happens on 67th Street in the future. He stated that there should be some consistency in the zoning on 67th Street from the bank on the corner of Quanah Parker and 67th Street and moving south. He stated that C-1 zoning would be more appropriate and would offer more protection for the homeowners in the area.

Commissioner Pereira stated that Code should be changed to allow an archery range without arcade machines in a C-1 zoning district or make it a Use Permitted on Review in C-1 zoning district. He asked if the applicant would have to wait six months to re-apply if the Code was changed to allow it in C-1 zoning districts.

Rogalski stated that the term "archery range" is not in Code, so Staff decided that it would fall under the description of "recreation center". He stated that the applicant does not have to wait six months if they apply for a more restrictive zoning classification. He stated that the Commission could table the issue until Code is changed and then Mr. Livingston can amend his application to C-1. He stated that there would be a fifteen day public notice required for the Code change.

Mr. Livingston stated that the timing is important to him, because the owners of the archery range are being evicted from their current location on January 31st. He stated that they are okay with being delayed up to thirty days, but they really wanted to get this property purchased and start building.

VOTE ON SUBSTITUTE MOTION. AYES: Nisbett, Denham, Henry, Springborn, Robinson, Jones, Pereira. NAYS: NONE. MOTION CARRIED 7 – 0.

Commissioner Pereira stated that he wants the City Council to be aware that a change in City Code to allow an indoor archery range with limited retail sales in a C-1 zoning district is going to be coming before them in the near future.

Chairman Henry explained to the audience that the Planning Commission is only a recommending body, and they would still need to go to the City Council meeting to voice their objections.

Rogalski stated that this request and public hearing will go before the City Council on January 22, 2013 at 6:00 p.m.

DOVE CREEK ADDITION, PART 4B
Record Plat

Dove Creek Addition, Part 4B is located on the west side of SW 52nd Street, north of Bishop Road and consists of 15 single-family residential lots on 10.116 acres. The developer is Dove Creek Development, LLC, and the consulting engineer is Landmark Engineering.

The construction plat was approved by the CPC on March 11, 2010 and by the City Council on March 23, 2010. The developer would like to proceed with the record plat and be allowed to submit an escrow agreement for minor incomplete improvements. Due to the minor nature of the deficiencies, staff recommends that the minor incomplete improvements be completed prior to submitting the record plat to City Council for approval and acceptance. The developer has a number of maintenance bond issues on Part 2, 3 and 4A that he has been working on for some time and staff would rather not add these minor incomplete improvements to the list.

The record plat and record drawings have been reviewed and staff recommends approval subject to the following conditions:

1. Label which lots and blocks require backflow preventers on the sewerline on the record drawings.
2. Add an additional 15' utility easement to the south side of Lot 5, Block 8 and Lot 19, Block 5 on the record plat.
3. Change the year on the record plat to read 2013.
4. Change the name on the record plat of the County Clerk to Carrie Tubbs instead of Earlene Shiver.
5. Provide an updated development sketch showing the layout of the unplatted property currently owned by Dove Creek Development, LLC.
6. Change the part number referenced in the owners certificate and dedication on the record plat to read Part 4B, as shown it is Part 4.
7. Submit the signed offsite easement documents to reflect the utilities that are to be accepted with Dove Creek Addition, Part 4B.
8. Complete all improvements prior to going to City Council for acceptance of the record plat and improvements.
9. Submit maintenance bonds for the public water, sewer, street and drainage improvements.
10. Submit street sign fee.
11. Submit the plat and drawings in AutoCAD on disk.

There is 0.30 acres of private park land being platted with this plat. This meets the parkland requirement.

Rogalski stated that Staff noticed that there is a small sliver of land that was not included in the record plat of Dove Creek Addition, Part 4A. He stated that the developer has agreed to dedicate public easements and right-of-way.

MOTION by Pereira, SECOND by Nisbett, to approve the record plat for Dove Creek Addition, Part 4B, subject to the 11 conditions listed, submission of the easements and dedication of right-of-way and all minor incomplete improvements to be finished prior to the record plat being submitted to the City Council for approval, . AYES: Denham, Henry, Springborn, Robinson, Jones, Pereira, Nisbett. NAYS: NONE. MOTION CARRIED 7 – 0.

DISCUSS AMENDING THE REGULATIONS FOR DETACHED ACCESSORY BUILDINGS ON CORNER LOTS WITHIN RESIDENTIAL DISTRICTS, COVERED PORCHES ATTACHED TO RESIDENTIAL STRUCTURES, AND FENCES.

At the December 13, 2012 meeting Staff presented a proposed ordinance amending the regulations on detached accessory buildings on corner lots within residential districts. The CPC continued the public hearing on the proposed amendment until January 24, 2013. The changes that Staff is proposing will require a new public hearing notice. Staff has worked on the wording for detached accessory buildings on corner lots as well as amendments for covered porches attached to residential structures encroaching into the front yard setback and the requirement for building permits for fences.

Staff is seeking input from the CPC on the proposed changes prior to scheduling a public hearing. It is suggested the proposed changes be discussed in a workshop format.

The copy of the draft ordinance amends the regulations for accessory structures as follows:

- Requires a building permit for accessory structures located on a permanent foundation or having a gross floor area greater than 100 square feet. Currently all accessory structures regardless of size require a building permit.
- Allows accessory structures less than 400 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 25-foot setback requirement for detached garages or other structures designed to be accessed from the street.
- Requires a building permit to construct a fence only if setting or replacing posts or other pertinent items which require excavation or significant disturbance of the

- ground. 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.

Rogalski stated that a person may replace old slats on a fence without a permit. He stated that a permit would only be required if the resident needs to disrupt the ground by replacing posts.

Commissioner Springborn asked if a homeowner would have to get a permit to replace a single post. He stated that the ground would have already been disturbed when the original fence was built.

Rogalski stated that he was correct. He stated that there is no way to know if the original fence was constructed on or near utility lines. He stated that it would ensure that the utility lines will be located prior to any digging.

Commissioner Jones asked if that would only apply when a fence is being built within the easement.

Rogalski stated that it would apply everywhere on the lot.

Chairman Henry asked if Staff could bring the ordinance to the Planning Commission again before the public hearing.

Rogalski stated that he would put it on the next agenda. He asked the commissioners to call or email any suggestions they may have for the ordinance.

COMMISSIONERS' REPORTS OR COMMENTS

None.

SECRETARY'S REPORT

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Rogalski stated that he and Staff from Public Works had a meeting with Centerpoint Energy. He stated that Centerpoint has a requirement to walk their lines every three years. He stated that they are working on clearing the easements, as there are many accessory structures being put over gas lines.

Commissioner Jones stated that there is also a problem with utility companies accessing the easements. He stated that many people don't have access to the easement after constructing a fence outside the easement. He stated that there should be some kind of requirement that there be a gate from the backyard to the easement.

AUDIENCE PARTICIPATION

None.

Meeting adjourned at 3:10 p.m.

Pat Henry, Chairman
City Planning Commission

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MINUTES
CITY PLANNING COMMISSION

Minutes of the City Planning Commission meeting held January 24, 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: Harold Robinson
 John Jones
 John Pereira
 Jim Nisbett
 David Denham**
 Pat Henry
 Charlotte Perkins
 Neil Springborn*

MEMBERS ABSENT: Keegan Ledford (excused)

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

*Commissioner Springborn entered the meeting at 1:31 p.m.

**Commissioner Denham entered the meeting at 1:33 p.m.

MINUTES OF JANUARY 10, 2013 MEETING

MOTION by Nisbett, SECOND by Pereira, to approve the minutes of the January 10, 2013 meeting as written. AYES: Jones, Pereira, Nisbett, Henry, Perkins, Springborn, Robinson. NAYS: NONE. MOTION CARRIED 7 – 0.

OLD BUSINESS

HOLD A PUBLIC HEARING AND CONSIDER AMENDING SECTIONS 18-5-3-522, 18-5-4-534, AND 18-5-5-550 OF CHAPTER 18, LAWTON CITY CODE, 2005, MODIFYING THE SIDE YARD SETBACK REQUIREMENTS FOR DETACHED ACCESSORY BUILDINGS ON CORNER LOTS WITHIN THE R-1 (SINGLE-FAMILY DWELLING DISTRICT), R-2 (TWO-FAMILY DWELLING DISTRICT), AND R-3 (MULTIPLE-FAMILY DWELLING DISTRICT) ZONING DISTRICTS.

The public hearing for this proposed code amendment was opened on December 13, 2012, and after discussion, the Commission voted to continue the public hearing to January 24, 2013. Staff has been working on an ordinance which amends covered porches and fences in addition to accessory structures on corner lots. The proposed ordinance is on the agenda as a separate discussion item and will require a new public hearing notice to be published.

Rogalski stated that Staff has decided to make all of the changes in a different section of Chapter 18, Lawton City Code, and it will require a new notice to be published and public hearing.

Chairman Henry continued 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.

No action was taken on this item.

DISCUSS AMENDING THE REGULATIONS FOR DETACHED ACCESSORY BUILDINGS ON CORNER LOTS WITHIN RESIDENTIAL DISTRICTS, COVERED PORCHES ATTACHED TO RESIDENTIAL STRUCTURES, AND FENCES.

At the January 10, 2013 meeting the Commission received a proposed ordinance amending the permitting requirements for accessory structures, a modification of the minimum setback for detached accessory structures on corner lots within residential districts, regulations for covered porches attached to residential structures, and the permitting requirements for fences. After a brief discussion, the Commission requested the proposed ordinance be modified and discussed at the January 24th meeting.

Staff is seeking input from the CPC on the proposed changes prior to scheduling a public hearing. The attached draft ordinance amends the regulations for accessory structures 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 fence only if setting or replacing posts or other pertinent items which require excavation or significant disturbance of the ground. 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 what action during the building permit process would identify the easement or where the utility lines are located.

Rogalski stated that, in the building permit process, the applicant is urged to call in locates for the utility lines on their property prior to doing any digging.

Commissioner Jones asked what will be done to guarantee that the property owner calls in locates.

Rogalski stated that they inform the property owner about the need to have their utility lines located prior to digging, but there is no way to enforce it.

Chairman Henry asked if the property owner is responsible for any damage created if they don't call in to have the utilities located.

Rogalski stated that he believes that the property owner would be financially responsible for any damage.

Commissioner Pereira stated that the signs posted on fences that enclose the easement have small print on the bottom stating that the homeowner is responsible for costs and labor associated with replacing a fence if it has to be removed to get to the utility lines.

Commissioner Jones stated that he still has issues with a property owner having to obtain a permit when replacing a post in the same location. He stated that a property owner would already know that there was nothing in that place when there was already a post at that location. He added that it could end up creating an issue where a permit has to be obtained to dig a hole and plant a tree.

Rogalski stated that the concern is where the post hole is made larger than the existing hole.

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Commissioner Pereira stated that a provision could be made where a permit was not required if the replaced post is in the same location and at the same depth.

Commissioner Springborn asked how someone would know the definition of a 'significant disturbance' to the ground.

Rogalski stated that the intent is basically for post holes or longitudinal disturbance for a header or something as part of the fence.

Commissioner Springborn stated that the term is subjective and should be clarified.

Greb asked what the minimum depth that utilities are buried.

Rogalski stated that there are no regulations for depth of utility lines on a property. He added that the settling of the earth can also change the depth of the lines.

Commissioner Jones stated that there are specifications for the depth of utility lines within an easement, but there are no regulations for lines going across a property. He stated that the electrical and gas lines in an easement must be at least three feet deep, but he isn't sure about the depth of phone and cable lines. He added that the contractor determines the depth of the lines that run to the house.

Greb stated that he believes that telephone lines must be buried between twelve and eighteen inches deep.

Mackey stated that he doesn't see the difference between digging a post hole and digging a hole for a tree. He stated that landscapers or property owners don't have to obtain a permit to plant a tree.

Commissioner Denham stated that putting in a sprinkler system would create the same disturbance of the earth. He asked if a permit is required to install a sprinkler system.

Rogalski stated that no permit is required for a sprinkler system. He stated that there was a big push to educate the public with the catch phrase 'before you dig, call Okie'. He stated that the concern is not with the professional installation, but with the lay person installing it themselves.

Commissioner Springborn stated that it appears that this code change is an attempt at fixing a system that isn't broken.

Rogalski stated that permits are currently required for all new or replacement fences. He stated that this code change is trying to reduce the need for permits in certain circumstances.

Commissioner Jones stated that he thinks that the requirements should be reduced even more.

Rogalski stated that Staff can do some additional adjustments to reduce the need for fence permits. He stated that permit will be required for all new fences and fences where a new post hole will be dug.

Commissioner Springborn stated that there are usually no utility lines on the side yard where you would fence the property between your lot and your neighbor's lot.

Rogalski stated that there are utility lines located there in some instances.

Commissioner Jones stated that telephone and cable lines are an inconvenience, but safety is involved with cutting into a gas or electrical line. He also asked about the term 'opaque screening fence' in the proposed ordinance. He asked if shrubbery can be used as opaque screening for an accessory building.

Rogalski stated that the landscaping code does address that issue, but he will confirm that the language will be the same in both code sections.

Rogalski stated that a section on covered porches is the final section of the proposed Code. He stated that it was drafted to be worded in a similar manner to the carport code.

Commissioner Robinson asked about the anchoring of the covered porch. He stated that it says the anchors must be 24" into the ground. He also asked how many anchors are required.

Rogalski stated that the depth is set out in the building code. He added that the number of anchors is based on the porch being able to withstand twenty pounds per square foot of uplift pressure.

Commissioner Robinson asked how a person would know how many anchors would be needed or where they are located.

Rogalski stated that, when obtaining the building permit, the applicant would submit their plans and the Code Official will see that the structure will meet the Code requirements.

Chairman Henry asked if most of the carports in town have been built to withstand the twenty pounds per square foot of uplift pressure.

Rogalski stated that they are. He added that this is a requirement when the carport would extend into the front yard setback.

Rogalski thanked the commissioners for their input and stated that the public hearing for this ordinance will be held at the next meeting.

NEW BUSINESS

FIRE VIEW ADDITION
Replat of Lot 3, Block 1

Fire View Addition, is located on the west side of NW 67th Street and south of Quanah Parker Trailway. The replat of Lot 3, Block 1, Fire View Addition, contains 3 lots and is zoned R-1 (Single Family Dwelling District). There are no public improvements to be constructed with this plat. The developer is Stephen Livingston and the consulting engineer is Landmark Engineering.

Staff has reviewed the plat and recommends approval.

Rogalski stated that there is a thirty-five foot wide access from 67th Street to the rear lot.

MOTION by Pereira, SECOND by Robinson, to approve the record plat for the Replat of Lot 3, Block 1, Fire View Addition. AYES: Pereira, Nisbett, Denham, Henry, Perkins, Springborn, Robinson, Jones. NAYS: NONE. MOTION CARRIED 8 – 0.

CONSIDER MAKING A DETERMINATION AS TO WHETHER A FUNERAL HOME IS A PERMITTED USE IN THE COMMERCIAL-LIGHT INDUSTRIAL DISTRICT OF THE DOWNTOWN I URBAN RENEWAL PLAN.

After receiving an inquiry as to whether a funeral home would be permitted in the Commercial-Light Industrial District of the Downtown I Urban Renewal Plan, research indicated that a funeral home is not listed as a permitted use and could only be allowed if the Planning Commission determined the use is similar in character to the uses permitted in this district. The Commercial-Light Industrial district is intended to serve as a complement and to provide support for the Commercial Central District. It is also intended that this district include those less intense commercial establishments not usually associated with a planned shopping center. The light industrial facilities eligible for this district can produce only limited noise, dust, vibration, and nuisance. Permitted uses are:

- (1) Automotive laundry and steam cleaning
- (2) Bakeries (wholesale and retail)
- (3) Bottling works, soft drinks
- (4) Building material sales yard and lumber yard, including the sale of rock, sand, gravel and the like as an incidental part of the main business, but not including a concrete batch plant or transit mix plant; provided they are screened by an opaque fence not less than six feet (6') or more than eight feet (8') in height
- (5) Carpet and rug cleaning
- (6) Cold storage plants
- (7) Furniture repair
- (8) Galvanizing small utensils, etc
- (9) Manufacture of: Artificial flowers, ornaments, awnings, tents, and bags, blacking, cleaning or polishing preparations, boats (small) twenty eight (28) feet in length,

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- brooms or brushes, buttons and novelties, canvas products, syrups, fruit juices, extracts, drugs or medicine, furniture, gas or electric fixtures, ice cream, mattresses or their renovation; peanut and pecan products, potato chips, radio and television sets, signs, including electric; provided power not in excess of fifty (50) horsepower is employed in the operation of any one machine and all equipment is included within a soundproof building
- (10) Milk bottling or central distribution stations
 - (11) Monument or marble works, finishing and carving only
 - (12) New automobiles, trucks, camping trailers, boats and marine sales
 - (13) Paint Shop
 - (14) Paper box manufacture
 - (15) Parking
 - (16) Pattern shops
 - (17) Printing, lithographing, bookbinding, newspaper and publishing
 - (18) Professional offices and financial institution (excluding pawn shop)
 - (19) Public utility service yard or electrical receiving or transforming station; provided they are screened by opaque fence not less than six feet (6') or less than eight feet (8') in height
 - (20) Retail and wholesale sales of automotive and marine parts and equipment
 - (21) Service stations, gasoline, oil, washing, greasing and accessories
 - (22) Any other use which is similar in character to those enumerated above as determined by the Planning Commission, provided these uses are not more obnoxious or detrimental to the area in which it is located, by reason of noise, offensive odor, smoke, dust, vibration, traffic congestion or danger to life and property than those uses enumerated above.

Section D.1.g of the Plan states “All uses not shown and which are not similar in character are prohibited.”

In the City Code, a funeral home or mortuary is allowed as a permitted use in C-1 Local Commercial District and in all of the industrial districts.

The Commercial-Light Industrial District of the Downtown I Urban Renewal Plan is between Railroad Street and 1st Street from SW C Avenue to SW F Avenue and from Railroad Street to SW 7th Street from SW F Avenue south to the railroad tracks.

Staff believes that a funeral home is similar in character to the businesses in this area and those permitted in the Commercial-Light Industrial District.

Chairman Henry asked what zoning district would allow a funeral home.

Rogalski stated that it is allowed in C-1 and all industrial zoning districts. He stated that it was just not included in the Downtown I Urban Renewal District.

Chairman Henry asked if a crematorium would be allowed within the funeral home. She stated that she was not sure if it would emit any smoke or offensive odor.

Commissioner Nisbett asked if all funeral homes have crematoriums or if there have been any complaints about the ones that have them.

Rogalski stated that there are a few funeral homes with crematoriums, and he is not aware of any complaints. He added that, as some smoke is expected in a commercial-light industrial district, it would be expected.

MOTION by Pereira, SECOND by Robinson, to determine that a funeral home is similar in character to the permitted uses of the Commercial-Light Industrial District of the Downtown I Urban Renewal Plan. AYES: Nisbett, Denham, Henry, Perkins, Springborn, Robinson, Jones, Pereira. NAYS: NONE. MOTION CARRIED 8 – 0.

COMMISSIONERS' REPORTS OR COMMENTS

Chairman Henry stated that Kim McConnell wrote a wonderful article about David Denham in the newspaper. She added that she has known him for many years and he was raised to give back to the community.

Commissioner Pereira stated that he wrote an article for the newspaper about the current drought situation. He stated that he has read projections that the drought situation will continue for another six to eight years. He suggested that the landscaping code be adjusted to give developers an alternative of xeriscape instead of regular landscaping. He stated that river rock and cactus will survive in high heat and require very little water, and it still can look really beautiful. He stated that he doesn't want to see landscapers waste thousands of dollars on landscaping that dies because they can't water it.

Rogalski stated that xeriscape is built into the landscaping code. He added that enforcement of the landscaping code is suspended if the City is in a Stage 3 water conservation.

Chairman Henry stated that Stage 2 is a risky situation as well.

Rogalski stated that there is a provision where enforcement can be suspended for 120 days if the weather is not conducive to planting grass and other landscaping.

Chairman Henry asked for an explanation on the property located at 1804 NW 67th Street after the City Council chose to rezone the property in the C-1 zoning district.

Rogalski stated that the site plan was revised to show the uses for the property in the C-1 zoning district that don't require more than twenty-five spaces. He stated that the City Council had some concerns about the sale of sporting goods, because sporting goods are only allowed to be sold in the C-4 zoning district. He stated that the City Council

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directed Staff to change the Code to allow an archery range with a minimum amount of square footage for the sale of related products. He stated that the existing store does sell some fire arms and ammunition, but the code change would stipulate the sale of archery related products.

Commissioner Denham asked if any residents came to the City Council meeting to protest the rezoning.

Chairman Henry stated that there were still some people present that were against a change to the C-1 zoning district.

SECRETARY'S REPORT

Rogalski stated that a new secretary, Debbie Burgamy, will be starting work in the Planning Division on January 28th.

AUDIENCE PARTICIPATION

None.

Meeting adjourned at 2:25 p.m.

Pat Henry, Chairman
City Planning Commission

jm

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

jm

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
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- 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.

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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

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MINUTES
CITY PLANNING COMMISSION

Minutes of the City Planning Commission meeting held March 28, 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 1:33 p.m. by Chairman Pat Henry.

MEMBERS PRESENT: Jim Nisbett
 Dave Davison
 David Denham
 Pat Henry
 Neil Springborn

MEMBERS ABSENT: Harold Robinson (excused)
 John Jones (excused)
 John Pereira (excused)
 Charlotte Perkins (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 MARCH 14, 2013 MEETING

MOTION by Springborn, SECOND by Nisbett, to approve the minutes of the March 14, 2013 meeting as written. AYES: Nisbett, Davison, Denham, Henry, Springborn. NAYS: NONE. MOTION CARRIED 5 – 0.

CONSIDER ADOPTING A RESOLUTION SETTING THE PARKING STANDARD FOR NURSERY AND/OR GARDEN SUPPLY STORE.

A separate item on the agenda is a rezoning request for a nursery and/or garden supply store. In reviewing the site plan, Staff discovered the City Code did not address parking requirement for this type of use. Section 18-8-1-805E of the City Code provides for all uses not listed, the CPC shall establish the parking requirement.

In reviewing the parking requirements of other cities, the standards vary significantly. The following is a matrix summarizing the research. Staff recommends a parking standard of one parking space per 250 square feet of gross floor area of the building plus one space per 500 square feet of greenhouse and outdoor display area.

CITY	USE	PARKING REQUIREMENT
Broken Arrow	horticulture nursery sales	1 per 300 sf
Oklahoma City	retail	1 per 200 sf up to 12,000 sf
		1 per 225 sf 12,001 - 48,000 sf
	greenhouse	1 per 1,000 sf up to 20,000 sf
		1 per 5,000 greater than 20,000 sf
Tulsa	garden supply store	1 per 225 sf + 1 per 600 sf outdoor display
	horticulture nursery	None, but no retail sales allowed
American Planning Association Planning Advisory Service lists the following parking requirement for cities of similar size to Lawton:		
Richardson, TX	nursery garden center	1 per 200 sf plus 1 per 500 sf of outdoor sales area
Costa Mesa, CA	nursery garden center	1 per 250 sf plus 1 per 500 sf of outdoor display area

MOTION by Denham, SECOND by Springborn, to adopt Resolution 13-01, setting the parking standard of one parking space per 250 square feet of gross floor area of the building plus one space per 500 square feet of greenhouse and outdoor display area for nursery and/or garden supply stores. AYES: Davison, Denham, Henry, Springborn, Nisbett. NAYS: NONE. MOTION CARRIED 5 – 0.

BEDROCK NURSERY, INC.
Rezoning from R-1 to C-4
1802 NW 67th Street

1. This request is for a tract which measures 400 feet by 156.36 feet (approximately 1.4 acres). The proposed use is a nursery and greenhouse. The most restrictive zoning classification in which a nursery and/or garden supply store is permitted is C-4.
2. The zoning of the surrounding area is:
 - North - R-1 (Single-Family Dwelling District) and C-1 (Local Commercial District)
 - South - R-1
 - East - R-1
 - West - C-4
3. The land use of the surrounding area is:
 - North - vacant
 - South - single-family residential
 - East - single-family residential
 - West - Lawton Academy of Arts and Sciences
4. The 2030 Land Use Plan designates this tract as Commercial. The current land use is a single-family residence.

5. Notice of public hearing was mailed on March 8, 2013 to 40 property owners within 300 feet of the requested area, and proper notice was published in *The Lawton Constitution* on March 12, 2013. No calls or letters either for or against the request have been received.
6. Staff has reviewed this request, and the analysis follows. The 2030 Land Use Plan does designate this tract as Commercial. The application and site plan state the only proposed use is nursery, greenhouse, and garden supply store. The Lawton City Code does not specify a parking requirement for this type of use. A separate item on the agenda is to establish a parking standard. Staff recommends opening the public hearing and then continuing the public hearing to April 11, 2013, to allow the applicant an opportunity to revise the site plan to meet the parking requirement, to accurately show the dimensions of the tract, and to insert a box clearly stating the proposed use.

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.* Northwest 67th Street is a 5-lane minor arterial which was reconstructed within the last three years.
2. *To secure from fire, panic, and other dangers.* This tract is not located within the 100-year floodplain. All building code and City Code requirements must be met during the construction of all buildings including stormwater storage and drainage system improvements.
3. *To promote health and the general welfare.* All construction will have to meet all City Code and building code requirements.
4. *To provide adequate light and air.* All setback requirements and height restrictions must be met.
5. *To prevent the overcrowding of land.* The maximum lot coverage for buildings in the C-4 district is 60 percent.
6. *To promote historical preservation.* This criterion does not apply.
7. *To avoid undue concentration of population.* This criterion does not apply.
8. *To facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.* Adequate infrastructure is provided to this site: NW 67th Street is a five-lane minor arterial in very good condition, and water and sewer are available to this site.
9. *To conserve the character of the district and buildings and encourage the most appropriate land uses.* The 2030 Land Use Plan designates this tract as Commercial. It is appropriate for commercial businesses to be located along arterials. Some C-4

uses would not be compatible with the single-family residential to the south and east; however, the only use that would be allowed per the binding site plan is nursery and garden center.

The Lawton City Code does not set out the parking requirement for a nursery and garden center; therefore, in accordance with Section 18-8-1-805E of the City Code, the City Planning Commission shall establish the parking standard. Once the parking standard is established, the site plan may need to be revised to meet the parking requirement.

The site plan indicates the existing house will be used as a retail store and a greenhouse will be added. The does not accurately reflect the dimensions of this tract. During the reconstruction of NW 67th Street, the eastern 17 feet was deeded to the City for additional right-of-way. Also there is a 15-foot permanent easement along the south property line of this tract which is not shown. The site plan needs to be revised with the accurate dimensions and showing all easements. These revisions will affect the layout of the parking spaces.

Based upon these facts, it is recommended that no action be taken until a revised site plan which meets all of the requirements has been submitted.

Rogalski stated that, with the Resolution just passed by the Commission, the required parking for the structure and greenhouse would be twenty-four spaces. He stated that a new site plan was submitted late this morning, but it hasn't been reviewed by Staff yet. He added that the lot of fairly large, and any outdoor display area would require additional parking.

Chairman Henry stated that a request for C-4 zoning creates the same issue that happened when the proposed use of an indoor archery range was submitted for an adjacent lot. She stated that it creates the concern that, in the event that this business closes, other more intense C-4 uses could possibly relocate to the property. She added that there are many C-4 uses that are not compatible with single family residential property.

Rogalski stated that the site plan submitted with the rezoning request is only for the one use of a nursery and greenhouse. He stated that the binding site plan restricts any other use for anyone. He added that recording a certified copy of the ordinance with the binding site plan would insure that it would be found during the course of an abstract done on the property.

Commissioner Nisbett stated the property to the north has already been rezoned to C-1. He stated that a florist is already permitted in the C-1 zoning district as long as there is no greenhouse or outside displays. He asked why a nursery and greenhouse couldn't be added as an allowable use in a C-1 zoning district, because the additional uses aren't that intense.

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Rogalski stated that the Code change can be done. He added that he would like to see a nursery and greenhouse be allowed in a C-1 zoning district as a Use Permitted on Review.

Commissioner Denham asked why a nursery was put in a C-4 zoning district.

Dollarhite stated that it was moved from the C-5 zoning district to the C-4 zoning district in 2008.

Rogalski stated that placing it in a C-1 zoning district with a Use Permitted on Review would still allow a little more oversight when the property is adjacent to residential property.

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

Chairman Henry stated that she had received a call from Cyndy Barnes and was told that there is a petition signed by at least forty of the residents in the general vicinity.

Cyndy Barnes, 6703 NW Westaire Circle, stated that she is there representing fifty-four property owners in the area that are against a rezoning for C-4 zoning. She stated that there is concern that, should Bedrock Nursery sell the property, a future buyer could put a more intense C-4 allowed business at that location. She stated that the property has a fairly significant north to south slope, and she is concerned about potential flooding or loss of water pressure. She stated that she also has some concerns about lighting and noise, because the nursery would be right by her backyard. She stated that she has no problems with the property being changed to a C-1 zoning district, but she does not want to have the property in a C-4 zoning district.

Chairman Henry stated that some of the signers of the petition were on the other side of 67th Street and possibly not in the 300-foot area.

Rogalski stated that Staff would look over the list to confirm the percentage of property owned by the signers of the petition to determine if it would require a super majority vote at City Council.

Ms. Barnes stated that it would be easier for more residents to attend the City Council meeting, as it is held in the evening.

Commissioner Denham asked Ms. Barnes if she would be in favor of a nursery being adjacent to her property if that use would be allowed in a C-1 zoning district. He stated that the lighting shouldn't be an issue, because city Code has been modified to protect residential property owners from light trespass on adjacent commercial properties. He added that flooding from runoff should not be an issue, because all development has to have required detention to see that no increased flooding issues arise. He asked Ms.

Barnes if she and her neighbors would support the applicant's request for C-1 zoning if the nursery were allowed in that zoning district with a Use Permitted on Review.

Ms. Barnes stated that they would be in favor of that request.

Dennis Totte, applicant and owner of Bedrock Nursery, stated that Staff recommended that he apply for C-4 zoning with only one use shown on the site plan because C-1 zoning would not allow the display and sale of outdoor goods. He stated that there is a 15' x 400' concrete drainage canal that runs along the south side of the property. He stated that he doesn't think the property owners that are objecting to the C-4 zoning are not taking into consideration that the nursery and greenhouse would be the only use allowed for the property.

Commissioner Denham asked Mr. Totte if he would object to the suggestion that the nursery and greenhouse use be added as a Use Permitted on Review in the C-1 zoning district. He added that Staff had to recommend the C-4 zoning district at the time of his application, because that is the district where this use is allowed.

Mr. Totte stated that he would have no objections if C-1 zoning with a Use Permitted on Review would work for his business.

Commissioner Denham stated that he understands that the residential neighbors are concerned that the possibility of a purchaser of the property twenty or thirty years from now would push for the other uses in the C-4 zoning district.

Mr. Totte stated that he understands the neighbors' concerns and would have the same concerns, but he doesn't think that they understand that the only use for the property would be for a nursery and greenhouse.

Commissioner Nisbett asked Mr. Totte if there would be any possibility that a greenbelt would be constructed between the nursery and the R-1 zoned property to the south of the nursery. He added that some type of evergreen tree barrier between the commercial and residential property would help shield the residential properties from noise and trash.

Mr. Totte stated that he has been made aware that there will have to be some sort of fencing or other barrier separating his property from the residential property.

Rogalski stated that Code requires opaque screening to be installed on the north and south ends of the property. He added that landscaping can be used as a form of opaque screening.

Chairman Henry asked Counsel what would happen to the time frame for the applicant if the CPC recommends C-1 zoning with restrictions.

Rogalski stated that the first step would be for an administrative change to the City Code to allow a nursery and greenhouse in the C-1 zoning district as a Use Permitted on

Review. He stated that a code change requires a fifteen-day notice, and Staff can put in a double notice for the code change public hearings for CPC and City Council. He stated that there will also be a required 20-day notice for a public hearing for the rezoning request at City Council. He stated that, with these time frames, the code change and rezoning request would be brought before the City Council on the same date. He added that the public notice for the UPOR would be ten days and could be coordinated to come before the CPC two days after the rezoning goes after the City Council.

Chairman Henry asked Mr. Totte if he understood that this potential solution to his rezoning request would really only delay the process by one meeting date.

Mr. Totte stated that Staff explained to him that he would have to apply for C-4 zoning for his business.

Rogalski stated that Staff's direction was based on what was available to Mr. Totte in City Code as it currently reads. He added that the only delay would be a couple of weeks, as there are still issues with the site plan that would inhibit the CPC from acting on his request until the next regular meeting on April 11th.

Mr. Totte stated that he did have a revised site plan submitted earlier today that had a total of twenty-five parking spaces.

Rogalski stated that it was submitted today, but Staff didn't have time to review it. Rogalski stated that he did notice that there was no outdoor display area shown on the site plan and asked if there would be outdoor display at that location.

Mr. Totte stated that they don't have plans for it at this time.

Rogalski stated that the site plan approved is binding. He added that, if outdoor display was added at a later date, the applicant would have to go through the same process as a rezoning to get the revised site plan approved. He explained to Mr. Totte that the parking requirement would be increased if outdoor display area is added. He added that these potential issues are why it is so important for the site plan to be correct.

Greb asked if the applicant would have to apply for a UPOR if the rezoning is approved as C-4 with only the one use as stated on the site plan, but a subsequent Code change allows the business in a C-1 zoning district with a UPOR.

Rogalski stated that the applicant would not have to apply for a UPOR if the rezoning to C-4 with a binding site plan is approved.

Chairman Henry asked what kind of time delay the applicant would suffer if the process moves forward to begin a Code amendment to allow a nursery and greenhouse in a C-1 zoning district with a UPOR.

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Rogalski stated that it would only be about two weeks, more or less. He stated that there are a few critical issues that need to be addressed before the CPC should act on this rezoning. He stated that there are still issues with the binding site plan, as it does not show any outside display area, which would require additional parking. He added that it would be difficult for the CPC to approve the applicant's request when the binding site plan is incomplete.

Mr. Totte stated that they will have the site plan revised.

Chairman Henry asked if the business would have the same kind of beautiful landscaping along the street like their location on Lee Boulevard.

Mr. Totte stated that they were going to do the same type of landscaping along the street.

Chairman Henry told Mr. Totte that his site plan should include that as well.

Commissioner Nisbett stated that Mr. Totte, if he wants to put trees and any outdoor display in the future, should put that area on the site plan so that it can be approved in a complete form.

Kurt Scroggins, 6707 NW Westaire Circle, stated that he had two concerns. His first concern was about the drainage canal. He stated that the concrete canal is not complete and doesn't connect, and there are areas where vegetation has grown over the canal. He stated that, even with light rain, there is still standing water for several days. He asked how the applicant can guarantee that the amount of drainage would not increase.

Rogalski stated that Code requires that an engineer calculate the amount of runoff to ensure drainage does not increase after the new development.

Mr. Scroggins asked about water draining after the business waters their plants.

Rogalski stated that the business owner would probably not want to over-water the plants, as it would increase their water utility bill and be a waste of water.

Mr. Scroggins stated that his second concern is the possibility of loss of water pressure.

Rogalski stated that there are a lot of very large lines that go through that area. He stated that there is a ten-million gallon water tower just around the corner and a couple of water pump stations.

Mr. Scroggins asked if there would be exterior lights.

Rogalski stated that current City Code states that any lights can only have 0.01 ft candles of light trespass on adjacent property. He stated that Staff does have meters to register the amount of light on your property. He added that a typical parking lot gives off 2-5 foot candles of light, so 0.01 foot candles would be extremely dim.

Chairman Henry asked that the property owners put their concerns in writing, as the petition only states that they don't want C-4 zoning.

MOTION by Springborn, SECOND by Nisbett, to continue the public hearing at the April 11, 2013 meeting. AYES: Denham, Henry, Springborn, Nisbett, Davison. NAYS: NONE. MOTION CARRIED 5 – 0.

HOLD A WORKSHOP TO DISCUSS AND CONSIDER THE CONSOLIDATED ONE-YEAR ACTION PLAN FOR FFY 2013, AND DISCUSS INPUT FOR DEVELOPMENT OF THE PLAN.

a. The Citizen Participation Plan requires a public hearing before the City Planning Commission (CPC) and City Council to consider the 2013 Consolidated One-Year Action Plan. The hearing is to obtain input from Lawton citizens and the members of the CPC for development of the final plan. The public hearing will be held at the meeting on April 11, 2013

b. The Consolidated One-Year Action Plan for FFY 2013 allocates funds for the program year beginning July 1, 2013 and ending June 30, 2014. It also describes the projects approved to implement the Consolidated Plan strategy. The proposed changes affect both the Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) programs. The Consolidated One-Year Action Plan Workbook was included in the meeting packets. Included in the Workbook are the agencies and organizations requesting funding for the fiscal year. HCD recommendations for funding are included in the plan as Funding Options.

Tim Libby, Director of Housing and Community Development, gave a presentation to the Commission on the Consolidated One-Year Action Plan for Federal Fiscal Year 2013. He stated that he did publish that a public hearing would be held at today's meeting as well as the next Planning Commission meeting, should the Commission want to hold the public hearing today. He stated that his Division followed the same grading system as last year. He stated that there were some flaws, but, for the most part, this system seems to work best. He stated that funds were divided based on the grading schedule based on top priorities of the community. He stated that the maximum an applicant can request is \$25,000.00.

Libby stated that the amount of funds received for the HOME Program get reduced by any new cities that enter into the request for those funds. He stated that there is \$145,297 allotted to the Housing Rehabilitation, \$100,000 to the Emergency Repair Program, and \$50,000 to the Exterior Housing Improvement Program.

Libby stated that there was \$102,548 available for the charities that submitted applications. The top priority, allotment percentage and dollar figures for the applicants are as follows:

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1. Roadback (Drug & Alcohol Management/Recovery)	22.5%	\$25,000
2. Marie Detty (New Directions Women's Shelter)	21.0%	\$21,147
3. Christian Family Counseling (Counseling Assistance Project)	19.5%	\$17,946
4. Teen Court (Delinquency Prevention)	19.0%	\$14,100
4. C. Carter Crane Shelter (Homeless Shelter)	19.0%	\$14,100
6. Family Promise of Lawton	16.0%	\$10,255

Libby stated that there were only six applicants this year, and all received funding. He added that the total amount may increase if the funding to the CDBG program increases.

Libby stated that, under the HOME Funding Requirements, the City of Lawton still has no Match Requirement because of its designation as a community in fiscal distress. He stated that CHDO funds were set aside for Habitat for Humanity last year, but weren't used, so the program lost that \$55,000.00. He stated that he will not set aside funds for them for that purpose in the future. He stated that there are funds in the amount of \$194,235 for Homeowner Rehabilitation and \$45,000 for the First-Time Homebuyer Program. He added that there haven't been any qualified applicants for the First-Time Home Buyer Program in the recent past, but there is one applicant that is currently getting ready to close.

Commissioner Denham asked if the \$55,000 that was lost under the program went back to the Federal Government and, if so, if it would affect the current year's funding.

Libby stated that it did go back to the Federal Government, but that it doesn't affect funding for the current or future years.

Commissioner Denham asked how the top priorities are determined.

Libby stated that a Community Needs Assessment was submitted to the City Council in 2010. He stated that the top 10 needs were determined through that process. He stated that a new survey would be sent out next year to the public service companies in the community to determine a new needs assessment.

Chairman Henry asked if the First Time Home Buyer funds are lost if they are not used.

Libby stated that those funds are carried forward. He stated that the HOME Program requires that the funds are committed within two years and spent within five years. He stated that, if the funds aren't used within five years, they would go back to the Federal Government. He stated that they receive notice within six months of the five year expiration, and they have never lost those funds.

Commissioner Davison stated that he was not familiar with Family Promise of Lawton and asked about their organization.

Libby stated that local churches provide food and shelter for homeless families for a week at a time. He stated that it is not contingent on the families worshiping or belong to the church. He stated that this is a national organization.

Chairman Henry asked if a public hearing could be held when the agenda did not specify a public hearing at this meeting.

Legal Counsel determined that a public hearing could not be held today, because it was not reflected as such on the meeting agenda.

Chairman Henry invited any of the applicants in attendance to speak about their organizations and funding.

Marsha Frazier, Director of Teen Court, stated that they had asked for an increase in funding this year. She stated that Lawton Public School System has changed their policy and will no longer arrest juveniles for possession of marijuana on their person or in their locker. She stated that it is a good thing that the children aren't arrested, but there is also no mandate for education on the subject. She stated that they are sent to SAC (Student Adjustment Center) for forty-five days. She stated that the students sit in a cubicle all day long. She stated that they can do their homework, if their parents choose to get the assignments from the school, but no instruction is given to the students. She stated that she spoke to LPS Administration and then met with each principal of the middle and high schools to request that the parents are referred to Teen Court to educate their children on drug usage and the consequences of drug usage, free of cost. She stated that all of the principals have agreed to refer the students and their parents, but the parents aren't contacting Teen Court. She stated that she's looked into getting their organization into SAC to educate the students on conflict resolution, anger management and substance abuse. She stated that it will cost their organization \$1,700 per month to educate thirty kids per month. She stated that 70% of the kids involved are from low income families.

Chairman Henry stated that she knows some parents that would be interested in helping with this matter. She stated that she will contact them and have them talk to the school board and the President of the PTA about this matter.

COMMISSIONERS' REPORTS OR COMMENTS

Commissioner Springborn asked if anything will be done about signs for businesses that are no longer in business.

Rogalski stated that it is a zoning violation if the sign isn't removed within a certain amount of time.

Commissioner Springborn stated that there was a steakhouse near Atwoods that closed down over fifteen years ago, but the sign is still there.

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Chairman Henry stated that the old Gibson's building has an exemption from removing their sign. She stated that some signs are the only thing keeping people from being able to enter the building.

SECRETARY'S REPORT

Rogalski stated that he would be out of the office next week, so feel free to contact Debbie Dollarhite with any issues.

AUDIENCE PARTICIPATION

None.

Meeting adjourned at 3:04 p.m.

Pat Henry, Chairman
City Planning Commission

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MINUTES
CITY PLANNING COMMISSION

Minutes of the City Planning Commission meeting held April 11, 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 Vice-Chairman David Denham.

MEMBERS PRESENT: John Jones
 Jim Nisbett
 Dave Davison
 David Denham
 Neil Springborn

MEMBERS ABSENT: Harold Robinson (excused)
 John Pereira (excused)
 Pat Henry (excused)
 Charlotte Perkins (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 MARCH 28, 2013 MEETING

MOTION by Springborn, SECOND by Nisbett, to approve the minutes of the March 28, 2013 meeting as written. AYES: Jones, Nisbett, Davison, Denham, Springborn. NAYS: NONE. MOTION CARRIED 5 – 0.

OLD BUSINESS

BEDROCK NURSERY, INC.
Rezoning from R-1 to C-4
1802 NW 67th Street

The public hearing on this request was opened at the March 28, 2013, meeting. A petition against C-4 zoning was submitted at the March 28th meeting. The petition represents 32.2% of the property within 300 feet of the requested area. After a lengthy discussion, the CPC directed Staff to prepare an amendment to the City Code which would allow nursery and/or garden centers as a use permitted on review in the C-1 Local Commercial District. Staff has prepared the amendment to the City Code, and the CPC

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will hold a public hearing on the proposed amendment on April 25th, and the City Council will hold its public hearing on May 14th.

On March 28th the CPC established the parking standard for nursery and/or garden centers as 1 space per 250 square feet for the retail building and 1 space per 500 square feet for greenhouse and outdoor display areas. The public hearing for this request was continued to April 11th to allow the applicant an opportunity to revise the site plan to meet the parking standard set by the CPC.

A revised site plan has been submitted indicating the following:

retail building	1,792 square feet	7 parking spaces required
greenhouses	12,240 square feet	24 parking spaces required
outdoor display	4,200 square feet	8 parking spaces required

Total parking required	39 parking spaces
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The revised site plan indicates 40 parking spaces.

Since the CPC cannot forward a recommendation for C-1 zoning with a binding site plan specifically for a nursery and garden center until the City Code has been amended, the site plan will be amended to state proposed uses to be “any C-1 permitted use and use permitted on review as approved by the CPC.” The application will be amended to request C-1 zoning. The property owners within 300 feet of the requested area will receive a notice of the request for C-1 zoning and the revised site plan prior to the City Council public hearing. If the City Council approves the code amendment and the rezoning to C-1, the CPC will consider the Use Permitted on Review for the nursery and garden center on May 16th.

Rogalski stated that the petition against C-4 zoning that was submitted at the last meeting reflects signatures of 32% of the property in the 300’ area, so it would not have required a super majority vote at City Council.

Commissioner Springborn asked about the status of the Code change to allow a nursery in C-1 as a use permitted on review.

Rogalski stated that it was not done yet, but will be done in a parallel process. He stated that the Code change would go before the City Council at the same meeting. He stated that the Code change would be done as an emergency ordinance and would be acted on by the City Council before the rezoning will be addressed by them. He stated that the CPC will address the UPOR at the meeting following the Code change and rezoning.

Vice-Chairman Denham continued the public hearing and requested anyone desiring to speak on this item to please come forward.

Cyndy Barnes, 6703 NW Westaire Circle, stated that she is fine if the property is changed from R-1 to C-1. She added that she has no problem with a nursery being on that property and supports that request.

Vice-Chairman Denham declared the public hearing closed.

MOTION by Springborn, SECOND by Nisbett, to recommend to the City Council approval of a change of zoning from R-1 to C-1 (Local Commercial District) and approve the site plan as submitted for property located at 1802 NW 67th Street.
AYES: Nisbett, Davison, Denham, Springborn, Jones. NAYS: NONE. MOTION CARRIED 5 – 0.

NEW BUSINESS

HOLD A PUBLIC HEARING TO DISCUSS AND CONSIDER THE CONSOLIDATED ONE-YEAR ACTION PLAN FOR FFY 2013, AND DISCUSS INPUT FOR DEVELOPMENT OF THE PLAN AND RECOMMEND FUNDING LEVELS TO THE CITY COUNCIL.

a. The Citizen Participation Plan requires a public hearing before the City Planning Commission (CPC) and City Council to consider the 2013 Consolidated One-Year Action Plan. The hearing is to obtain input from Lawton citizens and the members of the CPC for development of the final plan.

b. The Consolidated One-Year Action Plan for FFY 2013 allocates funds for the program year beginning July 1, 2013 and ending June 30, 2014. It also describes the projects approved to implement the Consolidated Plan strategy. The proposed changes affect both the Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) programs. The Consolidated One-Year Action Plan was included as Exhibit A in the agenda packets for the March 28, 2013 meeting. Included in the exhibit are the agencies and organizations requesting funding for the fiscal year. HCD recommendations for funding are included in the plan as Funding Options.

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

Charlie Baer of Christian Family Counseling gave a brief overview of what services their organization provides for the public. He stated that they requested funds for a counseling assistance project and are appreciative of the \$17,946 that is recommended for them in the Plan. He stated that they provide professional outpatient counseling services for people that aren't able to afford this type of care on their own. He stated that Oklahoma ranks #1 in the nation for people facing mental problems. He stated that a significant portion of those mental problems is depression, and mental issues are the second leading cause of premature death and disability. He stated that is a major contributor of suicide, and it also causes a loss of productivity in the workplace. He stated that Oklahoma ranks ninth in the nation for suicide, and death by suicide is 72 times more common in young

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people than death by homicide. He stated that 30% of their clients had considered suicide prior to seeking their help. He stated that the divorce rate in Oklahoma ranks #3 in the nation, and that is approximately 50% over the national average. He stated that at least 50% of their clients have experienced divorce and are looking for help with depression and the effects on the family. He stated that the funds really make a difference in people's lives.

Vice-Chairman Denham asked if there have been any studies as to why Oklahoma ranks in the top of these issues.

Mr. Baer stated that there are various reasons for the high rate of divorce. He stated that people are getting married at a younger age, lower levels of education and lower incomes.

Commissioner Springborn stated that, in the past, Christian Family Counseling provided low cost counseling services to students at Cameron University.

Christina Erman of Roadback, Inc. stated that they provide substance abuse and mental health services. She stated that they predominantly serve the indigent population of the community. She stated that their funding request is for a case manager that will follow and continue services to people in their care. She stated that the longer they can be involved with a person in their treatment, the more successful they are with that person. She stated that they measure their success by a reduction in substance abuse, homelessness, criminal activity, as well as getting the people employed and increasing their function as members of the community.

Vice-Chairman Denham asked if their counselors are licensed professionals.

Ms. Erman stated that all of their counselors are licensed, professional therapists that are well versed in substance abuse issues.

Vice-Chairman Denham asked if Roadback treats the youth of the community or just adults. He stated that, at the last CPC meeting, it was discussed that there is an increasing problem with substance abuse by middle school and high school students.

Ms. Erman stated that they primarily treat adults, but can and do see some juveniles on an outpatient basis. She stated that they cannot house minors for any inpatient treatment.

Commissioner Davison asked why they are not pushing for an elimination of drug use and criminal activity.

Ms. Erman stated that, unfortunately, there is a small percentage of people who relapse into old habits after being released from care.

Gene Shelket, principal of Lawton Public Schools Student Adjustment Center (SAC), stated that depression can be a huge contributor to issues that send students to SAC. He stated that various issues can result in students being sent to SAC, such as violating the

school's alcohol and drug abuse policies, anger management issues, fighting in school or just being disruptive to the academic atmosphere. He stated that, before SAC was created, there was a large percentage of drop outs. He stated that they have certified teachers that keep the students on track, academically. He stated that they have middle school students in the morning and high school students in the afternoon. He stated that Teen Court has been sending over a certified counselor to SAC to work with the students. He stated that they are not able to provide that kind of services at SAC. He stated that keeping a student on track, academically, isn't always enough. He stated that Teen Court providing a licensed, certified counselor to work with the students will help with a positive turn around to their behavior.

Vice-Chairman Denham asked if Roadback's services could be helpful in a group setting at SAC or if it would have to be based on individual counseling. He stated that having additional counseling services available might help.

Ms. Erman stated that it is a possibility and that she will look into it.

Vice-Chairman Denham asked what hours the students are at SAC.

Mr. Shelket stated that the middle school students are in attendance from 7:30 to 12:30, and the high school students are in attendance from 1:00 to 6:00. He stated that they have an orientation meeting with the parents and students, and forms are signed authorizing counseling. He stated that he has never had a parent refuse to sign the authorization, but he doesn't feel that many of the parents would seek out those services by themselves. He stated that SAC has all of the academic materials to provide to the students, so the parents don't have to be involved in getting lesson plans from the schools. He added that, because the students are there strictly to do school work, they usually are able to raise their grades while in attendance.

Vice-Chairman Denham declared the public hearing closed.

MOTION by Nisbett, SECOND by Jones, to recommend to the City Council approval of the Consolidated One-Year Action Plan for FFY 2013 as submitted.
AYES: Davison, Denham, Springborn, Jones, Nisbett. NAYS: NONE. MOTION CARRIED 5 – 0.

APPROVE A RESOLUTION HONORING THE SERVICE OF MR. KEEGAN LEDFORD TO THE CITY PLANNING COMMISSION AND THE CITY OF LAWTON.

It is customary for the CPC to honor members who have served on the Commission with a resolution. The text of a resolution honoring Mr. Keegan Ledford follows. After passage of the resolution, it will be framed and presented to Mr. Ledford at a future meeting.

A RESOLUTION HONORING THE SERVICE OF MR. KEEGAN LEDFORD TO
THE CITY PLANNING COMMISSION AND THE CITY OF LAWTON.

WHEREAS, Mr. Keegan Ledford was appointed to the City Planning Commission on December 13, 2005, and served this advisory organization until his resignation on January 24, 2013; and

WHEREAS, Mr. Ledford has provided his expertise as a land developer to guide the City in improving the development process in Lawton; and

WHEREAS, Mr. Ledford has supported and encouraged the beautification of Lawton; and

WHEREAS, Mr. Ledford's participation in community affairs sets an example for all citizens who desire to volunteer their time and talents to build a better future for Lawton; and

WHEREAS, Mr. Ledford's concern for community planning, loyalty to the professional staff, and sense of humor will be sorely missed by his peers and the employees of the Planning Division.

NOW, THEREFORE, BE IT RESOLVED by the City Planning Commission that:

Section 1. It was a pleasure and honor to have Mr. Ledford serve on the City Planning Commission.

Section 2. This resolution honoring the accomplishments of Mr. Keegan Ledford shall be read in open session of the City Planning Commission and entered into the official Minute Book.

MOTION by Nisbett, SECOND by Springborn, to approve CPC Resolution No. 13-2, honoring the service of Mr. Keegan Ledford to the City Planning Commission and the City of Lawton. AYES: Denham, Springborn, Jones, Nisbett, Davison. NAYS: NONE. MOTION CARRIED 5 – 0.

COMMISSIONERS' REPORTS OR COMMENTS

None.

SECRETARY'S REPORT

None.

AUDIENCE PARTICIPATION

None.

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Meeting adjourned at 2:08 p.m.

Pat Henry, Chairman
City Planning Commission

jm

MINUTES
CITY PLANNING COMMISSION

Minutes of the City Planning Commission meeting held April 25, 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
 Jim Nisbett
 Dave Davison
 David Denham
 Pat Henry
 Charlotte Perkins
 Neil Springborn

MEMBERS ABSENT: Harold Robinson (excused)
 John Pereira (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 APRIL 11, 2013 MEETING

MOTION by Springborn, SECOND by Perkins, to approve the minutes of the April 11, 2013 meeting as written. AYES: Jones, Nisbett, Davison, Denham, Henry, Perkins, Springborn. NAYS: NONE. MOTION CARRIED 7 – 0.

HOLD A PUBLIC HEARING AND CONSIDER AN ORDINANCE AMENDING SECTION 18-5-8-581 OF THE LAWTON CITY CODE BY ADDING NURSERY AND/OR GARDEN CENTER AS A USE PERMITTED ON REVIEW WITHIN THE C-1 LOCAL COMMERCIAL DISTRICT.

On March 28, 2013, during the review of a rezoning request to C-4 Tourist Commercial District for a nursery and garden center on a tract located at 1802 NW 67th Street, the City Planning Commission directed Staff to prepare an amendment to the City Code to allow nursery and/or garden center as a Use Permitted on Review within the C-1 Local Commercial District. The Commission was reluctant to recommend C-4 zoning but was not opposed to a nursery and garden center at this location. Additionally, some of the neighbors who had presented a petition opposing the C-4 zoning, also stated that it was

the C-4 designation that was their concern and not the proposed use. Allowing nursery and/or garden center as a Use Permitted on Review will require each request for this use to be reviewed on a case-by-case basis to ensure compatibility with the surrounding area. Attached is the draft ordinance.

This proposed amendment is scheduled to be considered by the Lawton City Council on May 14, 2013, and the rezoning request that spurred this proposed revision will also be considered on that date.

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 Denham, SECOND by Jones, to recommend approval to the Lawton City Council of the proposed ordinance which adds nursery and/or garden center as a Use Permitted on Review within the C-1 Local Commercial District. AYES: Nisbett, Davison, Denham, Henry, Perkins, Springborn, Jones. NAYS: NONE. MOTION CARRIED 7 – 0.

COMMISSIONERS' REPORTS OR COMMENTS

Chairman Henry stated that Harold Robinson has submitted his resignation from the City Planning Commission. She added that he would be able to attend meetings until his replacement is appointed, in the event that there is an issue obtaining a quorum for a meeting.

SECRETARY'S REPORT

Rogalski stated that Steve Livingston, the applicant for the rezoning for an archery range and replat for property located on NW 67th Street, will not be completing the plat that was approved. He stated that it appears that Mr. Livingston's original plans for the land have changed.

Rogalski stated that an issue came up where it was determined that a night club is a different intensity use than a bar or tavern. He stated that the thought was to add night club as a Use Permitted on Review in a C-5 zoning district.

Dollarhite stated that a mixed beverage license business is the closest description currently in Code, and it is allowed in a C-4 zoning district.

Chairman Henry asked what the difference is between a mixed beverage license business and a tavern.

Commissioner Denham stated that a tavern doesn't sell hard alcohol.

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Commissioner Nisbett stated that it appears that a dance hall, which is included in Code, is the same thing.

Rogalski stated that the term 'dance hall' is outdated and does not necessarily serve alcohol. He stated that the intent is to make a change to Code that would also make an update and addition to the terms.

Commissioner Denham stated that a change may also be needed to the Downtown Overlay District. He stated that the hotel would almost certainly contain a bar, and bars are not allowed in that district.

Dollarhite stated that a free-standing bar cannot be in that area.

Rogalski stated that he would look into that section of Code and see if any changes needed to be made to accommodate the downtown redevelopment project.

AUDIENCE PARTICIPATION

None.

Meeting adjourned at 1:43 p.m.

Pat Henry, Chairman
City Planning Commission

jm

MINUTES
CITY PLANNING COMMISSION

Minutes of the City Planning Commission meeting held May 16, 2013, in the City Council Auditorium, Wayne Gilley City Hall, 103 SW 4th 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: Ron Jarvis
 John Jones
 Jim Nisbett
 Dave Davison
 David Denham
 Pat Henry

MEMBERS ABSENT: John Pereira (excused)
 Charlotte Perkins (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

Chairman Henry welcomed Ron Jarvis to the Commission as the new member from Ward 1.

MINUTES OF THE APRIL 25, 2013 MEETING

MOTION by Nisbett, SECOND by Denham, to approve the minutes of the April 25, 2013 meeting as written. AYES: Jones, Nisbett, Davison, Denham, Henry, Jarvis. NAYS: NONE. MOTION CARRIED 6 – 0.

KEEGAN LEDFORD, 227 GROUP
Use Permitted on Review for Townhouses in R-1 and R-3
3901 – 4005 NE Water Edge Drive and
3902 – 4014 NE Cache Road.

1. This request is for two separate townhouse developments located in Eastlake Addition, Part 3A: Lots 1 – 20, Block 18 and Lots 1 – 14, Block 19. These lots are zoned R-1 (Single-Family Dwelling District) and R-3 (Multiple-Family

- Dwelling District). The CPC approved a Use Permitted on Review for the townhouse developments on September 16, 2010. The developer desires to modify the front yard setback from the previously approved 20 feet to 16 feet. The applicant and property owner is 227 Group, Inc.
2. The zoning of the surrounding area is:
 - North - R-1 and R-3
 - South - A-1 (General Agricultural District)
 - East - R-1 and A-1
 - West - R-1 and R-3
 3. The land use of the surrounding area is:
 - North - single-family residential
 - South - agriculture
 - East - single-family residential
 - West - single-family residential
 4. Notice of public hearing was mailed to 8 property owners on May 3, 2013. No calls or letters either for or against this request have been received.
 5. Section 18-4-1-418 of the Lawton City Code states “if the townhouse lot does not abut a public street, the front yard setback shall be established by the planning commission with the approval of the use permitted on review.” These lots do not abut a public street; therefore, the CPC sets the front yard setback. Section 18-4-1-418 also provides that the planning commission determines the minimum lot width. The width of the lots is at 45 feet which is the same as the previous approval. Staff has reviewed the request, and all coverage and open space requirements are met.

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

Keegan Ledford, applicant, stated that the original plan for the townhouses was to build two-story homes. He stated that, after many discussions with realtors and others, he decided to change the development to single-story townhouses. He stated that they had to change the footprint of the buildings. He stated that, because the streets and utilities are already in place, the buildings had to be moved forward, and the garages will now be 18-1/2 feet from the street. He added that it will be a little tight, but it will still work.

Commissioner Nisbett asked how large the units will be.

Mr. Ledford stated that they are about 2,000 square feet, with 8-foot doors and 10-foot ceilings. He stated that they will also have granite countertops.

Commissioner Nisbett asked if these townhomes will be located on Cache Road.

Mr. Ledford stated that one set of the buildings will be on Cache Road and the other will be set back from it.

Commissioner Jones asked if there will be parking available in the garage and driveway.

Mr. Ledford stated that all of the units will have 2-car, attached garages. He added that the streets are standard size and not smaller, so it would also be possible to park on the street.

Chairman Henry declared the public hearing closed.

MOTION by Denham, SECOND by Jones, to approve a Use Permitted on Review for townhouses on property located at 3901 – 4005 NE Water Edge Drive and 3902 – 4014 NE Cache Road. AYES: Nisbett, Davison, Denham, Henry, Jarvis, Jones. NAYS: NONE. MOTION CARRIED 6 – 0.

BEDROCK NURSERY, INC.

Use Permitted on Review for the operation of a Nursery and Garden Center in C-1
1802 NW 67th Street

1. This request is for a tract which measures 400 feet by 156.36 feet (approximately 1.4 acres). The proposed use is a nursery and greenhouse.
2. The zoning of the surrounding area is:

North	-	R-1 (Single-Family Dwelling District) and C-1 (Local Commercial District)
South	-	R-1
East	-	R-1
West	-	C-4
3. The land use of the surrounding area is:

North	-	vacant
South	-	single-family residential
East	-	single-family residential
West	-	Lawton Academy of Arts and Sciences
4. The 2030 Land Use Plan designates this tract as Commercial. The current land use is a single-family residence.
5. Notice of public hearing was mailed on May 3, 2013 to 40 property owners within 300 feet of the requested area. No calls or letters either for or against the request have been received.
6. The City Council will consider amending the City Code to allow nursery and/or garden centers as a Use Permitted on Review in the C-1 zoning district on May 14, 2013. The Council will also consider rezoning this tract to C-1 zoning district on May 14, 2013. The CPC recommended amending the City Code and approval of the rezoning of this tract. Staff recommends approval of the Use Permitted on Review. The applicant will be required to obtain a revocable permit for the parking area to be located on the utility and drainage easement along the south side of the property.

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

Dennis Woommavovah, 6702 NW Westaire Circle, stated that he didn't want a nursery and garden center to be allowed as a Use Permitted on Review in a C-1 zoning district. He stated that he believes that the original permitted location for this type of a business in a C-4 zoning district was more appropriate. He stated that a nursery and garden center will also allow the sale and storage of chemicals and fertilizer, and he thinks that it is a more intense use than what should be allowed in the C-1 zoning district.

Linda Mask, realtor for the applicant, stated that there is a lot of development happening on 67th Street. She stated that 67th Street is a five-lane road which is designed for commercial businesses.

Keegan Ledford stated that he was raised on 67th Street. He stated that his family still lives on 67th Street. He stated that his family will probably be coming before the Planning Commission to change the zoning of their property to commercial, because they have had offers on their 6 acre parcel. He stated that if businesses can't be located on a five-lane road, they wouldn't be able to be located anywhere in the City. He stated that Wal-Mart is a half block away, and it would be naïve to think that 67th Street won't have more commercial businesses opening there. He added that the property in question is approximately 400 feet deep, so it leaves a decent buffer zone from the residential properties.

Erica Barnes, 6703 NW Westaire Circle, stated that her family relocated to this home from another part of Lawton because the other neighborhood went downhill. She stated that their neighborhood on Westaire Circle is a safe one. She stated that their concern is that commercial businesses opening adjacent to their neighborhood would bring in crime and other sorts of undesirable situations.

Chairman Henry declared the public hearing closed.

Rogalski stated that, at the time the residential neighborhood was developed, 67th Street was a two-lane road on the western outskirts of Lawton. He stated that the Planning Commission has always tried to protect residential property owners from detrimental situations that can be caused by certain commercial businesses. He stated that any property owner who applies for a rezoning has the right to be heard by the Planning Commission and City Council. He added that Staff does recommend to applicants to meet with the residential neighbors to present their plans for the property.

Commissioner Denham stated that the residents adjacent to this property are very active and involved in preserving their neighborhood. He stated that it was a good compromise by allowing the nursery and garden center as a Use Permitted on Review

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in a C-1 zoning district. He stated that he hadn't thought of the possible storage of chemicals being an issue.

Rogalski stated that there are federal regulations for the storage of chemicals.

Ms. Mask stated that the owners of the nursery store the bulk of their fertilizer and chemicals out on their farm.

Commissioner Jones stated that the binding site plan also shows that the majority of the parking is on the southern portion of the lot, so that will also create a buffer zone from the residential property.

MOTION by Denham, SECOND by Davison, to approve a Use Permitted on Review for the operation of a nursery and garden center in C-1 at 1802 NW 67th Street. AYES: Davison, Denham, Henry, Jarvis, Jones, Nisbett. NAYS: NONE. MOTION CARRIED 6 – 0.

COMMISSIONERS' REPORTS OR COMMENTS

None.

SECRETARY'S REPORT

None.

AUDIENCE PARTICIPATION

None.

Meeting adjourned at 2:10 p.m.

Pat Henry, Chairman
City Planning Commission

jm

MINUTES
CITY PLANNING COMMISSION

Minutes of the City Planning Commission meeting held June 13, 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: Ron Jarvis
 John Jones
 John Pereira
 Jim Nisbett
 Dave Davison
 David Denham
 Pat Henry
 Charlotte Perkins
 Neil Springborn

MEMBERS ABSENT: None

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

MINUTES OF THE MAY 16, 2013 MEETING

MOTION by Nisbett, SECOND by Jarvis, to approve the minutes of the May 16, 2013 meeting as written. AYES: Jones, Nisbett, Davison, Denham, Henry, Perkins, Jarvis. NAYS: NONE. ABSTAIN: Pereira, Springborn.
MOTION CARRIED 7 – 0 – 2.

ANTHONY PROPERTIES REALTY, INC.
Use Permitted on Review for a Movie Theater in C-1
2803 NW 67th Street

1. This request is for an 11.57-acre tract of land located on the south side of Rogers Lane, east of NW 67th Street.
2. The zoning of the surrounding area is:

North	-	Fort Sill Military Reservation
South	-	PO (Professional Office District)
East	-	C-1
West	-	C-3 (Planned Community Shopping Center District)

3. The land use of the surrounding area is:
North - Fort Sill Military Reservation
South - vacant
East - vacant
West - vacant
4. The current zoning of the requested area is C-1. The applicant desires to construct a multi-screen movie theater which is a Use Permitted on Review in the C-1 district.
5. Notice of public hearing was mailed to three property owners within 300 feet of the requested area on May 31, 2013.
6. Staff has reviewed the site plan submitted with the application. The building meets the setback, parking, and landscaping requirements. Access to this tract is from NW 67th Street aligning with the entrance to Grayson's Mountain Estates. Staff recommends approval.

Commissioner Pereira asked if the property to the south was zoned Professional-Office. He stated that he thought that area was still a flood plain area.

Dollarhite stated that the City rezoned the entire area as Professional-Office several years ago. She stated that the property was rezoned C-3, C-1 and R-4, but a strip of the property was left as Professional Office.

Commissioner Pereira asked if the City needs to sign the application since the applicant doesn't own the property.

Dollarhite stated that the City does own the property, but it is under contract with the applicant and the Use Permitted on Review being approved appears to be a condition of the sale.

Commissioner Pereira asked if the use of a movie theater be stated on the site plan as the only use for the property. He stated that he feels that movie theaters seem to close quite frequently and would hate to have an arcade or similar business put in that location.

Dollarhite stated that the property is zoned C-1, and a movie theater is allowed in a C-1 zoning district with the approval of a UPOR. She stated that an arcade is not allowed in a C-1 zoning district. She added that the property could still be used for any other C-1 permitted use.

Commissioner Pereira asked if there were any objections by the residential property owners near the property. He stated that some movie theaters are extremely loud and wouldn't like to have the residents near the theater not to be able to enjoy their balconies or backyards because of the noise. He also asked what would be done for traffic control on 67th Street. He stated that he sees people run the stop sign from 67th Street onto Rogers Lane. He asked if there has been any discussion about a traffic signal at the 67th Street access to the property or at the corner of Rogers Lane and 67th Street.

Dollarhite stated that the actual movie theater would be quite a distance from the residential property. She stated that traffic control measures have been discussed for the area. She stated that there has been discussion about a traffic signal at each location. She stated that the developer would have to pay for a signal at 67th Street and Graysons Mountain Drive, but the City would be responsible for a traffic signal at 67th Street and Rogers Lane. She added that funds have been set aside for the potential traffic signal at Rogers Lane and 67th Street.

Commissioner Jones stated that there is currently a huge back-up in traffic on Rogers Lane, due to a short left turn lane on 38th Street. He stated that there are many accidents at that intersection because there are too many people wanting to turn left onto 38th Street, and the left turn lane is too short to accommodate the traffic. He stated that 67th Street and Rogers Lane should be looked at so that it doesn't become the same sort of problem.

Commissioner Springborn stated that there is an additional reason why the left turn lane on 38th Street is a hazard. He stated that traffic flowing westbound on Rogers Lane is coming over a hill just before the intersection. He stated that it becomes hazardous because of the rate of speed and the limited time to react after coming over the hill. He stated that the road on Rogers Lane, east of 67th Street, is flat and there is much more time to see a potential back-up of traffic. He added that it may still be necessary to lengthen the left turn lane at 67th Street.

Commissioner Pereira stated that there isn't any lighting on Rogers Lane near 67th Street. He suggested that ODOT be informed of the potentially dangerous situation and be encouraged to put street lighting in the area.

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

Jay Anthony, applicant, stated that his company is located in Dallas, Texas, and he has been constructing movie theaters for thirty years. He stated that movie theaters are constantly improving and offering updated technology, so it is not a dying business. He stated that he built and owns the Carmike theater on Cache Road, and it has been operating for fifteen years. He stated that movie theaters are constantly evolving, and the proposed movie theater for this location will be a modern and updated theater. He stated that the theater will be of such quality that it will be more of a regional draw so that people don't have to drive to Oklahoma City or Dallas for a modern movie theater. He stated that he is currently under contract with the City of Lawton for the purchase of the property. He stated that negotiations with the City Council brought up some of the same concerns about potential traffic issues. He stated that, initially, the only access to the property will be through a drive aligning with Graysons Mountain Drive. He indicated that the tract to the west of the proposed movie theater will be sectioned into out-parcels for restaurants. He added that additional access points for the restaurants will be on 67th Street so that a drive aligning with Graysons Mountain Drive will not be the only access for the entire development. He stated that, as part of his negotiations for the purchase of

the land, he has agreed to have a traffic study done for the area and will follow any recommendations given by that study. He stated that he is aware that he would be responsible for the installation and payment for any needed traffic controls on 67th Street at Graysons Mountain Drive. He did add that the peak traffic times for a movie theater are much different than normal peak traffic hours. He stated that Friday and Saturday nights at 7:00 p.m. and 9:00 p.m. are usual peak hours for movie theater traffic. He also stated that the concern about sound bleeding outside of the auditorium is highly unlikely. He stated that movie theaters are constructed in such a manner that the noise doesn't bleed through to adjacent auditoriums, as well as outside of the theater.

Chairman Henry asked if there will be a left turn lane into the center from 67th Street.

Mr. Anthony stated that he won't know what will be needed until the traffic study has been completed, but he will provide whatever traffic controls are identified as being necessary. He did add that movie theaters usually stagger movie start times so that there is not a huge back up at any time.

Commissioner Jones asked about the aesthetics of the rear of the movie theater building. He asked if it would be possible to see what the residents to the east of the property would see when looking at the back of the building.

Mr. Anthony stated that there is a large drainage ditch and easement which is about 150 feet wide and will separate the movie theater building from the adjacent tract. He added that he is aware that some screening may be necessary, but the movie theater building would not be that close to any residential property.

Commissioner Jarvis stated that the road accessing tract 2 may not be sufficient to handle additional traffic when tract 1 is developed. He stated that there may also be an issue with access to tract 3 when it starts to develop.

Mr. Anthony stated that he shares those concerns. He stated that creating a bridge over the drainage area between tracts 2 and 3 would cost upwards of one million dollars. He stated that his purchase agreement is only for tracts 1 and 2. He added that the road extending Graysons Mountain Drive to access the movie theater will be the only initial access to the properties that he is purchasing. He stated that additional access to tracts 1 and 2 from 67th Street would be created as tract 1 is developed.

Commissioner Pereira asked if the City would be doing a traffic study of the area.

Mr. Anthony stated that, as part of his agreement, he would be responsible for a traffic study of the area and would be paying for the study.

Randall Butler, Fort Sill Public Works Director, stated that Fort Sill supports the development of increasing entertainment options within the Lawton-Fort Sill community. He stated that the Garrison Commander's primary concern is with the Post's mission. He stated that Fort Sill wanted to go on record to voice a concern about potential issues with

developments that are in close proximity to Fort Sill and the artillery ranges. He added that there are certain noise contours to be concerned with, as well as the buffer zone to alleviate some of the disruption to businesses and residences from training in the artillery zones. He stated that Fort Sill is concerned with high density of people in areas near the buffer zone. He added that the other concern is that the artillery noise will be heard through the theater walls and infringe on the business.

Commissioner Pereira stated that ground shock is another concern. He stated that the noise and vibration emitted from an artillery range can shatter glass and create cracks in buildings.

Chairman Henry stated that she lives in close proximity to the intersection of Rogers Lane and 67th Street. She stated that she doesn't see that any noise from the artillery range would disturb anyone. She added that the residents of this community welcome new options for entertainment. She stated that, several years ago, the concern was dense residential population in close proximity to Fort Sill. She asked if Fort Sill was more concerned about residential property or commercial property being near the post's artillery range areas.

Mr. Butler stated that Fort Sill would prefer commercial business than residential housing near the post. He stated that a movie theater, as a commercial business, can have dense amounts of people at certain times and that may be a concern.

Commissioner Denham stated that, years ago, the buffer zone kept the area from I-44 to NW 67th Street exempt from it.

Mr. Butler stated that Fort Sill did agree to that, because most of that area had already been fully developed. He added that the property in question today was a drainage and flood plain area at the time the buffer zone was created.

Commissioner Davison stated that it may be possible that the movie theater in question may help buffer noise levels to the residential neighborhoods south and east of it.

Chairman Henry declared the public hearing closed.

MOTION by Pereira, SECOND by Springborn, to approve a Use Permitted on Review for the operation of a movie theater in a C-1 zoning classification on property located at 2803 NW 67th Street, subject to a traffic study being completed by the applicant in a timely manner and with the understanding that the applicant must construct, at his own expense, any recommended traffic controls on NW 67th Street at Graysons Mountain Drive.

Commissioner Pereira stated that he would like to make a recommendation to the City Council that Staff work with ODOT to research the intersection on westbound Rogers Lane at NW 67th Street to see if the left turn bay would need to be lengthened or a traffic signal installed at that location.

Mackey stated that the term ‘timely’ is vague and shouldn’t be part of the motion, because the word ‘timely’ is subjective.

No vote was taken on the original motion.

SUBSTITUTE MOTION by Denham, SECOND by Jones, to approve the Use Permitted on Review for a movie theater in a C-1 zoning classification, located at 2803 NW 67th Street. AYES: Nisbett, Davison, Denham, Henry, Perkins, Springborn, Jarvis, Jones. NAYS: Pereira. MOTION CARRIED 8 – 1.

Chairman Henry stated that the City Council does need to be aware of the concerns of the Planning Commission as to potential traffic issues that may arise by the development of this property.

Greb stated that Rogalski, the Planning Director, can create a memo to the City Council about traffic concerns in that area.

Mackey stated that the comments and minutes of this meeting would not customarily be forwarded to the City Council, because the City Council does not approve a UPOR.

Dollarhite added that the only time a UPOR goes before the City Council is when the decision of the UPOR is appealed. She stated that she will see that a memorandum outlining the concerns of the CPC on the traffic issues that may occur due to the development in this area will be forwarded to the Mayor and City Council.

COMMISSIONERS’ REPORTS OR COMMENTS

Commissioner Pereira stated that someone had made him aware that some of the recruiters from Target were not very pleased with the quality of job applicants. He stated that it might be prudent to have Lawton Public Schools start some sort of program to teach the high school students how apply and interview for a job.

Commissioner Pereira also stated that he has heard that there are at least three restaurants in the Oklahoma City area that are interested in opening locations in Lawton, once the traffic issues are settled with the new Target location.

Commissioner Springborn stated that some of the young people applying for a job have no idea how to handle an interview. He added that the public school system and Cameron University should give some sort of instruction about this matter.

Commissioner Pereira agreed. He stated that most don’t show proper manners while interviewing.

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SECRETARY'S REPORT

None.

AUDIENCE PARTICIPATION

None.

Meeting adjourned at 2:20 p.m.

Pat Henry, Chairman
City Planning Commission

jm

MINUTES
CITY PLANNING COMMISSION

Minutes of the City Planning Commission meeting held July 25, 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: Ron Jarvis
 John Jones
 John Pereira
 Dave Davison
 David Denham
 Pat Henry
 Neil Springborn

MEMBERS ABSENT: Jim Nisbett (excused)
 Charlotte Perkins (excused)

ALSO PRESENT: Richard Rogalski, Secretary
 Steven Greb, Assistant City Attorney
 Debbie Dollarhite, Senior Planner
 Jackie Monette, Recording Secretary

MINUTES OF THE JUNE 13, 2013 MEETING

MOTION by Denham, SECOND by Springborn, to approve the minutes of the June 13, 2013 meeting as written. AYES: Jones, Pereira, Davison, Denham, Henry, Springborn, Jarvis. NAYS: NONE. MOTION CARRIED 7 – 0.

HOLD A PUBLIC HEARING AND CONSIDER AMENDING SECTION 18-5-7-572 OF THE LAWTON CITY CODE REGARDING THE USES PERMITTED ON REVIEW IN THE PUBLIC FACILITIES DISTRICT MODIFYING THE CRITERIA IN WHICH USES LISTED AS PERMITTED USES IN SECTION 18-5-7-571 ARE INCLUDED THEREIN.

The permitted uses in the P-F District are divided into two sections: 1) uses permitted on tracts containing at least 5 acres and abutting an arterial street and 2) uses permitted on tracts containing less than 5 acres. In 2002 when the P-F District was amended, there was a committee formed to develop the new regulations. There was concern about elementary schools which were located within single-family residential neighborhoods being converted to uses that may not be compatible with the residential neighborhoods.

Recently Lawton Public Schools sold a closed elementary school which is located on a lot containing approximately 7.2 acres. Many common uses listed as permitted uses in the P-F District were for tracts less than 5 acres.

The proposed ordinance would allow the CPC to grant a Use Permitted on Review for any of the uses listed as permitted uses regardless of the size of the tract or the functional classification of the abutting street. A Use Permitted on Review would include a binding site plan and be considered on a case-by-case basis.

Chairman Henry stated that she is not comfortable with the current Code allowing a carnival or circus in a location that was previously a fire station or hospital.

Rogalski stated that a carnival or circus would have to be on a tract of land over five acres and would only be allowed on an arterial street in order to be a permitted use. He stated that a change to that portion of Code can be done at a later date. He added that it is probably an antiquated portion of the Code. He stated that a carnival or a circus is classified as a temporary use and needs to be permitted.

Commissioner Pereira stated that he isn't comfortable with the list for properties less than five acres because of the lack of specifics on a public park. He stated that the definition of a public park should be made more specific. He added that he doesn't like the idea of a church being included as a permitted use, because many churches provide drug and alcohol abuse counseling, and it could affect nearby residential properties. He stated that the same list of allowable uses states that these types of care not be allowed in a physician's practice or clinic.

Rogalski stated that these concerns cannot be part of this public hearing, because the suggested changes were not included in the published notice. He stated that a new notice can be prepared for a public hearing to address the additional concerns of the Commission.

Commissioner Springborn stated that he also has an issue with Section 18-5-7-572, A (2), where 'public or private correctional facility, including pre-release centers' being included as a Use Permitted on Review.

Rogalski stated that a prison and a pre-release center would require a Use Permitted on Review and only be allowed in the P-F district. He added that the UPOR allows the Planning Commission to review the application to see that it would be a suitable location.

Chairman Henry stated that the protection for neighborhoods is provided with the UPOR process because a public notice would be mailed to property owners within 300 feet of the property in question.

Commissioner Denham stated that the background for this item references the sale of a closed elementary school. He asked if that had something to do with what has prompted this code change.

Rogalski stated that the Country Club Heights Elementary School property was sold to a church. He stated that the property is larger than five acres, and the P-F district would not allow a church to operate on the property. This change would allow the church to apply for a UPOR so that they could operate in that location.

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 Denham, to recommend to the City Council approval of an ordinance amending Section 18-5-7-572 of the Lawton City Code regarding the uses permitted on review in the Public Facilities District modifying the criteria in which uses listed as permitted uses in Section 18-5-7-571 are included therein. AYES: Pereira, Davison, Denham, Henry, Springborn, Jarvis, Jones. NAYS: NONE. MOTION CARRIED 7 – 0.

Chairman Henry did not participate in this item. Vice-Chairman Denham presided during this item.

COMANCHE COUNTY HOSPITAL AUTHORITY
Rezoning from R-1 to P-F
11 – 29 NW 35th Street

1. This request includes Lots 1 – 7, Block 5, Tomlinson Ridge 2nd Addition which are part of the Comanche County Memorial Hospital campus.
2. The zoning of the surrounding area is:
 - North - R-1
 - South - P-F
 - East - P-F
 - West - R-1
3. The land use of the surrounding area is:
 - North - single-family residential
 - South - Comanche County Memorial Hospital
 - East - Comanche County Memorial Hospital
 - West - single-family residential
4. The current land uses of the requested area are parking and landscaping. The proposed uses are the same with the addition of an expansion of the emergency room on Lot 7. The expansion of the hospital will also require the relocation of the helipad located south of these lots. The helipad will be relocated to the roof of the hospital. The 2030 Land Use Plan designates this area as Public.
5. Notice of public hearing was mailed to 31 property owners within 300 feet of the requested area on July 3, 2013, and proper notice was published in *The Lawton Constitution* on July 7, 2013. Several calls of inquiry have been received.
6. Staff has reviewed the request, and the analysis follows. There will be additional infrastructure (water and sewer) installed as part of the expansion of the hospital. A

small portion of the building will be located on Lot 7; the use of the remaining lots currently zoned R-1 will not change. Staff recommended that the rest of the lots between Gore and Arlington on the east side of NW 35th Street be rezoned to P-F for consistency even though the use of the other lots will not change. Lots 8 and 9 were rezoned to P-F in 2005 when the helipad was constructed.

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.* The hospital plans to expand the emergency room portion which will include a portion of Lot 7; the remaining lots (Lots 1 – 6) will continue to be used for parking and landscaping. There will be no additional drive openings.
2. *To secure from fire, panic, and other dangers.* All building requirements will be met during the construction of the expansion of the hospital.
3. *To promote health and the general welfare.* All construction will have to meet all City Code and building code requirements.
4. *To provide adequate light and air.* The proposed construction on Lot 7 meets the setback requirements.
5. *To prevent the overcrowding of land.* All setback and coverage requirements will be met.
6. *To promote historical preservation.* This criterion does not apply.
7. *To avoid undue concentration of population.* This criterion does not apply.
8. *To facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.* This project will include additional water and sewer improvements to serve the hospital.
9. *To conserve the character of the district and buildings and encourage the most appropriate land uses.* The use of Lots 1 – 6 will not change. Lot 7 will include a portion of the hospital expansion and parking area.

Based upon these facts, it is recommended the rezoning request be approved.

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

Commission Davison asked if Lots 8 and 9, which are closest to Gore Boulevard, have already been rezoned.

Rogalski stated that those lots were rezoned in 2005 is where the helipad was located. He stated that a small part of the building will encroach on Lot 7, so Staff recommended that lots 1 through 7 be rezoned instead of just lot 7. He stated that the helipad will be relocated to the top of the emergency room building.

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

John Mackey, attorney for the Comanche County Hospital Authority, stated that nothing will change where the current buffer or 'green' zone is located. He stated that the restrictive covenants were created about twelve years ago that addressed the buffer zone, and it does a good job in protecting the residential properties from the noise from the emergency room. He stated that some of the residents present informed him that there seems to be noise from people outside the emergency room area, so he will be looking into it. He stated that there is currently a fuel port for the helicopter, but it will no longer be located there after the helipad is moved to the area on top of the building.

Mr. Mackey stated that the Planning Division recommended that all seven of the lots be rezoned. He stated that the lots are all zoned R-1 and had to obtain a UPOR to use the property as a parking lot. He stated that, by rezoning all of the lots to P-F, the binding site plan submitted with this rezoning will insure that the other lots will only be able to be used for parking as shown on the site plan.

Mr. Mackey informed the Commission and audience that there would be very limited parking during the construction period, so the Hospital Authority is entering into an agreement with Cameron University for additional parking during that period. He added that Kip Cummins from the hospital and County Commissioner Johnny Owens are available if the Commission or audience has any further questions or concerns.

Jack Bryan, 10 NW 35th Street, stated that he has some concern about the sewer at the location. He stated that he realizes that there may be some digging done to complete those improvements and wanted to be sure that none of the 'green' zone would be disturbed.

Kip Cummins, Senior Director of Comanche County Memorial Hospital, stated that the buffer zone would remain as it is and would not be disturbed.

Vice-Chairman Denham declared the public hearing closed.

MOTION by Pereira, SECOND by Denham, to recommend to the Lawton City Council approval of a change of zoning from R-1 to P-F on property located at 11 – 29 NW 35th Street. AYES: Davison, Denham, Springborn, Jarvis, Jones, Pereira. NAYS: NONE. MOTION CARRIED 6 – 0.

Vice-Chairman Denham turned the meeting back over to Chairman Henry.

COMMISSIONERS' REPORTS OR COMMENTS

Chairman Henry asked if the sale of the property at 67th Street and Rogers Lane where the movie theater will be located has closed yet.

Rogalski stated that it has not yet closed. He added that the developer/purchaser has made a modification to the binding site plan that was submitted when the CPC approved the UPOR. He stated that the modification would also result in a portion of the land being rezoned at the same time. He added that the developer wants to move the drainage channel.

Commissioner Denham asked if the traffic study has been started yet.

Rogalski stated that the City won't know about the study and the findings from that study until it has been completed.

Chairman Henry stated that it is getting really dangerous driving downtown. She stated that driving on C or D Avenues there is on-street parking near the intersections of the streets running north and south. She stated that you have to proceed so far into the intersection to check for east and west bound traffic that it increases the potential for traffic accidents.

Rogalski stated that the limit lines for the stop signs should be extended. He stated that, when he worked with the on-street parking at City Hall, they created cement islands that extended through the length of the angled parking. He stated that it makes it somewhat easier to see cross-traffic, and provides for additional landscaping.

Commissioner Pereira stated that there is a black pickup truck that parks on C Avenue, near 7th Street. He stated that the truck blocks the view of cross-traffic. He stated that there are also issues with the sidewalks in the downtown area. He stated that changing the parking angle requirements to 45° instead of 60° would allow for better visibility.

Chairman Henry stated that the traffic downtown is much heavier than in the past, so this situation needs to be addressed.

SECRETARY'S REPORT

None.

AUDIENCE PARTICIPATION

None.

Meeting adjourned at 2:30 p.m.

Pat Henry, Chairman
City Planning Commission

jm

MINUTES
CITY PLANNING COMMISSION

Minutes of the City Planning Commission meeting held August 15, 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: Ron Jarvis
 John Pereira
 Dave Davison*
 David Denham
 Pat Henry
 Charlotte Perkins
 Neil Springborn

MEMBERS ABSENT: John Jones (excused)
 Jim Nisbett (excused)

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

*Commissioner Davison entered the meeting at 1:53 p.m.

MINUTES OF THE JULY 25, 2013 MEETING

MOTION by Pereira, SECOND by Jarvis, to approve the minutes of the July 25, 2013 meeting with the elimination of the last sentence in the first paragraph on page 2 of the minutes. AYES: Jarvis, Pereira, Denham, Henry, Perkins, Springborn. NAYS: NONE. MOTION CARRIED 6 – 0.

ANTHONY PROPERTIES REALTY, INC.
Use Permitted on Review for a Movie Theater in C-1
2803 NW 67th Street

1. This request is for an 11.57-acre tract of land located on the south side of Rogers Lane, east of NW 67th Street.
2. The zoning of the surrounding area is:
North - Fort Sill Military Reservation
South - PO (Professional Office District)

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- | | | |
|------|---|--|
| East | - | C-1 |
| West | - | C-3 (Planned Community Shopping Center District) |
3. The land use of the surrounding area is:

North	-	Fort Sill Military Reservation
South	-	vacant
East	-	vacant
West	-	vacant
 4. The current zoning of the requested area is C-1. The applicant desires to construct a multi-screen movie theater which is a Use Permitted on Review in the C-1 district. On June 13, 2013, the CPC approved a Use Permitted on Review for a movie theater; however, the applicant now proposes a larger theater and additional parking on a smaller tract. The developer proposes to move the drainage channel along the west boundary of the C-1 tract and rezone approximately 0.66 acres as C-3 to be developed with the property to the west. Because the site plan has changed, a new Use Permitted on Review would have to be approved.
 5. Notice of public hearing was mailed to three property owners within 300 feet of the requested area on August 5, 2013.
 6. Staff has reviewed the new site plan submitted with the application. The building meets the setback and parking requirements. Access to this tract is shown to be from NW 67th Street aligning with the entrance to Grayson's Mountain Estates. Currently there are no water or sewer improvements to serve this tract. Staff recommends approval subject to the following:
 - a. Submission of a traffic study and queuing analysis to determine where deceleration lanes and/or traffic signals will be required as well as improvements to the intersections;
 - b. Submission of a drainage plan in accordance with Chapter 19A, Lawton City Code including post-construction stormwater quality BMPs to capture and treat the first 0.5 inch of runoff from the site.
 - c. Submission of plans for water and sewer improvements to serve this site.
 - d. Installation of fire hydrants within 300 feet of all portions of the structure in accordance with Section 11-402, Lawton City Code.
 - e. Construction of an all-weather surface secondary access road for emergency vehicles.

Commissioner Pereira stated that it appears that the reason this project is being brought back before the Planning Commission because of a modification to the binding site plan. He stated that he noticed that there was no exit planned on Rogers Lane and asked if it was being contemplated. He added that he is still concerned with the access to this parcel via 67th Street.

Rogalski stated that there is no exit onto Rogers Lane. He stated that Rogers Lane is still a limited access facility. He stated that there has been some discussion about the right of access, but nothing has been finalized yet. He stated that, when the City obtained the property, ODOT didn't provide an easement for right of access.

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Commissioner Denham asked if it would be possible for there to be a frontage road along Rogers Lane for access to the theater property, and who would be responsible for developing it.

Rogalski stated that he believes that it has been discussed, but the site plan does not reflect a frontage road for access.

Commissioner Denham asked Rogalski, with his engineering background, if there would be sufficient space to add a frontage road for access at a later date if traffic conditions warrant it.

Rogalski stated that, in his opinion, there would not be sufficient area for a frontage road with the layout of the current site plan. He stated that there is also no connection to the property to the east, because there is a large open channel to the east of the property. He stated that there would have to be a fairly large culvert installed, which would be similar to a bridge. He stated that the channel becomes wider on the southern portion of the property, so it would be an expensive undertaking.

Chairman Henry stated that those conditions create a situation where the only access to the movie theater is the road that aligns with the entrance to Grayson Mountain Estates.

Rogalski stated that Staff's conditions listed would address needed improvements and concerns about drainage and traffic controls. He added that the fire department has indicated that they want a secondary emergency access for fire and police.

Commissioner Pereira stated that some parking spaces would have to be eliminated in order to create an emergency access. He asked if that should be included in the site plan.

Rogalski stated that Staff has made that a condition to approval. He stated that items a. and e. listed are needed to allow emergency vehicle access and determine any further traffic control needs.

Chairman Henry asked if the binding site plan will also require two additional exits on 67th Street.

Rogalski stated that the site plan indicates additional access on 67th Street, but it is not part of the binding site plan for this agenda item. He stated that Staff is requesting that there be an emergency secondary access.

Commissioner Denham asked about access through the property to the east.

Rogalski stated that it could be done, but it would be pretty expensive. He stated that the property to the east would have to go over a large culvert.

Commissioner Pereira stated that there are already fire hydrants along that eastern portion of the property.

Rogalski stated that not everyone does a traffic impact analysis or installs an emergency access.

Commissioner Denham stated that they were previously told by the developer that a traffic impact analysis is a requirement of the sale of the property.

Rogalski stated that the site plan has been changed to include a really large theater in the middle of the structure.

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 Denham, SECOND by Pereira, to approve a Use Permitted on Review for an amended site plan for the operation of a movie theater on property located at 2803 NW 67th Street, subject to the listed conditions. AYES: Pereira, Davison, Denham, Henry, Perkins, Springborn, Jarvis. NAYS: NONE. MOTION CARRIED 7 – 0.

LAWTON MARKETPLACE
Record Plat

Lawton Marketplace is a commercial development located at the southwest corner of NW Quanah Parker Trailway and NW 82nd Street and consists of 14 commercial lots on 47.24 acres. The land is zoned C-5 (General Commercial District). The developer is Hunt Properties and the consulting engineer is Smith, Roberts, Baldischwiler, LLC.

The construction plat was approved by CPC on May 24, 2012 and by the City Council on June 12, 2012. The developer would like to proceed with the record plat and be allowed to submit an escrow agreement for minor incomplete improvements. An Administrative Revocable Permit will be issued for parking and maneuvering for any pavement placed on top of a public utility easement.

Staff has reviewed the record plat and record drawings and recommends approval subject to the following conditions:

1. Submit maintenance bonds for the public water, sewer, street and drainage improvements.
2. Submit the plat and drawings in AutoCAD on disk.
3. Submit escrow agreement for minor incomplete improvements.
4. Submit signed Revocable Permit form.
5. Show both common drives off of NW 82nd Street and label them as Public Access Easements.
6. Show the as-built grades of the sanitary sewer flow lines and the latitude/longitude coordinates from the center of each manhole on the record

- drawings.
7. Show the relocated 12" waterline valve north of Gray Warr Avenue on the record drawings.
 8. Show the 10" waterline valve at Cache Road. The valve is listed in the notes but not shown and surveyed in on the record drawings.
 9. Change the record drawings to show that concrete was used instead of grouted rip-rap on Quanah Parker Trailway.
 10. Show street lighting at the intersection of NW 82nd Street and Gray Warr Avenue.
 11. Revise the record drawings to show the modified PLC slots and wiring of the traffic light at Cache Road and NW 82nd Street and to upgrade the controller cabinet to provide 16 detector inputs to work the westbound right turn overlap movement with the southbound left turn.
 12. Revise the record drawings to reflect as-built conditions of the curb ramps, once completed, at Gray Warr Avenue and Cache Road and reflect as-built conditions of the "right-in-right-out" southerly driveway along NW 82nd Street.
 13. Submit a new lighting layout for the street lights at Gray Warr Avenue.
 14. Show the correct sidewalk widths along the west side of NW 82nd Street.
 15. At the signalized intersections (NW 82nd & Cache Road, and NW 82nd Street & Gray Warr Avenue), the lane line between the straight and thru lanes should be a 50 foot long solid white stripe instead of broken lines.
 16. Install and show on the record drawings a "STOP" sign and either a "RIGHT TURN ONLY" (R3-5R) or a "NO LEFT TURN" (R3-2) sign at the southerly driveway exit onto NW 82nd Street.

Rogalski stated that a 37-foot public access easement is common for commercial developments like this one.

Greb stated that the escrow agreement is signed by the developer, as well as the sub-contractors.

MOTION by Pereira, SECOND by Davison, to approve the record plat for Lawton Marketplace, subject to the conditions listed. AYES: Davison, Denham, Henry, Perkins, Springborn, Jarvis, Pereira. NAYS: NONE. MOTION CARRIED 7 – 0.

COMMISSIONERS' REPORTS OR COMMENTS

Commissioner Springborn stated that he had been to Neighborhood Services last week and was really impressed with the friendly and helpful service he received from the secretary in the office.

Commissioner Pereira stated that Kingdom Medical did a great job on the new location by Atwoods. He stated that it really makes that shopping center look a lot better.

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Commissioner Pereira stated that library funding for new acquisitions was not approved in the current year's budget. He suggested subscribing to a periodical in the name of the library by the commissioners and citizens of Lawton would help to provide current materials.

SECRETARY'S REPORT

None.

AUDIENCE PARTICIPATION

None.

Meeting adjourned at 1:59 p.m.

Pat Henry, Chairman
City Planning Commission

jm

MINUTES
CITY PLANNING COMMISSION

Minutes of the City Planning Commission meeting held September 12, 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: Ron Jarvis
 Jim Nisbett
 Dave Davison
 David Denham
 Pat Henry
 Neil Springborn

MEMBERS ABSENT: John Jones (excused)
 John Pereira (excused)
 Charlotte Perkins (excused)

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

MINUTES OF THE AUGUST 15, 2013 MEETING

MOTION by Denham, SECOND by Springborn, to approve the minutes of the August 15, 2013 meeting as written. AYES: Nisbett, Davison, Denham, Henry, Springborn, Jarvis. NAYS: NONE. MOTION CARRIED 6 – 0.

CONSIDER THE CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) FOR FEDERAL FISCAL YEAR (FFY) 2012, RECEIVE A BRIEFING ON THE CAPER, HOLD A PUBLIC HEARING TO RECEIVE INPUT FROM CITIZENS, AND APPROVE THE REPORT FOR SUBMISSION TO CITY COUNCIL.

- a. The Citizen Participation Plan requires a public hearing before the City Planning Commission to consider performance reports. The public hearing is to obtain input from citizens and the City Planning Commission for development of the CAPER.
- b. HUD requires grantees to submit a CAPER, which reports on the Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME)

Programs' activities and accomplishments during the previous program year. This CAPER covers the program year July 1, 2012 through June 30, 2013.

Tim Libby, Assistant Director of Housing and Community Development provided the presentation on this item.

Libby stated that the Community Development Block Grant Program (CDBG) funded a total of twenty projects and completed eight projects in the amount of \$301,684 for FFY 2012. He stated that there were 104 households assisted, expending funds in the amount of \$142,828. He stated that Housing Project Costs, in the total amount of \$313,867, covered thirteen lead-based paint testing, thirty-nine emergency home repairs and thirty-five exterior housing improvements. He added that the Public Service Cap, Low to Moderate Credit funds, Administrative Cap and Performance Criteria all met HUD's regulations.

Libby stated that the HOME Investment Partnerships Program (HOME) provided that the use of the funds must be identified within two years and expended within five years. He stated that a total of seventeen households were assisted.

Libby stated that more money is being spent than what is coming into the program, so the funds in reserve from the past are being used as well. He stated that the Section 108 loan funds were spent on the 2nd Street project, and the project is going well. He stated that most of the improvements to 2nd Street have been completed, the hotel and convention center is under construction and the initial ground work is beginning for the retail center. He added that the tax revenue that will be obtained through that TIF district will be great for the City, and the success of this project will make it easier to obtain a Section 108 loan in the future.

He stated that the Neighborhood Stabilization Plan is still part of the CDBG update, as funds are spent to purchase distressed and/or foreclosed homes and rehab them so that they can be sold to low to moderate income buyers. He stated that CDBG acts as the mortgage holder and collects the mortgage payments from the purchaser. He stated that the truth of the matter is that most of these buyers would not be able to obtain financing through standard means.

Commissioner Denham asked if the funds can be spent on vacant lots as well as homes.

Libby stated that CDBG can purchase vacant lots, but there aren't sufficient funds in the program to purchase any land. He stated that there are two homes currently in the process of being rehabilitated, and funds are tied up with that right now.

Libby stated that the HOME Housing Activities expended funds for two first-time home buyer projects, fourteen households assisted and one household assisted with the CHDO Set-Aside. He stated that there was one CHDO project, and Habitat for Humanity usually provides the matching funds, but the city of Lawton is still identified as a city in severe fiscal distress, so there is no match of funds required.

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 Denham, SECOND by Jarvis, to recommend approval to the City Council of the Consolidated Annual Performance and Evaluation Report (CAPER) for Federal Fiscal Year 2012. AYES: Davison, Denham, Henry, Springborn, Jarvis, Nisbett. NAYS: NONE. MOTION CARRIED 6 – 0.

QUANAH PARKER COMMERCIAL ADDITION
Construction Plat

Quannah Parker Commercial Addition is located on the southeast corner of NW 82nd Street and NW Quannah Parker Trailway. This plat consists of 2 lots on 2.69 acres. The land is zoned C-4 (Tourist Commercial District). The developer is Chlorica Farmer and the consulting engineer is Vasquez Engineering.

Staff has reviewed the plat and recommends approval subject to the following conditions:

1. Approval by the Lawton City Council of the access drive on NW Quannah Parker Trailway.
2. Obtain ODEQ permit for the waterline extension.
3. Revise the construction plan sheets as follows:
 - a. On Sheets C1 and C3: the low water crossing of the drive needs to be re-evaluated to provide RCP arch pipe or trough, with ODOT CET.
 - b. On Sheets C2 and C3: add a note that sidewalks are required with the construction of the building. Driveway shall have ADA/COL required 6' sidewalk crossing.
 - c. On Sheets C3 and C4: add a note that existing fire hydrant shall be relocated to 12" line with a new 6" gate valve.
 - d. On Sheet C3: the existing fire hydrant at Station 3+16.6 shall have a new 6" gate valve installed.
 - e. On Sheet C3: install a 2" blow off valve at Station 4+49.
 - f. On Sheet C3: ODOT standard drawing T-101 requires 3 painted arrows for a 100 foot long turn lane instead of the 4 painted arrows shown on the plans.
 - g. On Sheet C3: the white line separating the opposing traffic on the driveway at Quannah Parker Trailway should be double yellow lines.
 - h. On Sheet C2: the access drive on NW 82nd Street shall be posted with a "STOP" sign and a "NO LEFT TURN" (R3-2) sign as this driveway is a right-in/right-out driveway.
 - i. On Sheet C2: a physical solid concrete barrier should be constructed in the median of NW 82nd Street across from the access drive on NW 82nd Street to physically restrict the left turn egress out of the access drive onto southbound NW 82nd Street.

- j. On Sheet C2: install ADA accessible pedestrian ramps at the southeast corner of the intersection on NW 82nd Street and NW Quanah Parker Trailway. A pedestrian crosswalk must be painted connecting the southeast corner of the intersection to the southwest corner. The pedestrian crossing might require moving the stop bar back and depressing the concrete median in the center of NW 82nd Street to make it ADA accessible.
4. Remove the Bonded Abstractors Certificate from the Record Plat.
5. Provide an access easement for the new drive from NW Quanah Parker Trailway across Lot 2 to Lot 1.
6. Show the right-of-way for NW Quanah Parker Trailway on the record plat.
7. Correct the written distance of 499.51 feet to be the same as the drawing, which is 449.51. As shown the written legal description does not close.
8. At the southwest corner of the record plat the 24' non-exclusive access easement should actually extend further to the north to reflect the actual entrance. Provide an additional non-exclusive access easement on the record plat.
9. Provide the current City of Lawton Standard Specifications for construction.

Commissioner Davison asked for clarification on condition number 5.

Dollarhite stated that it is common for this type of access easement so that traffic entering the property from Quanah Parker Trailway can access Lot 1 by traveling across Lot 2.

MOTION by Nisbett, SECOND by Jarvis, to approve the construction plat for Quanah Parker Commercial Addition, subject to the conditions listed. AYES: Denham, Henry, Springborn, Jarvis, Nisbett, Davison. NAYS: NONE. MOTION CARRIED 6 – 0.

COMMISSIONERS' REPORTS OR COMMENTS

Commissioner Springborn stated that he heard on the radio that HUD is trying to get involved with establishing zoning requirements for cities. He stated that it is just in the initial 'idea' stage where HUD feels that they can create greater diversity by establishing zoning regulations.

SECRETARY'S REPORT

None.

AUDIENCE PARTICIPATION

None.

Meeting adjourned at 1:55 p.m.

Pat Henry, Chairman
City Planning Commission

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MINUTES
CITY PLANNING COMMISSION

Minutes of the City Planning Commission meeting held September 26, 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: Ron Jarvis
 John Jones
 Jim Nisbett
 Dave Davison
 Pat Henry
 Charlotte Perkins
 Neil Springborn

MEMBERS ABSENT: John Pereira (excused)
 David Denham (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 SEPTEMBER 12, 2013 MEETING

MOTION by Springborn, SECOND by Jarvis, to approve the minutes of the September 12, 2013 meeting as written. AYES: Jones, Nisbett, Davison, Henry, Perkins, Springborn, Jarvis. NAYS: NONE. MOTION CARRIED 7 – 0.

QUANAH PARKER COMMERCIAL ADDITION
Record Plat

Quanah Parker Commercial Addition is located on the southeast corner of NW 82nd Street and NW Quanah Parker Trailway. This plat consists of 2 lots on 2.69 acres. The land is zoned C-4 (Tourist Commercial District). The developer is Chlorica Farmer and the consulting engineer is Vasquez Engineering.

The construction plat was approved by the CPC on September 12, 2013 and by the City Council on September 24, 2013. The developer would like to proceed with the record plat and be allowed to submit a performance bond for the public water line and turn lane improvements.

The record plat has been reviewed and staff recommends approval subject to the following conditions:

1. Receipt of the \$10,000 limited access fee prior to the start of any improvements.
2. Include the complete legal description under the Owner's Certificate and Dedication.
3. Show Carrie Tubbs as the County Clerk and Barbara Burk as the County Treasurer.
4. Label the Access Easements as "Public".

MOTION by Nisbett, SECOND by Davison, to approve the Record Plat of Quanah Parker Commercial Addition, subject to the listed conditions. AYES: Nisbett, Davison, Henry, Perkins, Springborn, Jarvis, Jones. NAYS: NONE. MOTION CARRIED 7 – 0.

REVIEW ARTICLE 9, CONTROL OF SIGNS, CHAPTER 18, LAWTON CITY CODE.

Staff has been working on revisions to the sign regulations. Staff would like to review some of the provisions of the sign regulations with the Commission as a workshop-style discussion. The first items to be discussed are location and size of electronic message signs, flag (flutter) signs, number of multi-tenant signs allowed, and whether to have an aggregate sign area.

Rogalski stated that the need for an amendment to the sign code becomes apparent because there has been a significant number of signs that have had to be brought before the Board of Adjustment for approval. He stated that electronic message center signs are currently prohibited if they are within 200 feet of any residential district. He stated that the problem is often that the residential zoning continues to the middle of the street, so it can put the residentially zoned property approximately 100 feet from the sign even when the residential structure is further than 200 feet from the location of the sign. He stated that signs that are in front of a building and along arterial streets, but with residential property to the rear of the commercial building, has been a big issue that goes before the Board of Adjustment. He stated that the Board of Adjustment approves these variances, because there is already screening between the commercial building and residential property. He added that smaller electronic message center signs have also been requested by churches, and many churches are located on residentially zoned property and the signs are currently prohibited in any residential zones.

Rogalski stated that multi-tenant signs have also come before the Board of Adjustment. He stated that Code currently allows only one multi-tenant sign per each street frontage, but it doesn't make sense with really big retail projects. He stated, for example, that the Lawton Marketplace is a huge development, and only one multi-tenant sign per street frontage couldn't advertise all of the stores in the center. He stated that it would make more sense to allow one multi-tenant sign per 1,000 feet of street frontage.

Rogalski stated that another issue that should be addressed is the aggregate sign area allowed on a property as well as the flutter signs that have been showing up all over town. He stated that they are basically a temporary sign and haven't been controlled very well. He stated that current Code provides that temporary signs are allowed, but need to be in a rigid frame. He added that this type of sign seems to be very popular and seems to be more of a permanent sign, and it defeats the purpose of them being 'flutter' signs if they must be in a rigid frame. He stated that there needs to be some control as to height, size, number and duration of the flutter signs, especially since they are not currently allowed in Code.

Mackey asked if there have been any complaints about the flutter signs.

Rogalski stated that there haven't been any complaints, but there should be some regulations for those signs since they've been installed all over town for various types of businesses. He stated that there should be some regulation of those signs with regards to the length of time that they are allowed, should they be defined as temporary signs.

Chairman Henry stated that she has no problem with flutter signs on a temporary or permanent basis, but she is concerned that the signs block a driver's line of sight when trying to enter traffic from a driveway.

Rogalski stated that, by regulating the signs, it would enable the city to enforce the line of sight conditions in the sign code.

Commissioner Jones stated that there are continual violations of the sign ordinances over the years, because most people don't know the regulations. He added that there are so many sign regulation issues that are not being enforced at all. He stated that he knows that the Neighborhood Services Division responds to violations based on complaints, but that doesn't mean that all violations of the sign ordinances will be enforced. He stated that he agrees that it doesn't make sense to add more regulations when the current regulations are not being enforced.

Rogalski stated that Neighborhood Services doesn't only respond to complaints. He stated that the code enforcement officers also drive around town and take care of any violations of Code that they find. He stated that the proposed amendments to the sign code would actually relax the regulations somewhat. He stated that current Code provides that temporary signs have to be a rigid frame, which has been determined to be framed on all four sides of the sign. He added that the maximum length of time permitted for this type of temporary sign is seven consecutive days and the maximum number of permits allowed for the signs are five per year. He stated that those regulations should probably be relaxed as well. He stated that the existing Code is so extensive that it is difficult for the code enforcement officers to be fully informed and be able to enforce the regulations.

Commissioner Davison stated that the handout provided to the commissioners shows that some of the other communities that allow flutter signs have setback requirements.

Rogalski stated that the signs would have to be on the property and not within twenty-five feet of the driveway entrance to the parking lot. He added that no signs are allowed in the sight triangle right now.

Commissioner Davison asked if a business with two driveways would be allowed to have one sign per driveway or only one sign per business.

Rogalski stated that the Code amendment would be written with a reasonable amount of flutter signs allowed, and suggested the possibility of one flutter sign per twenty-five feet of street frontage.

Commissioner Jones stated that the effectiveness of the flutter signs is directly related to the number of signs used. He stated that there shouldn't be a restriction as to the number of that type of sign. He added that the flutter signs along the Cache Road Square shopping center this summer looked really good. He asked if the flutter signs would be in the same category as temporary real estate signs.

Rogalski stated that real estate signs are in a different section of the sign Code, as they are not the same type of signs as flutter signs.

Chairman Henry stated that she doesn't have any problem with the flutter signs. She stated that almost every car dealership uses them. She stated that most of the flutter signs are just used to grab a potential customer's attention and don't say anything. She added that restricting the flutter signs by making them temporary doesn't make any sense.

Rogalski asked if the Commission would like the flutter signs to be classified as permanent signs.

Commissioner Nisbett stated that some businesses may use flutter signs as a temporary use, but car dealerships and some other businesses use them to attract attention to their business and use them all year.

Rogalski stated that sometimes they may get a little old and ragged looking, but the condition of the flutter signs can be addressed also. He stated that he will write the amendment with provisions for them as temporary signs and also as permanent signs and it can be decided at that time.

Rogalski stated that electronic message signs were brand new when the sign Code was drafted. He stated that the largest electronic message sign allowed was 200 square feet, unless it was an electronic billboard that is only allowed in C-4 zoning districts.

Chairman Henry asked if the Commission has any control over what can be displayed on the electronic message signs at the Indian casinos and on Indian owned land.

CPC Minutes
September 26, 2013

Rogalski stated that the signs at the Indian casinos are on City property. He added that the large electronic message sign at Fort Sill Apache Hotel and Casino was approved by the Board of Adjustment.

Chairman Henry stated that it is large, but that is what casinos have.

Rogalski stated that the electronic message signs are really not that obtrusive. He stated that churches have been using them so that messages are more easily changed, because the church or business owner doesn't have to go out and manually change the letters on the sign. He added that he is not sure why this type of sign is smaller than other signs, but it is very common to use electronic message signs.

Mackey stated that he doesn't see why this should be a problem if these signs are not a safety issue and there aren't any complaints.

Rogalski stated that there could be an issue with lighting if the signs are located in a residential area.

Chairman Henry asked if the time between when the messages change can be regulated. She stated that reading these signs all along a road can be as distracting to drivers as texting.

Rogalski stated that there are controls in place with how fast the messages can change and prohibit the signs flashing. He stated that Staff would relax the regulations for churches and schools so that the signs are allowed in the residential areas, but would need to be smaller than the electronic message signs permitted on arterial streets.

Commissioner Springborn asked if the advertising posters or banner type signs attached to a business are considered fixed building signs.

Rogalski stated that Code allows 40% of the façade to be building mounted signs, 25% of the window area to have window mounted signs and then pole mounted, ground mounted and multi-tenant signs are also allowed. He stated that it is a huge amount of allowable area for signage, and that is why Staff is suggesting an aggregate to limit the amount of area on a property for signs.

Commissioner Springborn asked if a sign on the side of a building would be included.

Rogalski stated that it would if the side of the building was facing a street.

Commissioner Springborn stated that Smitty's Toot and Tote on NW Cache Road is covered with well over 40% of the façade with beer signs, and it looks hideous.

Commissioner Davison stated that he feels that it is the City's responsibility to correct situations where the signage on a business devalues adjacent property or business owners.

CPC Minutes
September 26, 2013

Rogalski stated that Oklahoma is a very strong property rights state, and government entities are not able to infringe on those rights. He added that the public seems to want the government to leave them alone if what they do with their property doesn't pose a safety issue. He added that there are not a lot of subjective decisions allowed in Code. He stated that the Downtown Overlay District is one of the only portions of Code which allow a Board to consider how the property looks.

Chairman Henry asked if the Architectural Review Committee has the purview to keep a business owner from painting his building entirely purple with a purple roof.

Rogalski stated that the ARC does have that ability when the property is in the Downtown Overlay District.

Commissioner Jones stated that he does have some concern when a sign on a building has a spotlight that shines onto traffic. He stated that it is distracting and dangerous, and there are several of those in town. He stated that this is a safety issue that needs to be enforced immediately.

Commissioner Springborn stated that, in the past, there was a State Statute that prohibited bright lights from shining into traffic. He stated that there were some lights near Harbor Freight on the south side of the building was extremely distracting. He stated that he isn't sure if the lighting issue there or the State Statute still exist, but if so, it should be enforced.

Rogalski stated that lighting issues are something that the Neighborhood Services Division has to rely on complaints, because the code enforcement officers are not on the job at the time where they would notice lighting problems. He stated that it is the same will people illegally parking their cars on their lawns. He stated that the cars aren't parked on the front lawns when the code enforcement officers are available to observe the violation.

Commissioner Jones stated that police officers on patrol at night should be making note of lighting issues and reporting them to the Neighborhood Services Division.

Chairman Henry asked that Staff provides the Commission with the suggested changes to the current Code underlined.

Rogalski stated that Staff will be providing suggested changes in that matter and having another workshop/discussion on the matter before a public hearing for the Code Amendment will be brought before the Commission. He added that there does need to be some adjustment to the aggregate sign area for each type of signs, as well as possibly regulating some of the content on electronic message center signs. He stated that there may be some need for regulation so that a business owner cannot lease space on the electronic message center sign to another business where it can be displayed at times when the business at the location of the sign is not doing business.

CPC Minutes
September 26, 2013

Commissioner Davison asked if the real estate signs advertising Eastlake Addition are allowed to be in the right-of-way.

Rogalski stated that those signs should be on private property and not located in the right-of-way.

COMMISSIONERS' REPORTS OR COMMENTS

Chairman Henry stated that the annual Christmas luncheon for the Planning Commission and Staff would be at the Silver Spoon restaurant at 11:30 a.m. on Thursday, December 12th.

SECRETARY'S REPORT

None.

AUDIENCE PARTICIPATION

None.

Meeting adjourned at 2:10 p.m.

Pat Henry, Chairman
City Planning Commission

jm

MINUTES
CITY PLANNING COMMISSION

Minutes of the City Planning Commission meeting held October 24, 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: Ron Jarvis
 John Jones
 John Pereira
 Dave Davison
 David Denham
 Pat Henry
 Charlotte Perkins
 Neil Springborn

MEMBERS ABSENT: Jim Nisbett (excused)

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

MINUTES OF THE SEPTEMBER 26, 2013 MEETING

MOTION by Denham, SECOND by Jarvis, to approve the minutes of the September 26, 2013 meeting as written. AYES: Jones, Davison, Denham, Henry, Perkins, Springborn, Jarvis. NAYS: NONE. ABSTAIN: Pereira. MOTION CARRIED 7 – 0 – 1.

STAN WARD

Use Permitted on Review for the Operation of a Mixed Beverage Licensee
in Conjunction with a Restaurant in a C-1 Zoning District
7401 NW Cache Road

1. This request is for a tract which measures 400 feet by 175 feet (approximately 1.6 acres). The proposed use is a restaurant with a mixed beverage license. A restaurant is a permitted use in the C-1 district; however, a Use Permitted on Review is required for the mixed beverage license portion of the proposed use.
2. The zoning of the surrounding area is:

- | | | |
|-------|---|---------------------------------------|
| North | - | C-5 (General Commercial District) |
| South | - | R-1 (Single-Family Dwelling District) |
| East | - | C-1 |
| West | - | C-4 (Tourist Commercial District) |
3. The land use of the surrounding area is:

North	-	commercial
South	-	church
East	-	commercial landscaping nursery
West	-	commercial (Santa Fe Restaurant)
 4. The 2030 Land Use Plan designates this tract as Commercial. The previous use of this tract was the Wonder Hostess Bakery Outlet.
 5. Notice of public hearing was mailed on October 11, 2013 to 26 property owners within 300 feet of the requested area. No calls or letters either for or against the request have been received.
 6. Staff has reviewed this request and the site plan and recommends approval.

Commissioner Pereira stated that the site plan shows that the applicant will be using the existing building, and the outdoor seating seems to be located adjacent to the northeast corner of the building. He asked if there would be an issue with the applicant getting a liquor license, because the building is less than 300 feet from the property where a church is located. He added that Outback Steakhouse had issues obtaining a liquor license when they opened.

Dollarhite stated that the primary use of the business is a restaurant. She added that, as long as the total receipts for the restaurant reflect at least 51% for food, the measurement does not apply.

Rogalski stated that the ABLE Commission audits businesses with mixed beverage licenses annually to ensure that the primary use of the establishment is a restaurant. He added that a mixed beverage establishment is a business where 51% or more of their receipts are for the sale of alcohol.

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 Denham, SECOND by Jones, to approve a Use Permitted on Review for the operation of a mixed beverage licensee in conjunction with a restaurant in a C-1 (Local Commercial District) on property located at 7401 NW Cache Road.
AYES: Pereira, Davison, Denham, Henry, Perkins, Springborn, Jarvis, Jones.
NAYS: NONE. MOTION CARRIED 8 – 0.

EASTLAKE ADDITION, PART TWO
 Replat of Record Plat of Block 9

CPC Minutes
October 24, 2013

The Replat of Block 9, Eastlake Addition, Part 2, is located approximately 1/4 mile east of NE Flower Mound Road on the north side of NE Cache Road and contains 10 townhouse lots totaling 3.60 acres. The zoning is R-1 (Single-Family Dwelling District). The developer is Keegan Ledford and the consulting engineer is Alan Hendrick.

Staff has reviewed the plat and recommends approval.

MOTION by Davison, SECOND by Jarvis, to approve the Replat of the Record Plat of Block 9, Eastlake Addition, Part 2. AYES: Davison, Denham, Henry, Perkins, Springborn, Jarvis, Jones, Pereira. NAYS: NONE. MOTION CARRIED 8 – 0.

COMMISSIONERS' REPORTS OR COMMENTS

None.

SECRETARY'S REPORT

Rogalski stated that this would be Jackie's last meeting with the Planning Commission, as she has accepted a position with Serco.

Chairman Henry stated that Jackie would be missed, as she has always been helpful in whatever the Commissioners need. She wished Jackie the best in her future endeavors.

AUDIENCE PARTICIPATION

None.

Meeting adjourned at 1:47 p.m.

Pat Henry, Chairman
City Planning Commission

jm

MINUTES
CITY PLANNING COMMISSION

Minutes of the City Planning Commission meeting held November 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: Ron Jarvis
 John Jones
 John Pereira
 Dave Davison
 David Denham
 Pat Henry
 Jim Nisbett
 Neil Springborn

MEMBERS ABSENT: Charlotte Perkins (excused)

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

MINUTES OF THE OCTOBER 24, 2013 MEETING

MOTION by Sprinborn, SECOND by Pereira, to approve the minutes of the October 24, 2013 meeting as written. AYES: Jones, Pereira, Nisbett, Davison, Denham, Henry, Springborn, Jarvis. NAYS: NONE. MOTION CARRIED 8 - 0.

JUSTIN DIPPREY
Rezoning from R-1 to R-2
2501 – 2507 SW A Avenue

1. This request is for Lots 15 – 18, Block 4, Caldwell's Subdivision of Blocks 5, 6, and 7, Highland Park Addition. The applicant proposes to construct four duplexes on these lots.
2. The zoning of the surrounding area is:
North - R-1
South - R-1
East - R-2

- West - R-1
3. The land use of the surrounding area is:
 - North - single-family residential
 - South - single-family residential
 - East - duplexes
 - West - single-family residential
 4. The 2030 Land Use Plan designates these lots as Residential/High Density.
 5. Notice of public hearing was mailed on October 25, 2013, to 57 property owners within 300 feet of the requested area, and proper notice was published in *The Lawton Constitution* on October 29, 2013. No calls for or against the request have been received.
 6. Staff has reviewed this request, and the analysis is attached. The site plan submitted with the application will be a binding site plan if this request is approved. Each lot contains 6,850 square feet. The minimum lot size for a duplex is 7,000 square feet. The site plan indicates there will be a drive for Lots 15 and 16 and a drive for Lots 17 and 18. Vehicles using the parking spaces will be encroaching on the adjacent lot for maneuvering. Staff recommends approval of the request subject to the following:
 - a. Obtain a variance from the Board of Adjustment for the lot size of 6,850 square feet; and
 - b. Join Lots 15 and 16 on a deed with the stipulation the lots cannot be sold separately and Lots 17 and 18 on a deed with the stipulation the lots cannot be sold separately.

Commissioner Pereira stated that he did not see any handicapped parking facility or the dumpsters trash collection points on the site plan.

Commissioner Jones asked why a dumpster would be at the duplexes.

Chairman Henry commented that she did drive past the location and there would be trash carts, as opposed to a dumpster because she did see that surrounding duplexes had trash carts as well.

Commissioner Davison asked if the duplexes are for rent or sale because if they are for sale, then the handicapped parking and trash cans are not a question but if they are for rent, he felt those items should be in place.

Dollarhite replied that handicapped parking is not required for duplexes.

Rogalski added that the intent for the properties is for rent. In order to sell the individual attached housing there is a different process that is required. He explained to the Commission that there are 4 duplexes with 2 units each, ending with a total of 8 units. The two groups of duplexes can be sold as 4 units but cannot be sold as 8 separate units and cannot be split up and sold.

Commissioner Davison asked if there is a difference between a townhouse and a duplex.

Rogalski answered that there is a difference between a townhouse and a duplex. There are also attached housing, condominiums and there are other processes to sell attached housing but the applicant is not applying to sell the duplexes, just a straight R-2 zoning.

Commissioner Pereira asked if there are 8 units or 16, to ensure they are not two story.

Dollarhite answered that there will be 8 units total and there is only enough parking for single story units. She added if they wanted two-story units they would have been denied, due to the lack of the parking accommodations, per code requirements for a two-story.

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

Phyllis Ann Vanover, 2510 SW A Avenue, asked that this property not be rezoned because she felt it was too small of an area to cram duplexes onto, which would make it look like an apartment complex. She stated she has lived across the street for 26 years and if they wanted to build single-family dwelling she would not mind and felt that the area was already over built. She added that she cannot afford the expense of moving and does not want to see a concrete parking lot across the street.

Justin Dipprey, applicant, 5707 NW Valor Avenue, stated that he completely understood Mrs. Vanover's concerns. He informed the Commission that the previous home on the property was run down and dilapidated, making some of the area aesthetically unappealing. He explained that he does not want to build the duplexes and then turn around and sell them because that is not his intention with this property; the duplexes are a long-term investment for him. He informed that there will be landscaping, with the yards being maintained and mowed once a week. He added that if the duplexes look good, the higher end renters stay long-term, keeping the property and neighborhood value up. He stated that there is research that statistically shows the crime rate has lowered to approximately 28% in the past years. He stated the Cameron University area is growing and getting better and within the past 6 months about 3 dilapidated homes have been demolished to vacant lots from 25th over to 27th Street on A Street. He reassured Mrs. Vanover and reiterated that he plans to build duplexes that will be maintained and not be run down because that is not his intention for the property or the community.

Commissioner Pereira asked if Dipprey already had duplexes built in the area being requested for rezoning.

Dipprey replied that he does have another property with duplexes already built, located at 2422 and 2426 SW A Avenue. He stated that the landscaping is maintained and the yards are mowed. There is a wrought iron fence across the front and a cedar fence surrounding the property. He addressed the concern with the trash carts, and his solution is a fenced in area towards the back of the duplexes which will be concreted and fenced in so the carts are hidden and not sitting out.

Chairman Henry asked if the duplexes located diagonally across the street from this location were built by him.

Dipprey replied yes, that he did build those units. He said that he does not plan to have handicapped accessible units, which is more costly and difficult to try to accommodate or fit a specific market.

Chairman Henry commented that they seem to be nice sized units and asked how large the units were.

Dipprey replied that the existing duplexes are 1,172 square feet per unit, and the requested property will be 825 square feet per unit without a garage but will have custom built cabinets, granite, tile, stained concrete floors, high-vaulted ceilings and stainless steel appliances; catering to the higher end market. He added that the current renters have been taking care of the units and he is taking care of them.

Bruce Bomgardner, 2517 SW A Avenue, stated that he has been living at his home, in the area since 1979. He stated if the zoning is changed to R-2, it would double the amount of residents living in the area. He said that people that live in apartments, duplexes, and trailer parks do not tend to take care of their neighborhoods or have as much respect for the next person as homeowners do because of the investment. He referred to the existing duplexes built by Mr. Dipprey and stated that they do look good because they are brand new but it will drive the property value up, causing taxes to go up even though the property value does not go up. He felt that homeowners are limited because they cannot convert their homes into duplexes, renting them out to earn extra income, due to the existing City ordinances. He stated that within 20 years the neighborhood has the potential to be in worse shape than it is now if the zoning is changed. He commented that if this rezoning is approved then he suggested that from 38th to Sheridan Road, from Gore to Lee Boulevard be rezoned to R-2, allowing anyone that owns property to build duplexes. He felt that there are niches in the way that the ordinances and zoning are and unless you have full favor, legal counsel and a lot of money to throw around, then it does not work. He stated that he does not feel that the minority has a voice or rights and that poor people are being pushed to the side and run over because most of those lots have been taken for taxes and other things.

Chairman Henry informed that there were 57 notices sent out to property owners for this request. She thanked the two property owners who were present and voiced their concerns at this meeting and suggested they get the rest of the property owners to sign a petition, stating whether they are for or against the request. She added that the existing duplexes are a great improvement, which has caused her to have mixed emotions about the request and the voiced concerns of the two property owners on what will improve the neighborhoods.

Chairman Henry declared the public hearing closed.

MOTION by Pereira, SECOND by Jarvis, to recommend to the Lawton City Council approval of a change of zoning from R-1 to R-2 on property located at 2501 – 2507 SW A Avenue, subject to obtaining a variance from the Board of Adjustment for the lot size of 6, 850 square feet and joining Lots 15 and 16 on a deed with the stipulation the lots cannot be sold separately and Lots 17 and 18 on a deed with the stipulation the lots cannot be sold separately. AYES: Pereira, Nisbett, Davison, Denham, Henry, Springborn, Jarvis, Jones. NAYS: NONE. MOTION CARRIED 8 – 0.

Rogalski informed everyone who spoke for or against the request at this meeting that this is just one step in the process Mr. Dipprey has to go through to get approval. There will be two more public hearings, the Board of Adjustments (BOA) and the City Council (CC), before the duplex project moves forward. He urged the two property owners not to get discouraged and to take Chairman Henry's suggestion to get a petition for additional support from their neighborhood and provide it to the BOA and/or Council. He stated that everyone has a voice and having it heard at these meetings is very important.

Mackey asked if the BOA will meet before the City Council meets.

Rogalski replied the BOA must approve the variance before the Council can consider the rezoning.

Chairman Henry reiterated that it is primarily reducing the lot size to 6,850 from 7,000 square feet.

Rogalski informed that the primary grounds for this variance, is that this is an area of town that the rights-of-way are a little wider than normal. Normally, a residential right-of-way would be 50 foot wide. The right-of-way for SW A Avenue is 60 foot. If another 5 foot were added to the lot, then it would be over the 7,000 square feet.

EASTLAKE ADDITION, PART 3B Construction Plat

Eastlake Addition, Part 3B is located north of NE Cache Road and west of NE 45th Street and contains 8 townhouse lots and 78 single family lots totaling 42.62 acres. The zoning is R-3 (Multiple-Family Dwelling District) and R-1 (Single-Family Dwelling District). The developer is Keegan Ledford and the consulting engineer is Alan Hendrick.

Staff has reviewed the construction plat and recommends approval subject to the following conditions:

1. Provide a note on the record plat sheet that it is for information only.
2. On Sheet DP2, SS1, and SS2; revise the street design such that the existing manhole is within the utility easement or move the manhole to a utility easement.
3. On Sheet SS1 – SS8, SW1 – SW7; replace note 2 with "use standard detail #6 on the City of Lawton Subdivision Street -1.

4. Provide legal descriptions for any easements outside the platted boundary.
5. Submit \$150 to Public Works for the hydraulic modeling of the water system extension.
6. Indicate the FEMA Zone X on the construction plat for the areas of the plat that are not located in AE as shaded.
7. Obtain ODEQ permits for the construction of the water and sanitary sewer line extensions.

Staff has reviewed the plat and recommends approval.

Commissioner Pereira stated that he is concerned with the abundance of homes being built in the area. He stated that he understood that 41st Street is designated as a collector but said that a lot of the residents will go down Fieldcrest, taking a right or a left to Cache Road or Rogers Lane. He stated this was an issue because he was informed that there are neighborhood children on that street and the parents would like to have the developer examine the possibility of putting a stop sign or some type of traffic control to slow the traffic down on NE Fieldcrest Drive to the west. He stated that the traffic on Kingsbriar has been clocked at approximately 50 mph and is concerned the same issue will happen on Fieldcrest.

Chairman Henry asked if the stop sign would be the responsibility of the developer.

Commissioner Pereira asked that it just be requested by the developer.

Rogalski stated that having a stop sign in-between the two phases, on a straight street with no intersection would be peculiar.

Commissioner Pereira informed that there is a greenway in there, running north and south but he is not sure if the walking path will be extended or if it will just be a green buffer. He stated that the houses are not adjoined.

Rogalski stated that they could make the developer aware of the concern and to look into a solution to slowing down the traffic on that street.

Commissioner Pereira stated that was all the parents were asking for because around 9:00 a.m. there is a lot of traffic and is concerned with the amount of children in that area.

Rogalski stated that the responsibility would ultimately be the City's.

MOTION by Pereira, SECOND by Nisbett, to approve the construction plat for Eastlake Addition, Part 3B, subject to the conditions listed above. AYES: Nisbett, Davison, Denham, Henry, Springborn, Jarvis, Jones, Pereira. NAYS: NONE. MOTION CARRIED 8 – 0.

Rogalski informed that there are two speed tables in front of City Hall that were put in place because the parking lot is on the other side of 9th Street. He added that particular

section of 9th Street is not a public street and was closed back when City Hall was a school but personally felt the speed tables have been successful in slowing down traffic.

HOLD A PUBLIC HEARING AND CONSIDER AMENDING THE REGULATIONS OF THE HISTORICAL PRESERVATION OVERLAY DISTRICT.

After addressing a couple of requests for the Historical Preservation Overlay District, the Historical Preservation Commission decided that some of the processes needed to be reviewed and possibly revised; for example, not sending notice of public hearing by certified mail to all affected property owners for designation of the HP Overlay District on properties and establishing a process to expedite the issuance of Certificate of Appropriateness by allowing the Planning Director and/or a subcommittee to approve routine requests for Certificate of Appropriateness.

The Historical Preservation Commission reviewed proposed changes on October 22, 2013, and the attached proposed ordinance is the result of their meeting. The highlights of the revision include:

Minor modifications or clarifications of the design guidelines adopted with each HP Overlay District may be made by the Commission for the following:

- Expansion or clarification of the list of allowable materials;
- Modification of the requirement or regulations regarding driveways and the parking of vehicles; and
- Landscaping requirements.

For all other modifications, the Commission will make a recommendation to the City Council, and the City Council will make the final decision after providing notice to all affected property owners.

Certificate of Appropriateness may be approved by the Planning Director, the Subcommittee, or the Historical Commission, depending upon the nature and significance of the work.

Administrative approval may include the following:

- Roofing
- Portable accessory structures no greater than 200 square feet in size
- Widening of a driveway
- Installation of mechanical or electronic equipment
- Fencing
- Repair or replacement of structural elements with identical or like materials

For demolitions, the Planning Director shall have the authority to approve a Certificate of Appropriateness for the demolition of accessory structures and fences,

and the Commission shall have the authority to approve a Certificate of Appropriateness for demolition of major structures.

Rogalski explained the addendum and future requests with the Historical Preservation Overlay District, specifically with the Morford Hills area that has lots of properties within the Overlay District where the rules apply to everyone but there are some regulations that are difficult to hold to every home because of the abundance of differences. He explained that they want to expedite some of the processes. He said that this amendment was brought to the City Planning Commission (CPC) because it is a Chapter 18 zoning code change.

Mackey commented that this request was received as an addendum without ample time to prepare and be able to make a decision.

Chairman Henry stated that the CPC will not be the body making the recommendations to the Council in the way she reads the amendment, which she is not arguing because she feels the HPC should be the body making the recommendations for changes. She added that everything else in the amendment is not necessarily the CPC's responsibility, except for the request to make the changes. She asked if there are two more districts that may want to be a part of the HP and is it one HPC that meets with Council or do they represent all of the HP Overlay Districts. She does agree with the zoning change.

Denham informed that there is only one HPC that represents all of the Districts and that they are just asking for a subcommittee to the Historical Preservation Commission, who will approve minor modifications only.

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

Deborah Jones, Chairman of the Historical Preservation Commission, 2920 NW Templeton Terrace, reiterated Rogalski's statement that there is only one Commission that is charged with initial review and recommendation to the Planning Commission because it is a zoning ordinance of districts and parcels that may have historic significance that wish to have a zoning overlay placed upon them that are additional restrictions than the normal Chapter 18 restrictions. She stated that each time there needs to be an amendment or even liberalizing of the zoning ordinances, it has to come to CPC but the HPC wants to expedite the Certificates of Appropriateness. She informed that there are parcels, maybe districts or non-profits that will come to CPC for a district designation, which will have guidelines. She stated that the CPC, the HPC and the Council are all partnered in this endeavor.

Rogalski stated that there are two things that the HPC does that will not have to go to CPC. The HPC is the authority for Certificates of Appropriateness and when they are appealed it goes to the BOA and does not go to Council at all. He informed that the new code is trying to streamline the review process for approving minor modifications within the Historical Preservation Overlay District.

Chairman Henry declared the public hearing closed.

MOTION by Nisbett, SECOND by Davison, to recommend to the City Council approval of the amendment of the Historical Preservation Overlay District. AYES: Davison, Denham, Henry, Springborn, Jarvis, Jones, Pereira, Nisbett. NAYS: NONE. MOTION CARRIED 8 - 0.

COMMISSIONERS' REPORTS OR COMMENTS

Commissioner Pereira commented about having a sound wall put up along the south side of Rogers Lane to beautify Lawton. He also stated that driving on Rogers Lane at night is too dark and suggested that some type of lighting be installed.

Commissioner Springborn agreed with Pereira and added that the additional lighting should start at the exit from I-44 onto Rogers Lane, which also needs better road markings.

Commissioner Pereira stated that he thinks the lighting will be attended to when the I-44 Interchange project begins. He added that there are a lot of intersections in Lawton that are dangerous and would like information passed on to Oklahoma Department of Transportation (ODOT) about a company called Hi-Tech Linemarking that has a spray on coating that is long-lasting and durable, which increases the traction on the roadways.

Chairman Henry addressed the Mayor and reiterated the concerns with how dark Rogers Lane is for drivers at night. She referred to an agreement during the previous Mayor's term that the Transportation Policy Committee (TPC) had with ODOT, which was to have funding to place lighting on Rogers Lane with the understanding that the City of Lawton will pay the utility bill.

Mayor Fitch stated that he did not have any information about the agreement at this time but will speak with Brad Burgess at ODOT about the lighting concerns and see what can be done. He informed that he will get what information he can and get with Rogalski about the issue.

Commissioner Pereira shared his concern with the sound issue by Northwood Avenue from the passing trucks and stated that there needs to be a wall to help beautify and diffuse some of the sound when you exit I-44 on to Rogers Lane.

Mayor Fitch commented that he will get with Rogalski and address the concerns with Burgess at ODOT and stated that ODOT has been very receptive to the concerns for the community and currently has approximately \$13.5 million dollars worth of projects.

Rogalski referred to the beautification of the bridges with the buffalo and grass designs and suggested that the same design could be integrated into the sound wall to make it more of a beautification project.

Commissioner Jones commented on the residential vacancy rates being the highest it has been in years, with foreclosures going up. He suggested that the City could possibly investigate the message that people are getting, which is not to live in Lawton. He would like someone to look into creating a campaign that will invite people to live in Lawton.

Mayor Fitch stated that he, Bryan Long, Jim Russell and Debra Burch have been discussing, extensively about utilizing funds for a campaign to get feedback from the community; efforts are currently being pursued. He added that he has spoken to different Fort Sill personnel and have been informed there are an abundance of the homes in Lawton that are unacceptable to live in.

Rogalski added that he has been thinking about the rental standards or a rental registration that would have City inspectors come in and inspect properties for standards but there is currently not one in place.

Commissioner Jones stated that there will never be a way around the standards of rental properties and informed that there are plenty of nice homes in Lawton on the market that have been on the market for an extensive amount of time but in general, the market is currently very low, when typically there is a waiting list to get into a lot of the homes. He added that it would be hard to get rid of the people that refuse to take care of their property. He stated that Fort Sill has issued rental standards in the past and has dealt with approximately 35 rental agreements with multiple, individuals around Lawton.

Rogalski agreed with Commissioner Jones but wanted to use rental standards to change the perception of what rental properties are like in Lawton.

Commissioner Pereira commented that in the past the Secretary of the Army visited Fort Sill and had commented on parts of Lawton that are run down, have dumpsters out in front of businesses along main streets, signs are still up when half of the businesses are closed down. He stated that the access from Fort Sill into Lawton needs to be looked at and taken care of; business owners need to know that their businesses are substandard.

Mackey stated that since he has been with the CPC there has been input about new buildings or changes in use but they do not have any say in buildings that have already been established and said it would be nice to be able to regulate the standards there. He commented that it is not beneficial to the business owner to not have a standard.

Mayor Fitch informed that Oklahoma City has over 9 TIF Districts, so taking Cache Road to Fort Sill Boulevard to Sheridan, Sheridan Road up passed Denver Street on up has run down buildings, entering from the Airport coming into town down 11th Street has areas that need to be addressed, as well as other areas of town. He stated that it is not anything new being discussed but it is a great concern to many leaders within this community and other people involved. He reassured that these things are being addressed and are becoming more attractive for economic development from a retail standpoint with

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the 82nd project finishing up and the 2nd Street project being completed early spring 2014, it has just taken small steps and a lot of funding.

Mackey asked the Mayor about the CPC having a meeting with the General Manager of the Hilton.

Mayor Fitch stated he will get the meeting set up with the General Manager and he added that he is very impressed with him. He informed the Committee that functions have already been booked at the Hilton that will start in March 2014.

SECRETARY'S REPORT

Rogalski reported that 11th Street and the Sheridan sections up into Fort Sill have been a concern for him. He informed that within the next six months a lot of the retail projects will become more of a giver than a taker.

Commissioner Denham asked who would initiate the TIF District on 11th Street from Rogers Lane to Smith.

Rogalski answered probably LEDA and then it will go through to City Council. He added that it should be meshed with an Overlay Zone because you can develop interest with the combination, creating a higher standard but it does take a long of time to develop interest and make those types of changes.

Chairman Henry reminded the Commission about having one CPC meeting scheduled for December 12th at 1:30 p.m. and the annual lunch at the Silver Spoon, 11:30-1:00 p.m.

AUDIENCE PARTICIPATION

None.

Meeting adjourned at 2:35 p.m.

Pat Henry, Chairman
City Planning Commission

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