

3. Consider approving a request to enter into a contract application process with the Oklahoma Highway Safety Office and the City of Lawton for an overtime reimbursement of Traffic Enforcement and Project Under 21 (2M2L). It will also allow for the purchase of 4 hand-held radar systems to be used for this enforcement project and allow for public information and education events pertaining to it. This contract will be in conjunction with the Alcohol (D.U.I.) Enforcement grant. Exhibits: Copy of the project contract application request in the amount of \$138,000.00.

Chief Ronnie Smith, Lawton Police Department, stated he would like to amend the request which should have read four mobile radars instead of four handheld radars. He wanted to get that corrected before it was approved.

MOVED by Warren SECOND by Hanna, to approve as amended. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Hanna. NAY: None. MOTION CARRIED.

4. Consider accepting FEMA reimbursement checks for the total amount of Eighty-nine thousand, eight hundred, forty two dollars and sixty cents (\$89,842.60) and authorize the Finance Department to deposit these funds into a Fund 35 account to be used to repair the damaged infrastructure for which the funds were appropriated by FEMA. Exhibits: None.

5. Consider accepting a reimbursement check from the Oklahoma Department of Emergency Management (ODEM) for the total amount of Seven thousand, Forty-five dollars and Sixty-nine cents (\$7,045.69) and authorize the Finance Department to deposit these funds into a Fund 35 account to be used for the damaged infrastructure for which the funds were appropriated by FEMA. Exhibits: None.

6. Consider granting a utility easement to Public Service Company of Oklahoma for the purpose of running a new transmission line to Fort Still, authorizing the Mayor and City Clerk to execute the document. Exhibits: Request letter from PSO, Survey Plat. Easement is on file in the City Clerk s Office.

7. Consider adopting a Resolution authorizing the installation of traffic control measures at intersections of SW Ranch Oaks Blvd. and SW Sedalia Ave.; SW Ranch Oaks Blvd. and SW Arbuckle Ave.; SW Ranch Oaks Blvd. and SW Chisholm Trail Blvd.; SW Sedalia Ave. and Chisholm Trail Blvd.; SW Sedalia Pl. and Chisholm Trail Blvd.; and SW Chisholm Trail Blvd. and SW Belmont St. Exhibits: Traffic Commission Minutes, Traffic Issue Requests, and Resolution 07-__.

Haywood stated on item #5 he would like to add the words or trim. He stated he spoke with Mr. Harris this morning and he is willing to remove or trim the shrubs on Chisholm Trail Boulevard.

MOVED by Haywood SECOND by Warren, to approve **Resolution No. 07-133** as amended. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Hanna, Drewry. NAY: None. MOTION CARRIED.

8. Consider approving the construction plans for an 8-inch waterline located on the east side of Simpson Street between SW B and SW D Avenues. Exhibits: Location Map.

9. Consider approving the construction plat for Oak Ridge Addition, Part 1, subject to conditions. Exhibits: Plat Map

10. Consider waiving the payment arrangement authorized by City Council at the February 13, 2007, meeting and the remaining \$6,513.72 outstanding balance for Ms. Leah Kephart. Exhibits: February 13, 2007 Agenda Commentary

11. Consider awarding (CL08-008) Water Meters, Parts & Repairs Water Distribution to Water Products of Oklahoma, Inc., of Owasso, OK. Exhibits: Department recommendation, abstract of bids.

12. Consider awarding (CL08-009) Water Meters, Parts & Repairs Revenue Services to Sensus Metering Systems of Pittsburgh, PA. Exhibits: Department recommendation, abstract of bids.

13. Consider awarding (CL08-011) Repair Clamps, Bell Joint Clamps & Steel Couplings to Water Products of Oklahoma, Inc., of Owasso, OK. Exhibits: Department recommendation, abstract of bids.

14. Consider approval of payroll for the period of September 17 - 30, 2007.

BUSINESS ITEMS:

15. Hold a public hearing and consider an appeal of the decision of the City Planning Commission to deny a Use Permitted on Review for the conversion of a residential structure to a professional office located at 2123 NW Columbia Avenue. Exhibits:

Location Map, Site Plan, Appeal, Petition and Draft CPC Minutes.

Richard Rogalski, Planning Director, stated that items #15 and #16 pertain to the same lot. He stated if the appeal is granted, it would be contingent on item #16. The appeal means nothing if the rezoning does not pass. He stated if the UPOR is denied and the CPC action is upheld and the zoning is granted, the existing structure could not be used on that property for any purpose.

He stated if the Council denies the appeal, the applicant may ask that they do not grant the request for rezoning. The property is located on the northeast corner of NW Sheridan Road and NW Columbia Avenue.

During the public hearing three persons spoke against the request. A petition containing 37 signatures was submitted opposing the conversion of the residence to business or office use. On September 13, 2007 the City Planning Commission, by a vote of 7 to 1, denied the request for the Use Permitted on Review. On September 18, 2007, Mr. McLaughlin submitted an appeal of the CPC's denial.

Section 18-4-1-413 of the Lawton City Code provides existing residential structures may be converted to professional, administrative, or governmental offices in the P-O (Professional Office District) or C-1 (Local Commercial District) with the approval of a Use Permitted on Review which includes a binding site plan which establishes setbacks, number of off-street parking spaces, landscaping, and screening requirements. Currently the property is zoned R-1; however, Mr. McLaughlin has submitted an application to change the zoning to P-O. The CPC recommended approval of the rezoning to P-O.

The site plan submitted with the application would establish the side yard setback adjacent to the R-1 district at 5 feet rather than 10 feet and would establish the off-street parking at seven spaces rather than the eight spaces required for the existing building with no drive onto Columbia Avenue. The City Code requires a minimum 6-foot screening from the adjacent R-1 district. The site plan shows the existing 8-foot wooden fence constructed by the adjacent property owner. The applicant was advised that should that fence be removed, he would be required to provide the required screening.

Notice of public hearing was mailed on September 18, 2007 to 20 owners of property within 300 feet of the requested area, and proper notice was published in *The Lawton Constitution* on September 23, 2007.

PUBLIC HEARING OPENED.

James Cobb, 2117 NW Columbia, stated this is a tiny house on a tiny lot on a busy Street. He stated one of the things that makes this town look bad is our habit of converting residential property to either offices or for businesses and most of that is slipshod and makes us look very unprofessional. The house is the most they could get on that lot. The overhang of the roof is practically in his back yard. The City established the rules for the professional office for a reason. It seems they are throwing all of those reasons out just so a businessman can take this property, get it rezoned and make a greater profit than he could if he put money into the house and made it presentable and sell as a residence. He requested that the City Council not allow the use of this property as a business. He stated any more traffic will be irresponsible and perhaps lethal. He is also concerned that people will park on Columbia in the street.

Richard McLaughlin, applicant, stated the reason he purchased the home in 1991 is for a business. He found out for a C-1 he would have to build another building because the existing building does not meet C-1 requirements.

The land has been approved in the 2025 Land Use Plan as Professional Office. He was told the offsets and property lines could be waived so he did go with PO. The whole idea of going with C-1 is so he could fix up that building. They have lived in that building for seven years. It is 2,200 square feet with a brand new air conditioner and new roof. It would make a perfect office for that area. He is trying to make use of the traffic flow. He has tried to sell this property three times. Each time he has had no interest from anyone to buy the property for residential use. An attorney tried to get it rezoned to PO but it was denied because of offsets. A daycare was denied. The CPC recommended that the neighborhood buy the house to keep it residential. He is trying to get some use out of the building because it is not suitable for residential, it is too dangerous. He stated they did originally have exits on Columbia but he closed that due to the neighborhood. That cost him a parking space. If he has to tear down the building he might as well asked for a C-1 zoning.

James Brock, 311 NW Sheridan, stated he has lived on Sheridan Road for 39 years and he has never had a fender bender leaving his home. He stated he is not opposed to a commercial building, but this structure will look makeshift if they convert this house into an office and that is his objection.

Steve Boyce, 2114 NW Columbia, stated that the two buildings just north of this property, built by Rich Construction, are gorgeous buildings. They add value to Lawton. One property to the north of those buildings is a combination insurance/real estate office that when you look at, there is no doubt that it is a former home that has

been converted to a business. It does not add any value to Lawton. He stated you really cannot untie these two agenda items. He stated this house runs at a 45 degree angle as does the house to the south. The builder established a gateway to this community. The CPC noted this. He requested the City Council deny this appeal.

Betty Foster, 2105 NW Columbia, stated as they look at Dearborn and Columbia they see the neighborhood with the two parks. Her and her husband bought the house in 1963 and the neighborhood is wonderful and it is still beautiful. They would like to keep it this way without a makeshift business.

PUBLIC HEARING CLOSED.

MOVED by Shanklin, SECOND by Drewry, to uphold the decision of the City Planning Commission and deny the request. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Hanna, Drewry, Jackson. NAY: None. MOTION CARRIED.

Mayor Purcell questioned if the applicant wanted to strike item #16 or they can open the public hearing and continue it until the next meeting.

Rogalski stated the applicant has indicated he wishes to move forward.

16. Hold a public hearing and consider an ordinance changing the zoning from R-1 (Single-Family Dwelling District) to P-O (Professional Office District) zoning classification located at 2123 NW Columbia Avenue. Exhibits: Ordinance No. 07-____, Location Map, Site Plan, Application and CPC Minutes.

Rogalski stated this is the same site as the last item. He stated that owners of 35% of the land are within the 300 protested the rezoning. It would take 50% to require six votes for the rezoning. He stated they have received several petitions against this rezoning. The zoning of the surrounding area is P-O and C-1 (Local Commercial District) to the north, R-1 to the south and east, and C-5 (General Commercial District) to the west. The land use of the surrounding area is professional office and beauty shop to the north, single-family to the south and east, and commercial and apartments to the west. The 2025 Land Use Plan designates this lot as Professional Office as well as the other lots between Ferris Avenue and Gore Boulevard on the east side of Sheridan Road. Initially the applicant requested C-1 zoning for a beauty supply store; however, during the August 16, 2007 public hearing before the City Planning Commission, he changed the request to P-O for an office. The applicant desires to convert the existing residential structure to a professional office which requires approval of a Use Permitted on Review.

On August 16, 2007 the City Planning Commission held a public hearing on the request for rezoning from R-1 to C-1. At that public hearing 5 persons spoke against the request and one person spoke in favor of the request. A petition was submitted with 28 signatures opposing any other zoning which allows other than single family dwelling use of this property. The applicant amended his request to P-O zoning, and the CPC continued the public hearing to September 13, 2007 to allow the applicant to submit an application for Use Permitted on Review and a site plan to convert the residential structure to a professional office.

On September 13, 2007 the City Planning Commission continued the public hearing for this request, and at that public hearing six persons spoke against the request. Another petition was submitted with 37 signatures opposing the rezoning of Lot 20, Block 3, Morford Addition (2123 NW Columbia) from R-1 to Professional Office or any other zoning that allows other than single family dwelling use and we oppose the conversion of this building from residential to business or office use... The CPC, by a vote of 6 to 2, recommended approval of the P-O zoning. The CPC denied the request for the Use Permitted on Review to convert the residential structure to an office. The applicant appealed the denial, which is a separate item on the Council agenda.

Notice of public hearing was mailed on September 18, 2007 to 20 owners of property within 300 feet of the requested area, and proper notice was published in *The Lawton Constitution* on September 23, 2007. Five telephone calls against the request have been received.

Patton questioned if the PO zoning is passed, what does that mean to the owner.

Rogalski stated that Professional/Office does not allow residential use, so the applicant would not be allowed to use that structure as a residential use. The structure does not meet zoning requirements because the setback from residential in the PO is ten feet. This structure does not conform with the zoning requirements, however it would not legally be a non-conforming structure it does not meet those qualifications. It is simply a structure that cannot be used as it is for professional office. The structure would have to be modified to meet the zoning requirements which is just a building permit away.

Patton questioned if the applicant would be able to use the existing building and meet code.

Rogalski stated it would take extensive modification and they would have to cut the corner off of the building.

Patton questioned if that would have to come before the City Council.

Rogalski stated it would be a building permit process. He stated it is great when people build buildings that are attractive, but code does not legislate attractiveness.

Mayor Purcell stated that if this property is rezoned, the applicant could not continue to live in the house as residential.

Rogalski stated that is correct. In thirty days when the zoning goes into effect, he would be in violation.

Mayor Purcell stated the applicant would have to modify the structure to meet all of the offsets, or tear it down and start over.

Patton questioned if anyone lived in the home.

Rogalski stated it is occupied.

Patton stated if you look at all the options, PO is the best option. He stated over time, this will not be able to stay residential. Realistically it will either go PO or commercial. He agrees with the other residents and he does not like to see houses converted into offices. He stated PO would be the most conducive to the neighborhood.

Warren questioned why they could not use transition zoning.

Rogalski stated there is no binding site plan prepared. The TR zoning is more restrictive and will make it less attractive and the setback would be even more than ten feet.

Warren stated this is not a viable residential property. At the same time they need to figure out a way to protect the neighborhood. He would like to think they could change this to PO and it would become attractive to someone who owns abutting PO property, but that would all be speculation.

Drewry stated if it is changed to PO, the owner can chop it up and use it as PO. He doesn't have to tear it down and build a new office.

Rogalski stated it would have to meet building code. The architectural materials ordinance would require an approved material on the side adjacent to residential.

Drewry questioned what kind of parking would be required.

Rogalski stated PO requires one parking space for every 300 square feet of gross floor area. There is no way to guarantee a really nice looking building.

Warren stated whatever happens, this is just a messed up lot. It is not big enough to do what needs to be done to make it viable as PO.

Rogalski stated there is enough lot there to build something.

Mayor Purcell questioned if the applicant chops the structure up, is there some requirement for specific facades that would require it to look like a newly built office building.

Rogalski stated the entire building would have to meet applicable code which would require the owner to meet architectural material standards. The code only takes you so far. The owner could meet code, but still have an unattractive building.

Mayor Purcell stated they could start from scratch and still build a new unattractive building.

Rogalski stated most builders are taking pride in their structures and they want to draw people to their buildings.

Mayor Purcell stated if the applicant kept the existing structure the applicant would have to meet all of the screening and landscaping requirements.

PUBLIC HEARING OPENED.

James Cobb, 2117 NW Columbia, stated when he put together the petition he polled the two blocks adjacent to his home. After the CPC meeting he polled the rest of the neighborhood. He stated it was not a planned effort, he just walked the neighborhood one time. He stated the 2005, 2010 and 2015 Land Use Plans all stated clearly that this stretch was to remain residential. The 2025 plan says make this all professional office. He stated Lawton is

#2 among small cities for the amount of commercial property we have and #8 among all cities in the U.S. and about 40% of commercial property in Lawton is vacant. The last thing they need to do is add another property to that list. He stated this is the gateway to their neighborhood and this is not the time for this property to go to a PO zoning. They need this to remain a viable part of their neighborhood. He stated lining the thoroughfares with businesses creates a strain on utilities and creates a traffic nightmare. He stated this is all about a businessman who could not afford the high price of commercial property and it is much easier to purchase residential property, rezone it and sell it at a profit. He stated he has a problem with the applicant reaching into the neighbors pocketbook and decreasing their property value.

Patricia Brandon stated this is an issue that Lawton will face repeatedly. She stated they need to consider growth. She stated she would not want to live on this property, it is not safe. They need to protect the rights of the neighborhood, but at the same time they need to be realistic about what direction they are going in. She suggested the City Council put together a task force to study this one particular property and do a cost analysis of what it would take to make this into a green area.

Steve Boyce, 2114 NW Columbia, stated it comes down to when eventually starts. Mr. Patton and Mr. Warren said that eventually this lot would go to a PO zoning. The neighborhood thinks that eventually starts later, not now. There is vacant commercial property just south of this lot. This is a difficult piece of property to put an office. There are three city parks within walking distance of this property because the developer had the good sense to try and build a sense of community. They are trying to protect that sense of community. They think that property can still be used. There is not a desperate need for professional office space in Lawton.

Rhonda Boyce, 2114 NW Columbia, stated she is more scared now just knowing that the owner can chop off part of the building and put parking in his front yard. That is their neighborhood. That is their investment. Her husband is waiting on a double transplant and they cannot afford for their property value to be ruined. She requested the City Council not allow this.

PUBLIC HEARING CLOSED.

MOVED by Shanklin, SECOND by Drewry, to deny the rezoning. AYE: Patton, Haywood, Warren, Shoemate, Drewry, Jackson, Shanklin. NAY: None. ABSENT: Hanna. MOTION CARRIED.

17. Hold a public hearing and consider an ordinance changing the zoning from Temporary A-1 (General Agricultural District) to R-1 (Single-Family Dwelling District) zoning classification located at the northeast corner of SW 67th Street and Bishop Road. Exhibits: Ordinance No. 07-____, Location Map, Application and Draft CPC Minutes.

Rogalski stated this request is for 157.5 acres located in the Southwest Quarter of Section 4, Township 1 North, Range 12 West, less and except the NE/4 of the NE/4 of the NE/4. The zoning of the surrounding area is Temporary A-1 to the north and south, R-1 and R-4 (High Density Apartment District) to the east, and R-1 to the west. The land use of the surrounding area is vacant agriculture to the north and south, and vacant and single-family residential to the east and west. The proposed use is a single-family residential subdivision, Oak Ridge Addition.

On September 13, 2007 the City Planning Commission held a public hearing on this request. No one spoke for or against the request. The CPC, by a vote of 8 0, recommended approval to the City Council.

Notice of public hearing was mailed on September 18, 2007 to 16 property owners within 300 feet of the requested area, and proper notice was published in *The Lawton Constitution* on September 23, 2007.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

Warren questioned if the developer had any plans to invert any houses on 67th.

Rogalski stated that the construction plat was approved on this agenda and all of the homes back up to 67th.

MOVED by Warren, SECOND by Haywood, to adopt **Ordinance 07-58**, waive the reading of the ordinance, read the title only. AYE: Haywood, Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 07-58

An ordinance changing the zoning classification from the existing classification of Temporary A-1 (General Agricultural District) to R-1 (Single-Family Dwelling District) zoning classification on the tract of land which is hereinafter more particularly described in section one (1) hereof; authorizing changes to be made upon the official

zoning map in accordance with this ordinance.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

COL. Bridgeford stated he has talked about the contracts that have been let at Fort Sill and they were suppose to have another \$70 million allocated in fiscal year 2008. This money has been pulled forward to this year and all of the monies for the air defense artillery school have been awarded. He stated this is pretty significant on the part of the Army to pull that money forward and it shows the importance of completing this project and getting the school and additional barracks facilities built. He stated on October 18th he will have his town hall on Fort Sill.

Shoemate thanked everyone who attended the opening of the Comanche National Museum. He stated he has been talking with some people with the post office regarding the street name changes. He stated there has been talk about whether they should or should not do this. He spoke with the post master who told him it was a nightmare both locally and nationally. He would like to see the City Council consider dedicating the street which would still honor that person without changing anything. It would save a lot of headache. He stated the police and fire personnel feel the same way.

Haywood stated he disagrees. He stated they add streets every day and all they are doing is showing respect to those individuals who have done some things. He stated some times people just don t want to change. He stated if not for people like Albert Johnson this would not be a diverse town. These people are pioneers that have worked in this town and they are only getting this recognition now. He stated the post office does not want mail boxes either, they want mail boxes where everyone has to go to one spot to get their mail.

Shoemate stated those are wonderful people, but to look at the overall picture, it may be affecting the national publications that go out and cost a lot of money. If they don t dedicate the street, they need to look at a new street and name it for a person.

Haywood stated it is no more than when they named Numu Creek.

Shoemate stated that was a state project.

Mayor Purcell suggested someone agenda an item to discuss a new policy. He also has heard from previous post masters. The problem is not just locally, it is world wide with zip codes and it causes huge amounts of turmoil when they rename a street. They may want to consider naming new streets or dedicate existing streets.

Drewry stated she had an opportunity to walk to Whittier School one morning for Safe Routes to School and she was extremely impressed. She hopes that the City Council will get behind this program. This mile walk to school gives the kids an opportunity to get rid of any morning frustrations they may have. Once they get to school they are ready to work, their grades get better and there is less disruption. She feels it is a great program that goes along with a fit kids program that is going on all over the state.

Haywood stated they call these routes walking school buses. He stated it is a wonderful thing with the parents walking or riding bikes with the students.

Drewry stated at the last meeting there were a couple other schools there along with Elgin and Cache. She would like to make this a Comanche County program where they really work to get kids healthier. Churches are embracing this program to have after school programs for the kids and it will really be a big deal for Oklahoma.

Warren stated he agrees with Councilmember Shoemate regarding the street renaming. He stated they designated a street in honor of the veterans. This does not lessen the amount of honor that they bestowed. They can dedicate streets and serve the same purpose of upholding those individuals while at the same time not interfering in anyone s life. He feels they really need to do that.

Mayor Purcell stated there will be a meeting regarding the bike trails on Thursday at 6:30 p.m. at the Museum of Great Plains. He thanked Jerry Orr for all of his work with the Boy Scout Jamboree. He stated over 4,500 kids were at the park for those two days. He thanked Dr. Sylvia Burgess and General Toney Strickland for their work in getting the right information out to the public regarding the sales tax election.

Mitchell stated on Thursday there will be a group in town from Washington D.C. to talk about the compatible use buffer program at Fort Sill. He stated on November 5th the Great Plains Technology Center will host a groundbreaking for our new 911 regional dispatch facility. He stated there is a set of plans available for viewing in the conference room for Phase II of Central Junior High project. After the final review the documents will be prepared for bids.

Shanklin questioned if we are short of money.

Mitchell stated the total project is not funded. Part of the reason is that we were promised \$3 million from the

Centennial Commission and we only received \$1 million.

Mayor Purcell stated there are some other members of the legislature that are working on some additional funding.

There being no further business to consider, the meeting adjourned at 7:33 p.m. upon motion, second and roll call vote.

JOHN P. PURCELL, JR., MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK