



METROPOLITAN AREA PLANNING COMMISSION

NOTICE OF MEETING

Notice is hereby given that the Enid-Garfield County Metropolitan Area Planning Commission will meet in regular session at 6:00 p.m. on the 15th day of April 2019, in the Council Chambers of the City Administration Building, located at 401 W. Owen K. Garriott Road, Enid, Oklahoma, and the agenda for said meeting is as follows:

- AGENDA -

METROPOLITAN AREA PLANNING COMMISSION REGULAR MEETING

- 1. CALL TO ORDER/ROLL CALL.
- 2. CONSIDER APPROVAL OF MINUTES OF THE REGULAR METROPOLITAN AREA PLANNING COMMISSION MEETING OF MARCH 18, 2019.
- 3. ADMINISTRATION.
 - 1. HOLD PUBLIC HEARING ON AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE 2014, TITLE 11 "ZONING", CHAPTER 3 "BOARD OF ADJUSTMENT", SECTION 11-3-6 "SPECIAL EXCEPTIONS" TO ADD A SPECIAL EXCEPTION FOR TELECOMMUNICATION FACILITIES PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY, AND CODIFICATION.
 - 2. HOLD PUBLIC HEARING ON AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 11, "ZONING", CHAPTER 1, "PURPOSE; INTERPRETATION; DEFINITIONS", SECTION 11-1-7 "DEFINITIONS" TO ADD 'SMALL WIRELESS FACILITY'; AMENDING CHAPTER 5, "A AGRICULTURAL (GENERAL) DISTRICT", SECTION 11-5-2 "PERMITTED USES"; CHAPTER 6 "RESIDENTIAL DISTRICTS" ARTICLE E "R-4A FOUR-FAMILY RESIDENTIAL DISTRICT", SECTION 11-6E-2 "PERMITTED USES"; CHAPTER 9 "SU SPECIAL USE DISTRICT", SECTION 11-9-2 "DISTRICT USE REGULATIONS" TO INCLUDE SMALL WIRELESS FACILITY AS A PERMITTED USE; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY AND CODIFICATION AND DECLARING AN EMERGENCY.
- 4. ZONING.

- 1. CONSIDER A REZONING FOR PROPERTY DESCRIBED AS LOT 5, BLOCK 2, LAHOMA ADDITION, LOCATED AT 603 SOUTH CLEVELAND FROM C-1 LIGHT COMMERCIAL DISTRICT TO C-3 GENERAL COMMERCIAL DISTRICT.
- 2. CONSIDER A REZONING FOR PROPERTY DESCRIBED AS LOT 6, BLOCK 2, LAHOMA ADDITION, LOCATED AT 611 SOUTH CLEVELAND FROM R-4 RESIDENTIAL DUPLEX OR TWO-FAMILY DWELLING DISTRICT TO C-3 GENERAL COMMERCIAL DISTRICT.
- 3. CONSIDER A REZONING FOR PROPERTY DESCRIBED AS BLOCK 10, LAHOMA ADDITION, LOCATED AT 2201 WEST OWEN K GARRIOTT ROAD FROM SU SPECIAL USE DISTRICT TO C-3 GENERAL COMMERCIAL DISTRICT.
- 4. CONSIDER A REZONING FOR PROPERTY DESCRIBED AS LOT 1, BLOCK 7, DOUTHITT'S 3RD ADDITION, LOCATED AT 601 WEST STATE AVENUE FROM SU SPECIAL USE DISTRICT TO C-O COMMERCIAL OFFICE DISTRICT.
- 5. CONSIDER A REZONING FOR PROPERTY DESCRIBED AS BLOCK 1, LOTS 1, 2, 3, 4, 13, 14, 15 AND 16, BLOCK 2, ORIGINAL TOWNSITE OF CITY OF ENID, GARFIELD COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, ALONG WITH A PORTION OF VACATED NORTH 9TH STREET BETWEEN EAST BROADWAY AVENUE AND EAST RANDOLPH AVENUE DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF BLOCK 1, ORIGINAL TOWNSITE OF THE CITY OF ENID, THENCE SOUTH 320 FEET TO THE SOUTHWEST CORNER OF BLOCK 1, ORIGINAL TOWNSITE OF THE CITY OF ENID; THENCE WEST 80 FEET TO THE SOUTHEAST CORNER OF LOT 16, BLOCK 2, ORIGINAL TOWNSITE OF THE CITY OF ENID; THENCE 320 FEET TO THE NORTHEAST CORNER OF LOT 1, BLOCK 2, ORIGINAL TOWNSITE OF THE CITY OF ENID; THENCE 80 FEET TO THE POINT OF BEGINNING, LOCATED IN THE 800 BLOCKS OF EAST RANDOLPH AND EAST BROADWAY FROM C-3 GENERAL COMMERCIAL DISTRICT AND R-7 RESIDENTIAL MULTI-FAMILY DWELLING DISTRICT TO SU SPECIAL USE DISTRICT.

5. LOT SPLITS.

- 1. CONSIDER A LOT SPLIT FOR ENID INDEPENDENCE SQUARE, LLC WHICH IS A TRACT IN THE WEST HALF OF SECTION 16, TOWNSHIP 22 NORTH, RANGE 7 W.I.M. LOCATED IN THE 1200 BLOCK OF SOUTH WHEATRIDGE ROAD.
- 6. VARIANCES.
 - 1. CONSIDER A REQUEST FOR A SIDEWALK VARIANCE FOR LEILANI ROGERS, FOR PROPERTY LOCATED AT 2430 NORTH JACKSON STREET.
 - 2. CONSIDER A REQUEST FOR A VARIANCE TO CITY OF ENID ORDINANCE 10-6-1 SIDEWALKS REQUIRED, FOR PROPERTY LOCATED AT 5314 WEST OWEN K. GARRIOTT ROAD.
- 7. ADJOURN.

Meeting

Meeting Date: 04/15/2019

Submitted By: Karla Ruther, Assistant City Planner

SUBJECT:

CONSIDER APPROVAL OF MINUTES OF THE REGULAR METROPOLITAN AREA PLANNING COMMISSION MEETING OF MARCH 18, 2019.

BACKGROUND:

RECOMMENDATION:

PRESENTER:

Attachments

3-18-19 Draft minutes

2.

DRAFT

MINUTES OF REGULAR MEETING OF THE METROPOLITAN AREA PLANNING COMMISSION OF THE CITY OF ENID, OKLAHOMA, HELD ON THE 18TH DAY OF MARCH 2019

The Metropolitan Area Planning Commission of the City of Enid, County of Garfield, State of Oklahoma, met in regular meeting in the Council Chambers of the Administration Building of the City of Enid, located at 401 West Owen K. Garriott Road in said city, at 6:00 P.M. on the 18th day of March 2019, pursuant to notice given by March 15, 2019 to the Clerk of the City of Enid, and pursuant to notice thereof displayed at the entrance to the Administration Building of said city, in prominent view and which notice was posted prior to 6:00 P.M. on the 15th day of March 2019.

Present: Mark Arnold; Whitney Hall; David Mason; Cole Ream; David Trojan; Jonathan Waddell, City

Commissioner, Ex-Officio

Absent: Marvin Kusik; Eddie Mack; Don Roberts; James Simunek, County Commissioner Ex-Officio

Also Dan Ohnesorge, Acting City Manager; Carol Lahman, City Attorney; Chris Bauer, Planning

Present: Administrator; Robert Hitt, City Engineer; Karla Ruther, Assistant City Planner

CALL TO ORDER/ROLL CALL.

CONSIDER APPROVAL OF MINUTES OF THE REGULAR METROPOLITAN AREA PLANNING COMMISSION MEETING OF FEBRUARY 25, 2019.

Motion was made by City Commissioner, Ex-Officio Jonathan Waddell, seconded by David Mason to approve the minutes.

AYE: Mark Arnold, Whitney Hall, David Mason, Cole Ream, David Trojan, City Commissioner, Ex-Officio Jonathan Waddell

Passed

ADMINISTRATION.

CONSIDER AN APPOINTMENT TO THE HISTORIC PRESERVATION COMMISSION.

Motion was made by City Commissioner, Ex-Officio Jonathan Waddell, seconded by Mark Arnold made a motion to nominate Whitney Hall to the Historic Preservation Commission.

AYE: Mark Arnold, Whitney Hall, David Mason, Cole Ream, David Trojan, City Commissioner, Ex-Officio Jonathan Waddell

Passed

VARIANCES.

CONSIDER A REQUEST FOR A VARIANCE TO CITY OF ENID ORDINANCE 10-6-1 SIDEWALKS REQUIRED, FOR PROPERTY LOCATED AT 2430 N. JACKSON STREET.

No action taken. The item requires 3/4 vote of the regular membership of the Planning Commission.

ADJOURN.

Motion was made by City Commissioner, Ex-Officio Jonathan Waddell, seconded by Mark Arnold to adjourn.

The meeting adjourned at 6:06 PM.

AYE: Mark Arnold, Whitney Hall, David Mason, Cole Ream, David Trojan, City Commissioner, Ex-Officio Jonathan Waddell

Passed

Meeting Date: 04/15/2019

Submitted By: Korina Crawford, Executive Assistant

SUBJECT:

HOLD PUBLIC HEARING ON AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE 2014, TITLE 11 "ZONING", CHAPTER 3 "BOARD OF ADJUSTMENT", SECTION 11-3-6 "SPECIAL EXCEPTIONS" TO ADD A SPECIAL EXCEPTION FOR TELECOMMUNICATION FACILITIES PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY, AND CODIFICATION.

BACKGROUND:

The Federal Telecommunications Act of 1996 and the case law that has resulted from it makes the review of cell tower placement within city limits a complicated process. The current method of review has been to utilize the variance process but the factors that the Board of Adjustment must consider in granting a variance are set by statute. The federal act prohibits municipalities from prohibiting personal wireless services or unreasonably discriminating among providers of functionally equivalent services.

The proposed ordinance creates a special exception that codifies federal prohibitions and the case law to provide the tailored review process that is required by the act. This ordinance was reviewed by the City Council at its January 15, 2019 study session.

RECOMMENDATION:

Hold public hearing and make recommendations as to the special exception process.

PRESENTER:

Carol Lahman, City Attorney.

Attachments

Special Exception

3.1.

ORDINANCE NO. 2019-

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE 2014, TITLE 11 "ZONING", CHAPTER 1, "PURPOSE; INTERPRETATION; DEFINITIONS", SECTION 11-1-7 "DEFINITIONS" TO ADD "IMAGINARY SURFACES" AND "VERTICAL OBSTRUCTIONS"; CHAPTER 3 "BOARD OF ADJUSTMENT", SECTION 11-3-6 "SPECIAL EXCEPTIONS" TO ADD A SPECIAL EXCEPTION FOR TELECOMMUNICATION FACILITIES PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY, AND CODIFICATION.

ORDINANCE

BE IT ORDAINED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF ENID, OKLAHOMA:

Section I:

That Title 11, Chapter 1, Purpose; Interpretation; Definitions, §11-1-7, "Definitions" is hereby amended to add definitions to the alphabetical list of definitions to read as follows:

11-1-7: DEFINITIONS:

Imaginary Surfaces:

A three dimensional geographic area comprising approach and departure airspace corridors and surrounding navigable airspace that the United States Department of Defense and Federal Aviation Administration have designed to graphically show the airspace that requires protection from vertical obstructions. From the imaginary surfaces comes a set of height restrictions that are based upon the runways and the types of aircraft that utilize said runways. The height restrictions are measured utilizing as a baseline the established airport elevation (EAE). The EAE for Vance Air Force Base is 1,307 feet above sea level. The EAE for Woodring Regional Airport is 1,167 feet above sea level.

Visual Obstruction:

Objects or structures, natural or manmade, that exceed a specified height above the ground and extend into protected airspace of an airfield.

Section II: That Title 11, Chapter 3, Section 11-3-6 is hereby amended as follows:

11-3-6: SPECIAL EXCEPTIONS:

A. Authority: The board of adjustment is authorized to make special exceptions to specific uses allowed within each zoning category according to this title in appropriate cases only in

accordance with general or specific provisions contained in this title and subject to appropriate conditions and safeguards in harmony with its general purpose and intent.

- B. Powers Relative To Special Exceptions: The board of adjustment is authorized to hear and decide appeals for special exceptions to the terms of this title in accordance with the following provisions:
- 1. To permit the extension of a zoning district where the boundary line of a district divides a lot in single ownership or shown of record.
- 2. To interpret the provisions of this title where the actual street layout varies from the street layout as shown on the city zoning map.
- 3. To permit the reconstruction of an owner occupied single-family residence, located in I-2 light industrial and I-3 heavy industrial zoning districts, which have been damaged by fire or other causes to the extent of more than fifty percent (50%) of its replacement value.
- 4. To grant exceptions to the off street parking requirements set forth in <u>chapter 12</u> of this title, if it is determined:
 - a. The size and shape of the lot to be built on is such that off street parking provisions could not be complied with.
 - b. The proposed use will not create undue traffic congestion on adjacent streets.
- 5. To permit the location of owner occupied mobile homes within the agricultural and R-1 residential estate zoning districts in accordance with the following provisions:
 - a. Minimum Area Regulations:
 - (1) Lot area five (5) acres.
 - (2) Frontage of lot three hundred feet (300').
 - (3) Setbacks:

Front yard - fifty feet (50').

Side yard - one hundred feet (100').

Rear yard - one hundred feet (100').

- (4) Accessory buildings same as A agricultural or R-1 residential estate.
- b. Conformance With City Standards: The installation of any mobile home shall be in conformance with all city standards and regulations.

- c. Affect On Surrounding Area: The board of adjustment shall determine that the location of a mobile home at the proposed site will not adversely impact the value and qualities of the surrounding area.
- 6. To permit telecommunications facilities within the agricultural, residential, commercial (C-1 through C-3), industrial (I-1 through I-2), and special use zoning districts in accordance with the following provisions:

a. such use shall comply with all rules, regulations, and licensing requirements adopted by the Federal Communications Commission and the Federal Aviation Administration for telecommunications facilities;

b. the location and height of the facility is consistent with the Vance Air Force Base Vertical Obstruction Military Compatibility Area as depicted in Figure 31 of the Vance AFB JLUS 2018 and the Woodring Regional Airport Vertical Obstruction Compatibility Area as depicted in Figure 33 of the Vance AFB JLUS 2018;

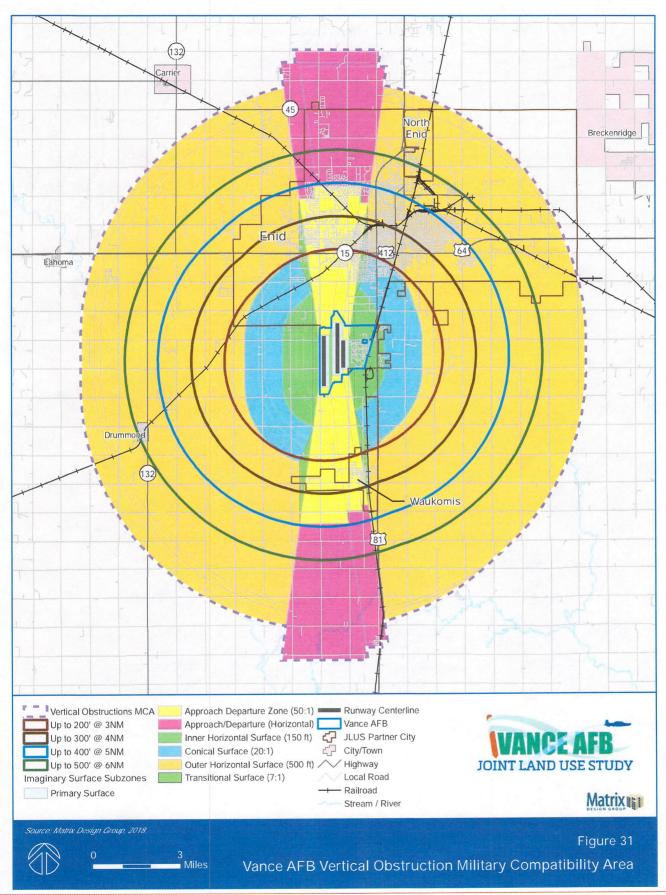
- c. if based upon the character of the neighborhood, the zoning and uses of the property nearby, it is determined that the detrimental effect, if any, to nearby property is outweighed by the applicant's need for the facility; and
- d. the applicant has demonstrated that there is a significant gap in the applicant's service coverage and that the proposed facility serves as the least intrusive means necessary to alleviate the gap.

If the special exception is denied, the denial shall include specific factual findings that evidence that the site is not appropriate and would adversely impact the surrounding area pursuant to 47 U.S.C. §332(c)(7(B)(iii).

C. Board Consideration; Actions: When considering the appeal, the board may weigh evidence as presented by the applicant and adjoining property owners, as well as city staff. The board may include additional conditions as it considers necessary for the granting of the special exception. (Ord. 80-29, 12-16-1980 as amended)

Figure 31

¹ There are no height restrictions for C-4 and I-3 zoning districts and the placement of telecommunications facilities are permitted uses in these districts.



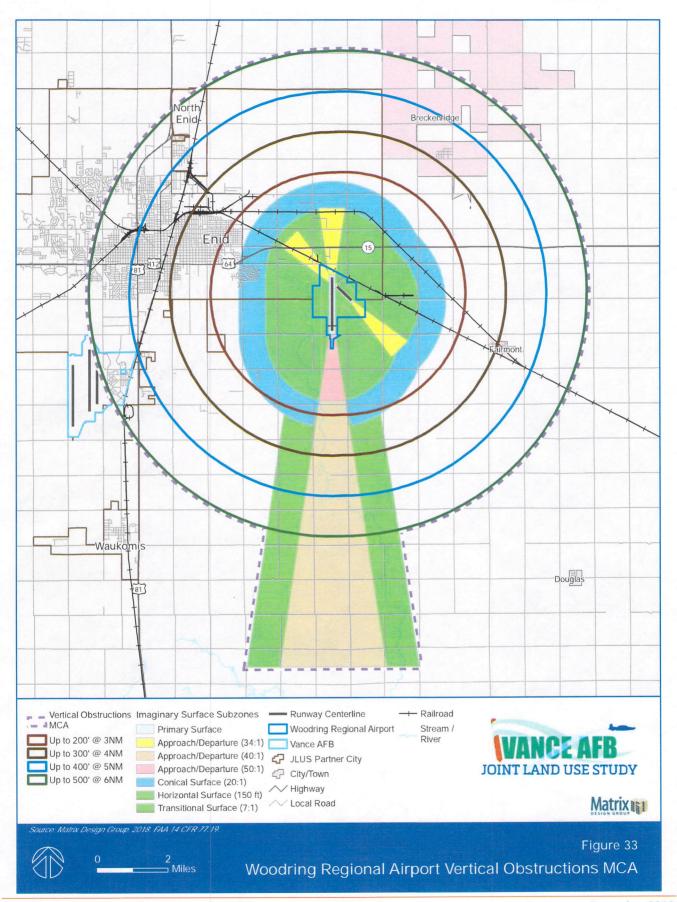


Figure 33

<u>Section III</u>: Repealer. All ordinances or parts thereof, which are inconsistent with this ordinance, are hereby repealed.

<u>Section IV</u>: Savings Clause. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceedings now pending in any court, or any rights acquired or liability incurred, nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

<u>Section V</u>: Severability. If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter or section shall, for any reason, be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared to be the intention of the City Commission of the City of Enid that this section of the Enid Municipal Code would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part not been included.

<u>Section VI</u>: Codification. This ordinance shall be codified as Title 11, Chapter 1, Section 11-1-7 and Chapter 3, Section 11-3-6 of the Enid Municipal Code, 2014.

PASSED AND APPROVED by the Mayor and Board of Commissioners of the City of Enid, Oklahoma, on this day of March, 2019.

CITY OF ENID, OKLAHOMA

	William E. Shewey, Mayor		
(SEAL)			
ATTEST			
Alissa Lack, City Clerk	_		
Approved as to Form and Legality:			
Carol Lahman, City Attorney			

Meeting

Meeting Date: 04/15/2019

Submitted By: Korina Crawford, Executive Assistant

SUBJECT:

HOLD PUBLIC HEARING ON AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 11, "ZONING", CHAPTER 1, "PURPOSE; INTERPRETATION; DEFINITIONS", SECTION 11-1-7 "DEFINITIONS" TO ADD 'SMALL WIRELESS FACILITY'; AMENDING CHAPTER 5, "A AGRICULTURAL (GENERAL) DISTRICT", SECTION 11-5-2 "PERMITTED USES"; CHAPTER 6 "RESIDENTIAL DISTRICTS" ARTICLE E "R-4A FOUR-FAMILY RESIDENTIAL DISTRICT", SECTION 11-6E-2 "PERMITTED USES"; CHAPTER 9 "SU SPECIAL USE DISTRICT", SECTION 11-9-2 "DISTRICT USE REGULATIONS" TO INCLUDE SMALL WIRELESS FACILITY AS A PERMITTED USE; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY AND CODIFICATION AND DECLARING AN EMERGENCY.

BACKGROUND:

The Oklahoma Small Wireless Facilities Development Act which went into effect on November 1, 2018, primarily affects placement of small wireless facilities in the rights of way. The Act defines small wireless facilities as those facilities that are no more than 28 cubic feet in volume and are at a height no greater than 50 feet above ground level. The Act requires cities to classify small wireless facilities as a permitted use in all zoning districts except those exclusively zoned for residential single-family or duplex use.

This ordinance, if approved, amends the applicable zoning districts to provide small wireless facilities as a permitted use.

RECOMMENDATION:

Hold public hearing and make recommendation as to the proposed change.

PRESENTER:

Carol Lahman, City Attorney.

<u>Attachments</u>				
Wireless				

ORDINANCE NO.

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 11, "ZONING", CHAPTER 1, "PURPOSE; INTERPRETATION; DEFINITIONS", SECTION 11-1-7 "DEFINITIONS" TO ADD 'SMALL WIRELESS FACILITY': AMENDING CHAPTER 5, "A AGRICULTURAL (GENERAL) DISTRICT", SECTION 11-5-2 "PERMITTED USES"; CHAPTER 6 "RESIDENTIAL DISTRICTS" ARTICLE E "R-4A FOUR-FAMILY RESIDENTIAL DISTRICT", SECTION 11-6E-2 "PERMITTED USES"; CHAPTER 9 "SU SPECIAL USE DISTRICT", SECTION 11-9-2 "DISTRICT USE REGULATIONS" TO INCLUDE SMALL WIRELESS FACILITY AS A **PERMITTED** USE: **PROVIDING FOR** REPEALER, **SAVINGS** CLAUSE. SEVERABILITY AND CODIFICATION AND DECLARING AN EMERGENCY.

EMERGENCY ORDINANCE

BE IT ORDAINED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF ENID, OKLAHOMA:

Section I: That Title 11, Chapter 1, Purpose; Interpretation; Definitions, §11-1-7, "Definitions" is hereby amended to add a definition to the alphabetical list of definitions to read as follows:

Small Wireless Facility:

a wireless facility that meets the following qualifications:

- a. a height of no greater than 50 feet above ground level,
- <u>b.</u> <u>each antenna of the wireless provider could fit within an enclosure of no more than six (6) cubic feet in volume, and</u>
- all other wireless equipment associated with the wireless facility, whether ground-or pole-mounted, is cumulatively no more than twenty eight (28) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, grounding equipment, power transfer switch, cut-off switch and vertical cable runs for the connection of power and other services.

<u>Section II</u>: That Title 11, Chapter 5, A. Agricultural (General District), Section 11-5-2 is hereby amended to read as follows:

11-5-2: PERMITTED USES:

A. Permitted Uses:

Cemetery.

General gardening and agriculture.

Golf course.

Group home limited in density to five (5) or fewer residents not including staff.

Home occupation.

Mining, quarrying and earth extraction including drilling for oil and gas.

One-family dwelling.

Park or playground.

Plant nursery or greenhouse.

Public or private stable or riding academy.

Public utility buildings and facilities.

Raising of livestock, but not including commercial feed lots, slaughtering, concentration of livestock in a greater number than can normally be pastured and fed on the premises nor the commercial processing of agricultural products.

Religious institutions.

Runways, heliports, and helistops for privately owned airplanes or helicopters.

Small wireless facility.

Watershed protection, including waterways, ponds, lakes and diversion channels.

B. Accessory Uses:

Garden houses, tool houses, playhouses, caretaker's quarters, recreational facilities, private garages and similar non-objectionable accessory buildings.

Stands for the sale of agricultural produce produced on the premises; provided, that no stand shall be placed closer than thirty five feet (35') from any front lot line. Other buildings in relation to farming activities. (Ord. 80-29, 12-16-1980 as amended)

Section III: That Title 11, Chapter 6, Residential Districts, Article E. R-4A Four family Residential District, §11-6E-2 is hereby amended as follows:

Section IV: That Title 11, Chapter 9, SU Special Use District, §11-9-2 is hereby amended as follows:

11-9-2: DISTRICT USE REGULATIONS:

A. Uses Permitted: Property and buildings in the SU special use district shall be used only for the following purposes:

Any uses accessory to schools and colleges that are owned and/or controlled by said schools or colleges, including one-family, two-family, and multi-family dwellings.

Containers.

Country clubs.

Federal, state, and city owned property.

Golf course (public or private).

Hospitals, clinics, and medical or dental office surrounding, and in direct relationship to, the hospital or clinic.

Libraries and museums, publicly or privately owned.

Public and private schools and colleges, not to include daycare centers.

Small wireless facility.

B. Uses Permitted By Review: The following uses may be permitted after review in accordance with section 11-14-1 of this title:

Temporary industrial work force housing.

Other uses which, in the opinion of the planning commission, are similar to the above uses and are in keeping with the general description of the zoning district and meet the conditions for authorization as specified in section 11-14-1 of this title. (Ord. 2013-4, 2-5-2013)

<u>Section V</u>: Repealer. All ordinances or parts thereof, which are inconsistent with this ordinance, are hereby repealed.

<u>Section VI</u>: Savings Clause. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceedings now pending in any court, or any rights acquired or liability incurred, nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

<u>Section VII</u>: Severability. If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter or section shall, for any reason, be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared to be the intention of the City Commission of the City of Enid that this section of the Enid Municipal Code would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part not been included.

<u>Section VIII</u>: Codification. This ordinance shall be codified as Title 11, Chapter 1, § 11-1-7; Chapter 5 § 11-5-2; Chapter 6, § 11-6E-2, §11-9-2 of the Enid Municipal Code, 2014.

<u>Section VIIII</u>: EMERGENCY. WHEREAS, it being necessary to give immediate effect to this ordinance to insure compliance with Oklahoma Small Wireless Facilities Deployment Act in order to protect the health, safety and welfare of the citizens of Enid, an emergency is hereby declared to exist. By reason whereof, this Ordinance shall take effect and be in full force and effect after its passage, as provided by law.

PASSED AND APPROVED by the Mayor and Board of Commissioners of the City of Enid, Oklahoma, on this 5th day of March, 2019.

	CITY OF ENID, OKLAHOMA	
	William E. Shewey, Mayor	
(SEAL)		
ATTEST:		
Alissa Lack, City Clerk		
Approved as to Form and Legality:		
Carol Lahman, City Attorney		

Meeting

Meeting Date: 04/15/2019

Submitted By: Karla Ruther, Assistant City Planner

SUBJECT:

CONSIDER A REZONING FOR PROPERTY DESCRIBED AS LOT 5, BLOCK 2, LAHOMA ADDITION, LOCATED AT 603 SOUTH CLEVELAND FROM C-1 LIGHT COMMERCIAL DISTRICT TO C-3 GENERAL COMMERCIAL DISTRICT.

BACKGROUND:

The property being considered is located at 603 South Cleveland Street and is currently zoned C-1. The applicant, Buddy Nicholas, is requesting to rezone the C-1 Light Commercial District to C-3 General Commercial District. The applicant is proposing to utilize the property for commercial development.

Envision Enid Comprehensive Plan classifies the area being rezoned as a Community Center.

Engineering has determined the existing infrastructure (water, sewer and roads) are adequate for the rezoning.

RECOMMENDATION:

Make a recommendation to the Mayor and Board of Commissioners.

PRESENTER:

Chris Bauer, Planning Administrator.

Attachments

Location, complan, zoning, utilities

4.1.







Meeting

Meeting Date: 04/15/2019

Submitted By: Karla Ruther, Assistant City Planner

SUBJECT:

CONSIDER A REZONING FOR PROPERTY DESCRIBED AS LOT 6, BLOCK 2, LAHOMA ADDITION, LOCATED AT 611 SOUTH CLEVELAND FROM R-4 RESIDENTIAL DUPLEX OR TWO-FAMILY DWELLING DISTRICT TO C-3 GENERAL COMMERCIAL DISTRICT.

BACKGROUND:

The property being considered is located at 611 South Cleveland Street and is currently zoned R-4. The applicant, City of Enid, is requesting to rezone the R-4 Residential Duplex or Two-Family Dwelling District to C-3 General Commercial District. The applicant is proposing to utilize the property for commercial development.

Envision Enid Comprehensive Plan classifies the area being rezoned as a Community Center.

Engineering has determined the existing infrastructure (water, sewer and roads) are adequate for the rezoning.

RECOMMENDATION:

Consider a recommendation to the Mayor and Board of Commissioners.

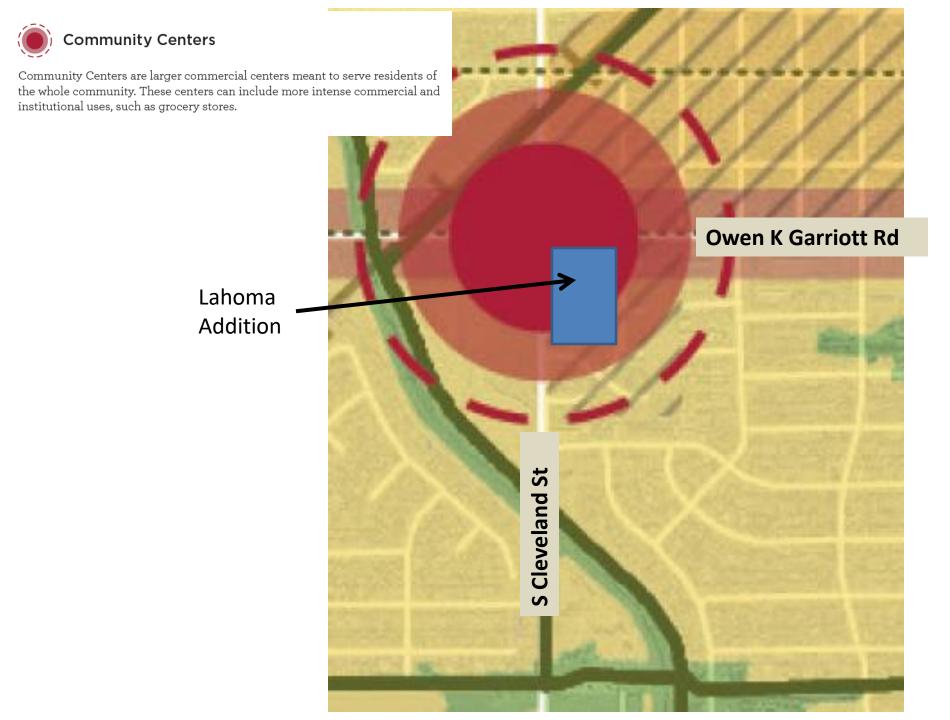
PRESENTER:

Chris Bauer, Planning Administrator.

Attachments

Complan, zoning, utilities map

4.2.







Meeting

Meeting Date: 04/15/2019

Submitted By: Karla Ruther, Assistant City Planner

SUBJECT:

CONSIDER A REZONING FOR PROPERTY DESCRIBED AS BLOCK 10, LAHOMA ADDITION, LOCATED AT 2201 WEST OWEN K GARRIOTT ROAD FROM SU SPECIAL USE DISTRICT TO C-3 GENERAL COMMERCIAL DISTRICT.

BACKGROUND:

The property being considered is located at 2201 West Owen K Garriott Road and is currently zoned SU. The City of Enid is requesting to rezone the SU Special Use District to C-3 General Commercial District. The applicant is proposing to utilize the property for commercial development.

Envision Enid Comprehensive Plan classifies the area being rezoned as a Community Center.

Engineering has determined the existing infrastructure (water, sewer and roads) are adequate for the rezoning.

RECOMMENDATION:

Consider a recommendation to the Mayor and Board of Commissioners.

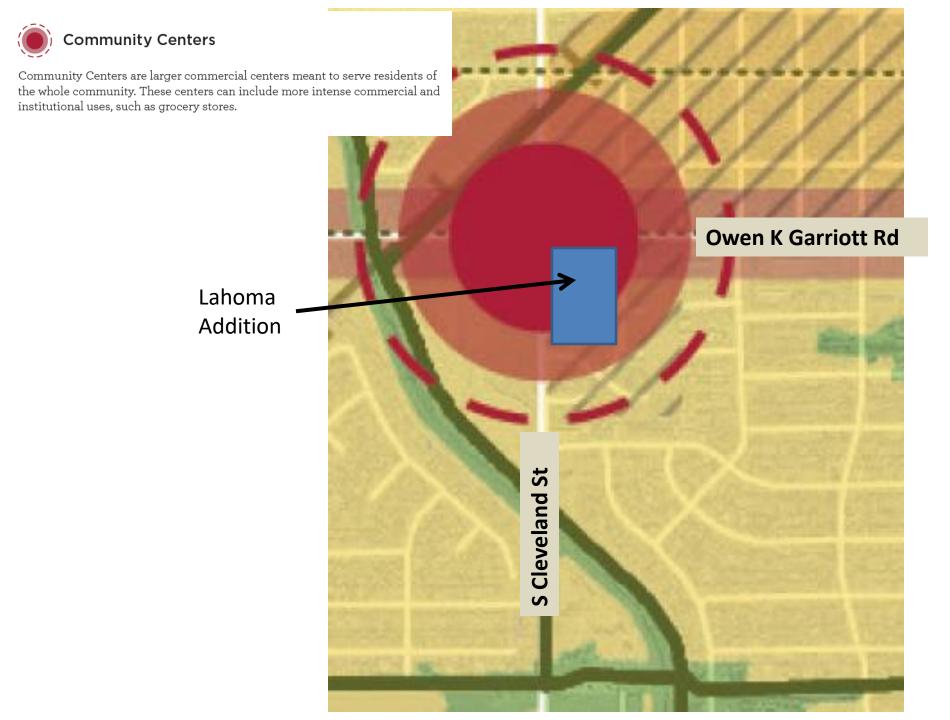
PRESENTER:

Chris Bauer, Planning Administrator.

Attachments

Complan, zoning, utilities

4.3.







Meeting

Meeting Date: 04/15/2019

Submitted By: Karla Ruther, Assistant City Planner

SUBJECT:

CONSIDER A REZONING FOR PROPERTY DESCRIBED AS LOT 1, BLOCK 7, DOUTHITT'S 3RD ADDITION, LOCATED AT 601 WEST STATE AVENUE FROM SU SPECIAL USE DISTRICT TO C-O COMMERCIAL OFFICE DISTRICT.

BACKGROUND:

The property being considered is located at 601 West State Avenue and is currently is zoned SU. Dr. Bill E Taylor is requesting to rezone the SU Special Use District to C-O Commercial Office District. The applicant is proposing to utilize the property for commercial office use.

Envision Enid Comprehensive Plan classifies the area being rezoned as Traditional Neighborhood.

Engineering has determined the existing infrastructure (water, sewer and roads) are adequate for the rezoning.

RECOMMENDATION:

Consider a recommendation to the Mayor and Board of Commissioners.

PRESENTER:

Chris Bauer, Planning Administrator.

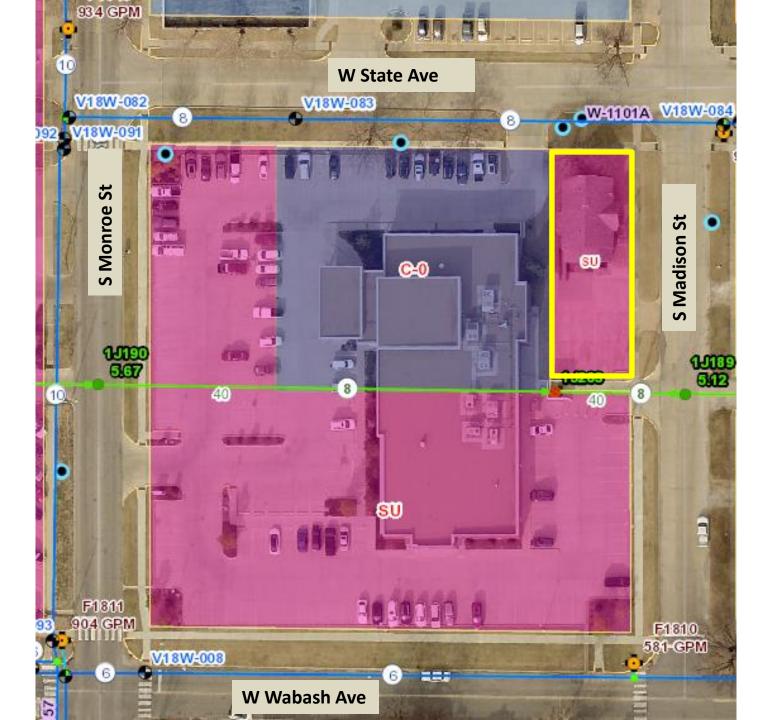
Attachments

Complan, utilities, zoning

4.4.







Meeting Date: 04/15/2019

Submitted By: Karla Ruther, Assistant City Planner

SUBJECT:

CONSIDER A REZONING FOR PROPERTY DESCRIBED AS BLOCK 1, LOTS 1, 2, 3, 4, 13, 14, 15 AND 16, BLOCK 2, ORIGINAL TOWNSITE OF CITY OF ENID, GARFIELD COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, ALONG WITH A PORTION OF VACATED NORTH 9TH STREET BETWEEN EAST BROADWAY AVENUE AND EAST RANDOLPH AVENUE DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF BLOCK 1, ORIGINAL TOWNSITE OF THE CITY OF ENID, THENCE SOUTH 320 FEET TO THE SOUTHWEST CORNER OF BLOCK 1, ORIGINAL TOWNSITE OF THE CITY OF ENID; THENCE WEST 80 FEET TO THE SOUTHEAST CORNER OF LOT 16, BLOCK 2, ORIGINAL TOWNSITE OF THE CITY OF ENID; THENCE 320 FEET TO THE NORTHEAST CORNER OF LOT 1, BLOCK 2, ORIGINAL TOWNSITE OF THE CITY OF ENID; THENCE 80 FEET TO THE POINT OF BEGINNING, LOCATED IN THE 800 BLOCKS OF EAST RANDOLPH AND EAST BROADWAY FROM C-3 GENERAL COMMERCIAL DISTRICT AND R-7 RESIDENTIAL MULTI-FAMILY DWELLING DISTRICT TO SU SPECIAL USE DISTRICT.

BACKGROUND:

The property being considered is located in the 800 blocks of East Randolph and East Broadway and is currently zoned C-3 and R-7. The applicant, Enid Public Schools, is requesting to rezone the C-3 and R-7 to SU Special Use District. The applicant is proposing to utilize the property for playground improvements for Longfellow Middle School.

Envision Enid Comprehensive Plan classifies the area being rezoned as a Neighborhood Corridors and Redeveloping Neighborhoods.

Engineering has determined the existing infrastructure (water, sewer and roads) are adequate for the rezoning.

RECOMMENDATION:

Make a recommendation to the Mayor and Board of Commissioners.

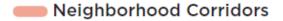
PRESENTER:

Chris Bauer, Planning Administrator.

Attachments

Complan, zoning and utilities map

4.5.

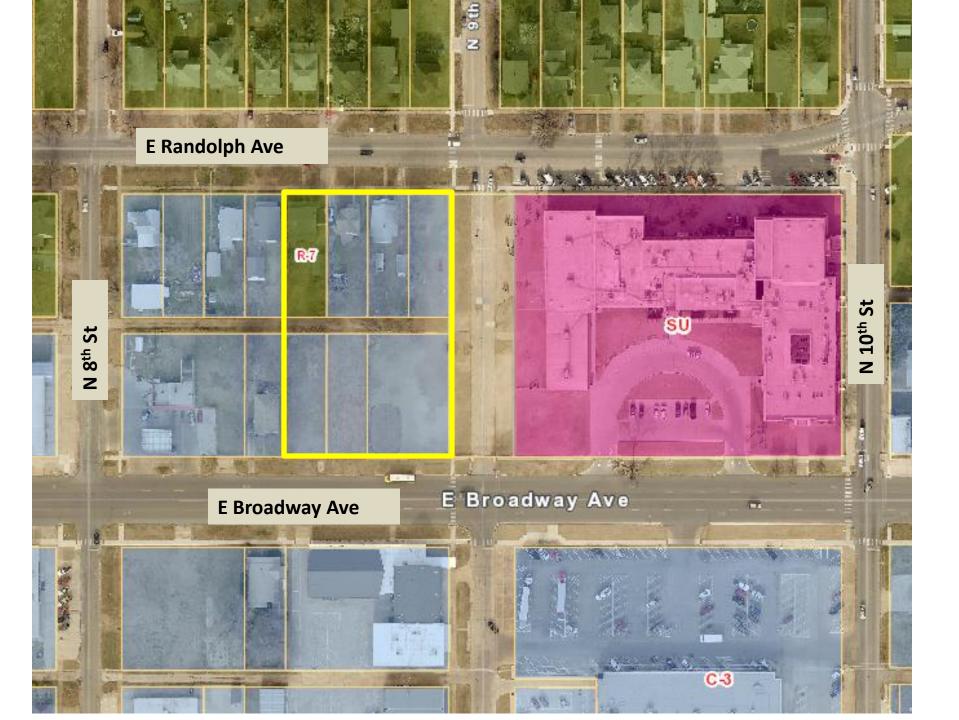


Broadway

Neighborhood Corridors, such as Grand Avenue, Willow Road, and Van Buren Street (south of West Garriott), and Broadway Avenue connect various centers with multi-modal streets bordered by low-intensity commercial and mixed-use development. Commercial development along these arterials should have limited driveway access to promote mobility and reduce pedestrian conflicts, but can incorporate on-street parking.

Redeveloping Neighborhoods

Redeveloping Neighborhoods are also predominantly residential, but should be targeted for special reinvestment efforts in order to correct for a previous pattern of disinvestment. By reinvesting in these areas, Enid is able to fully leverage its existing infrastructure and ensure a complete and even development pattern.





Meeting Date: 04/15/2019

Submitted By: Karla Ruther, Assistant City Planner

SUBJECT:

CONSIDER A LOT SPLIT FOR ENID INDEPENDENCE SQUARE, LLC WHICH IS A TRACT IN THE WEST HALF OF SECTION 16, TOWNSHIP 22 NORTH, RANGE 7 W.I.M. LOCATED IN THE 1200 BLOCK OF SOUTH WHEATRIDGE ROAD.

BACKGROUND:

The property is located in the 1200 block of South Wheatridge Road and zoned R-7 Residential Multi Family Dwelling District. The applicant is splitting 7.17 acres for the construction of a retirement community. The lot is being split from two different tracts owned by different entities. The owner of the remnant that does not have frontage on a public street will be sold and added to the property directly north.

The applicant proposes to extend existing public water and sewer to the lot.

State Statutes require the approval of the local Planning Commission prior to the subdivision of any tract of land, which when subdivided, contains an area of less than 10 acres.

RECOMMENDATION:

Consider the lot split.

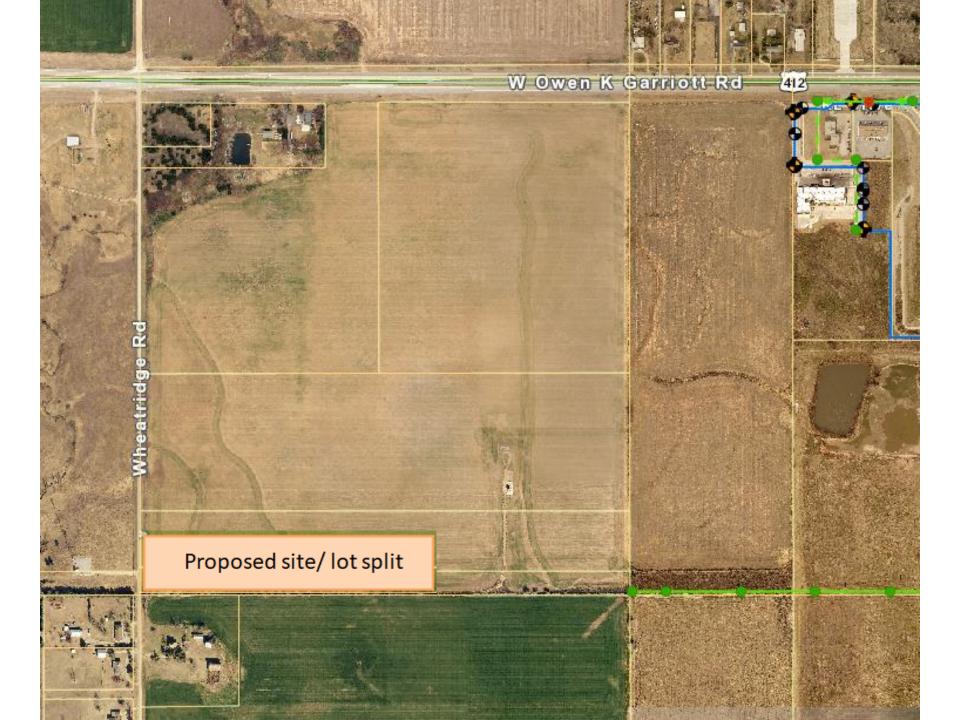
PRESENTER:

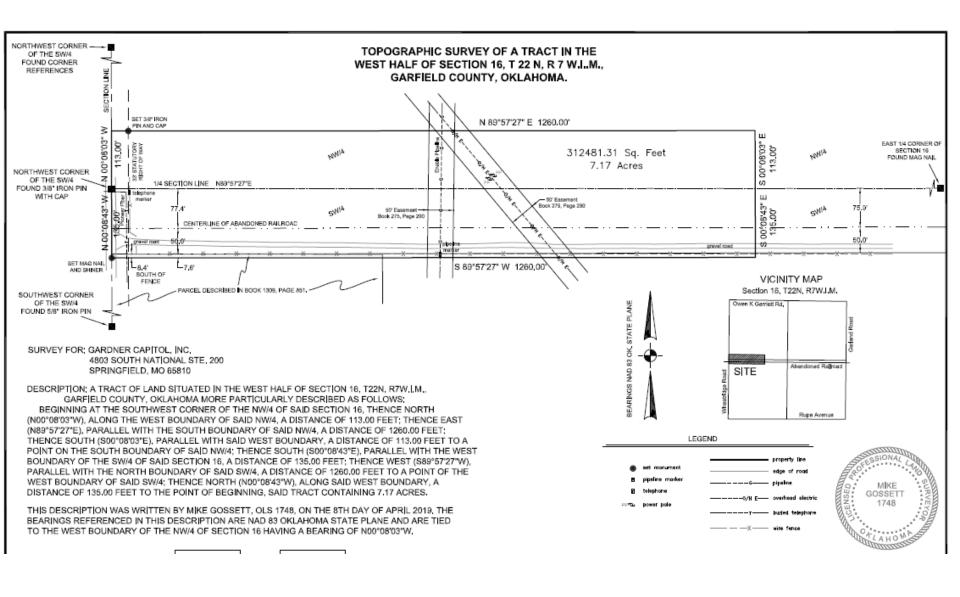
Chris Bauer, Planning Administrator.

Attachments

Zoning, utilities, survey Lot split approval guidelines 5.1.







12-3-7: GUIDELINES FOR LOT SPLIT APPROVAL:

The approval or denial of a lot split shall be based upon the following guidelines:

- A. Conformance With Zoning Regulations: Lot dimensions and area shall conform to the zoning regulations of the city. No lot split shall be approved which would create a nonconforming lot.
- B. Sewage Disposal: Adequate provisions shall be made for the proper disposal of sewage. Each lot created by a lot split shall have direct access to a public sewer. A lot not served by a public sewer shall be of sufficient area to properly accommodate an individual sewage disposal system. Any lot split application which would create a lot of one acre or less shall be accompanied by appropriate tests performed by an authorized representative of the Garfield County department of environmental quality, determining the proposed lot to be suitable for an individual sewage disposal system.
- C. Water Supply:
- 1. Each lot created by a lot split shall have direct access to a public water supply. A lot not served by a public water main shall be of sufficient area to properly accommodate both a water well and an individual sewage disposal system, if a public sewer is not available.
- 2. Any lot split application which would create a lot of one acre or less shall be accompanied by appropriate tests performed by an authorized representative of the Garfield County department of environmental quality, determining the proposed lot to be suitable for both a water well and an individual sewage disposal system, when a public sewer is not available.
 - D. Access To Utilities: No lot split shall be approved which would create a lot without access to adjacent or adjoining public utilities.
 - E. Access To Streets: No lot split shall be approved which would create a lot without frontage upon a public street.

Metropolitan Area Planning Commission

Meeting

Meeting Date: 04/15/2019

Submitted By: Jacqueline Cook, Engineering EA

SUBJECT:

CONSIDER A REQUEST FOR A SIDEWALK VARIANCE FOR LEILANI ROGERS, FOR PROPERTY LOCATED AT 2430 NORTH JACKSON STREET.

BACKGROUND:

The City of Enid has received a sidewalk variance request from Leilani Rogers, owner of the property located at 2430 North Jackson Street, the referenced property is located at 2430 North Jackson Street, Lots 1-4, Block 32, Midway Addition.

Applicant has submitted the sidewalk variance because there are no sidewalks on either side of the subject property,

The property is zoned Commercial (C-3) and is currently an empty parcel. The applicant plans to construct a two thousand nine hundred square foot metal storage building with parking.

The Enid Municipal Code 10-6-1 requires sidewalks that parallel abutting streets for all new commercial construction.

The Metropolitan Area Planning Commission is scheduled to hear the variance request at their meeting of March 18, 2019 and their recommendation will be presented at the City Commission meeting.

RECOMMENDATION:

Consider sidewalk variance.

PRESENTER:

Robert Hitt, P.E., City Engineer

Attachments

Location Map

Variance Petition

6.1.



Location Map – 2430 N. Jackson Street





City of Enid Engineering Department Robert Hitt, P.E., City Engineer rhitt@enid.org; 580-616-7231 P.O. Box 1768 Enid, OK 73702

VARIANCE PETITION FOR SIDEWALK

I, or We, hereby petition the Mayor and Board of Comm	
provision of the City of Enid Ordinance, Section 10-6-1:	•
Location: 2430 N. Jackson, Enid OK	(street address):
Legal description: Lot 1-4 Block 32 Midway	/ Addn. , Enid OK
Current zoning of property:	
Reasons for desiring approval of the Variance are as follows:	ows: (additional pages may be added)
The sidewalk would be ineffective as it	would be a road to nowhere.
The way the lot sits, a residence is on th	e South, with a privacy fence
on my side. On the North is the intersection of	Yale and Jackson and an empty
lot with an old trailer that has been there nearly 20 year	ars. There is a junky trailer on the East
and their driveway sits against Yale. On the NW if I	had a sidewalk it would run into the
alley and Enid Insurance Agency parking is o	on the other side of the alley. So
at this location, it is not feasable as never will there be	a connective sidewalk on the Enid Ins.,
side, nor on the East where that trailer is, -if yo	ou look at the location physically,
you will see what i mean. Thanks	
Dated this 25th day of Feb , 18	
Applicant's signature:	Telephone: 580-402-9599
Printed name: Leilani Rogers (LAR Rentals LLC	Email: leirogers@icloud.com
Address: 3638 Edgewater Drive Enid Ol	K 73703
Office Use Only	-
Date of Commission Meeting: day of	

Metropolitan Area Planning Commission

Meeting

Meeting Date: 04/15/2019

Submitted By: Jacqueline Cook, Engineering EA

SUBJECT:

CONSIDER A REQUEST FOR A VARIANCE TO CITY OF ENID ORDINANCE 10-6-1 SIDEWALKS REQUIRED, FOR PROPERTY LOCATED AT 5314 WEST OWEN K. GARRIOTT ROAD.

BACKGROUND:

The City of Enid has received a variance request to Ordinance 10-6-1 Sidewalks Required: from Don Rose of Jiffy Trip.

Reasons for desiring approval of the Variance: Sidewalk variances were granted at nearby locations, including El Patio, a Honda dealership, and Swadley's Restaurant, therefore, no connection to proposed sidewalk. ODOt District 4 is concerned with including a sidewalk at this particular intersection and the potential crossing at this intersection.

The referenced property is located at 5314 W. Owen K. Garriott Rd, North 300 feet of the South 332 feet of lots 25 and 26, block 1, subdivision of the SW/4 of section 10, township 22 North range 7, west of the Indian Meridian, Garfield County, Oklahoma. The property is zoned Commercial (C-3) and the existing building is at this location. Jiffy Trip is constructing a service station at this location.

Per Ordinance 10-6-1 B Sidewalks That Parallel Abutting Streets: The following shall include sidewalks that parallel all abutting streets

B4. Addition, redevelopment and infill development on property used as or zoned as commercial.

RECOMMENDATION:

Consider variance to Ordinance 10-6-1 Sidewalks Required.

PRESENTER:

Robert Hitt, P.E., City Engineer

	<u>Attachments</u>	
Petition		
Plans		

6.2.



VARIANCE PETITION FOR SIDEWALK

OKLAHOMA

I, or We, hereby petition the Mayor and Board of Commiss provision of the City of Enid Ordinance, Section 10-6-1: S		
Location: 5314 West Garriott	(street address):	
Legal description: North 300 feet South of the South 332 feet	`	
SW/4 of section 10, township 22 North range,7		
Current zoning of property: C3		
Reasons for desiring approval of the Variance are as follow Recent new construction East of this	, , , , , , , , , , , , , , , , , , , ,	
(El Patio, Honda Dealership, Swadle	ey's Restaurant) were all	
given sidewalk variances. A precedence has been established that	sidewalks at this location are NOT required.	
These locations were needed to connect a new sidew	alk we are being required to install.	
ODOT district 4 has also voiced its concern with this side walk	and possible crossing at the intersection.	
They are NOT wanting to have an accessible ramp installed in this location until		
more study is done at this intersection to det	ermine a possible cross walk	
and required signaling.		
Dated this 7 day of March 2019		
Applicant's signature:	Telephone: 580-278-9686	
Printed name: Don Rose	Email: d.rose@jiffytrip.com	
Address: PO Box 1112 , Enid Ok 73702		
Office Use Only		
Date of Commission Meeting: day of	_	



Planning & Zoning Department Chris Bauer, Planning Administrator <u>cbauer@enid.org</u> 580-616-7217 PO Box 1768, 401 West Garriott Enid OK 73702

PUBLIC INFRASTRUCUTRE SIDEWALK VARIANCE PETITION

Fee: None
Street Address: 5314 WEST GARRIST Current Zoning District: <u>C3</u>
Your Sidewalk Variance Petition will be forwarded to the Engineering Department for presentation to MAPC and City Commission. Your contact person is Chris Gdanski at 580-616-7234 or cedanski@enid.org.
Variance Section:
Contact Chris Stein for variance section at 580-616-7279 or cstein@enid.org
Reasons for desiring approval of the Variance are as follows: (additional pages may be added)
PETITION -

I, or we, have attached a site plan of the proposed construction.

I, or We, hereby petition the Metropolitan Area Planning Commission and Mayor and Board of Commissioners for a variance to the following provision(s) of the City of Enid Ordinance, Section 12-1-8.

The Planning Commission may recommend a variance from the title when, in its opinion, undue hardship any result from strict compliance. In recommending any variance, the Planning Commission shall prescribe only conditions that it deems necessary to, or desirable for, the public interest. In making its findings, as required herein below, the Planning Commission shall take into account the nature of proposed land use and the existing use of land in the vicinity, the number of persons to reside or work in the property subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the Planning Commission finds:

- That there are special circumstances or conditions affecting said property such that the strict application
 of the provisions of this title would deprive the applicant of the reasonable use of his land.
- 2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- 3. That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.
- 4. That the modifications have been requested in writing by the subdivider stating the reasons for each modification and that the variance is approved by a three-fourths (3/4) vote of the regular membership of the Planning Commission.

1

