

MINUTES
CITY PLANNING COMMISSION

Minutes of the City Planning Commission meeting held May 24, 2018 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 Vice-Chairman David Denham.

MEMBERS PRESENT: Dave Davison
 David Denham
 Charles Hargrove
 Neil Springborn
 John Jones
 Deborah Jones
 Ron Jarvis

MEMBERS ABSENT: Pat Henry (excused)

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

APPROVAL OF MINUTES OF THE MAY 10, 2018, MEETING.

MOTION by Springborn, SECOND by J. Jones, to approve the minutes of the May 10, 2018, meeting. AYES: Springborn, Hargrove, J. Jones, D. Jones, Jarvis, Davison, Denham. NAYS: NONE. MOTION CARRIED 7 – 0.

DUNBAR COMMERCIAL ADDITION, PART 2
Construction Plat and Record Plat

Dunbar Commercial Addition, Part 2, is located on the northeast corner of SW 52nd Street and SW Lee Boulevard. This plat contains 1 commercial lot zoned C-5, General Commercial District. The developer is Reba Arnold Aylward, Revocable Trust and the consulting engineer is Landmark Engineering.

The construction plat is to extend approximately 185 feet of 8-inch sanitary sewerline to serve the proposed lot. The developer desires to file the record plat prior to constructing the public sewerline extension included in the construction plat, and is therefore requesting that City Council accept a performance surety in the amount of \$13,000.00 in

lieu of completing and dedicating functional improvements. This is in accordance with Section 21-2-207B of the Lawton City Code.

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

1. Obtain ODEQ permit for the construction of the sewerline extension.
2. Add a note to the manhole at Sta 0+00 stating to core drill and install a link seal gasket system.
3. Include a note on the plans to adjust the manhole to 6" above grade.
4. Provide the easement document, including a complete legal description, for easements outside the platted boundaries.
5. Provide a copy of the restrictive covenants or remove the reference from the certificate and dedication.

MOTION by D. Jones, SECOND by Jarvis, to approve the construction plat and record plat for Dunbar Commercial Addition, Part 2, subject to the conditions listed. AYES: Denham, Jarvis, J. Jones, Davison, D. Jones, Springborn, Hargrove. NAYS: NONE. MOTION CARRIED 7 – 0.

COMMISSIONERS' REPORTS OR COMMENTS

Commissioner D. Jones asked, in regard to the carport ordinance, if a Councilperson prepares a new ordinance amending Chapter 18, will it come back to the Planning Commission before going back to the City Council.

Greb stated it depends on the particulars. He understood that City Council continued the public hearing and they were going to make modifications to the ordinance as presented. If you look at the Statutes, the City Council has the authority to amend those types of building regulations. The Statutes gives that explicitly to the governing body and allows the governing body to, by ordinance, say how they are going to go about doing that amendment. Our City Code provides for a public hearing at the City Planning Commission meeting and then a public hearing at the City Council meeting. It is clear that the City Council would have the authority to make changes to whatever it is that was presented to them. He thinks that would be limited only to the extent that the changes that are made are within the scope of the subject matter of the public notice given on the agenda item.

Commissioner D. Jones stated her concern is a little different. She was not at the last Planning Commission meeting and in fairness to Councilperson Davis, she really does not know what his concerns are and she does not feel like any of the other Commissioners knew what his concerns were. It appears to her that it might be that both the Planning Commission and Councilperson Davis have a common resolution to the problem. It would be her recommendation if Councilperson Davis wants to pursue this that he expresses concern and let the Planning Commission express their concerns and see if a resolution can be worked out.

Greb stated that can certainly be done. City Council can refer it back to Staff to take it back to the Planning Commission. If it is a question of the City Council's authority to make changes to ordinances, unless they are making some egregious changes that have nothing to do with the agenda item that was presented to them under discussion, then he thinks it is within their authority to make those types of modifications and changes, even to the proposed ordinance that was presented to them. It would be a good idea for them to send it back to the Planning Commission for review and he has no problem with City Council doing so.

Commissioner D. Jones stated now that has been said, there is a secondary concern. If the Staff advertises an amendment to Chapter 18, does that constitute public notice if something is delayed in City Council?

Vice-Chairman Denham asked if the public hearing was continued by City Council is there a need for more public advertising.

Mackey stated the public hearing was kept open.

Vice-Chairman Denham asked when the agenda item, with any modifications, would be placed on agenda.

Commissioner D. Jones stated that is a good point because when the Planning Commission continues a public hearing, it is to a date certain.

Mackey stated the City Council actually did continue the public hearing until June 24th. He stated he watched it on TV and the very first thing that was said was Councilperson Davis stated he could not approve the ordinance as written because it was not as he envisioned it would be. He basically asked that it be withdrawn. Mackey stated that City Council already knows the Planning Commission unanimously voted against this and they know the reasons. He told Commissioner D. Jones they knew about her letter and he told her that her letter was read aloud in the Planning Commission meeting. He told her it said pretty much what everyone else was thinking. He stated he had never seen such a unanimous no vote against something as came from the meeting that day.

Commissioner D. Jones stated in fairness to Councilperson Davis she still does not know what he sought to amend.

Mackey stated he thinks Councilperson Davis was just trying to make it simpler and cheaper for someone to put up a carport. He stated Councilperson Davis backed off of doing away with the architectural plan as well. He backed off of virtually everything. He stated that anything that would come up, he would think would be within the parameters set by the notice that was given, so he does not know if technically it would have to come back to the Planning Commission. He thinks it would be smart to send it back to the Planning Commission, but they would have to re-publish the public hearing twice which cost money.

Commissioner D. Jones stated she can assure everyone that the publication costs has never been an issue with the City.

Vice-Chairman Denham stated he did not know if Councilperson Davis actually gave Rogalski or the Staff a whole lot of direction when writing the ordinance and what changes to make. He feels if there is going to be a new ordinance written and it does not come back before the Planning Commission then they should at least be notified so they can be at that City Council meeting and voice their views and opinions.

Commissioner J. Jones asked when Staff is asked by a Councilperson to re-write an ordinance like this, does it go back to the Councilperson for review before it goes to the Planning Commission? He stated he thinks that would be very important to do that.

Dollarhite and the Commissioners agreed. She stated at the City Council meeting, some of the Council members distributed photos of existing carports. They wrote on the photos if they thought it was a good design or not. There was one photo of an agricultural looking carport that they did not like. Dollarhite passed these photos around for the Commissioners to view.

Commissioner D. Jones stated she thought that one photo was the one driving this train. She has not talked to Councilperson Davis. She certainly she would have an objection to allowing the tractor covers, as she calls them, in the City of Lawton. They are not secure carports. She just wants to give Councilperson Davis an opportunity to express his concerns and perhaps give the Planning Commission an opportunity to express their concerns and maybe come to a resolution. She stated she read the minutes and saw where Councilperson Davis did not come to the Planning Commission public hearing, so he had an opportunity to see the ordinance that was written. She feels like Staff allowed him ample opportunity to look at the ordinance that was written before it went to City Council.

Commissioner J. Jones stated he just thinks it should be worked out between the Councilperson and whoever is writing the ordinance before it is presented to the Planning Commission.

Mackey stated he feels Rogalski has plenty to do without having to write this kind of stuff. It takes a lot of time and he feels whoever is requesting it should write it.

Commissioner D. Jones stated the person who requests it should at least be able to clearly state what amendment they want. When you get into some Code amendment in Chapter 18 that has a major impact on the community, it is an odd thing that it does not go to the City Council first to have them to authorize the Planning Commission to look at this or maybe have a committee or some middle ground, before they reach this huge gap between the two, and provide a way to communicate better. It used to be when you had a Staff Study that would require Staff time or an expenditure of money in research, the entire City Council had to authorize it. She does not know if that policy is still in effect,

but it certainly should be brought to the attention of the City Council before that effort was put forth.

Vice-Chairman Denham stated that Commissioner J. Jones served on the Sign Committee for months and it went to City Council and was tabled for months now with nothing being done. He stated he just does not understand the strategy here and it all seems to be tied to the same to City Council.

Commissioner D. Jones stated she does not mind City Council tabling items if they do not know what they are going to do. She would rather they table indefinitely than have the Staff draft five different ordinances, with none of which seem to hit the goal. That really seems to waste everyone's time.

Vice-Chairman Denham stated volunteer time is also being wasted and money is being given up to come sit in hour plus long meetings and then to have it just sit and go nowhere. He feels there needs to be resolution and not tabled indefinitely.

SECRETARY'S REPORT

None.

AUDIENCE PARTICIPATION

None.

Meeting adjourned at 1:51 p.m.

David Denham, Vice-Chairman
City Planning Commission

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