

**MINUTES
SPECIAL MEETING OF THE
LAWTON URBAN RENEWAL AUTHORITY**

Minutes of the Lawton Urban Renewal Authority meeting held October 12, 2020 in the 2nd Floor Conference Room, City Hall, 212 SW 9th Street, Lawton, Oklahoma.

The meeting was called to order at 3:00 p.m. by Chairman Ernest Sheppard.

Notice of the meeting and agenda were posted on the City Hall bulletin board as required by State law.

1. ROLL CALL

MEMBERS PRESENT: Ernest Sheppard
John Purcell, Jr.
Jesse Cross
Joe Abshire

MEMBERS ABSENT: Jacob Brox

OTHERS PRESENT: Richard Rogalski, Planning Director
Cindy Augustine, Planning and Subdivision Administrator
Greg Gibson, Assistant City Attorney
Susan Schlecht, Financial Services

2. CONSIDER APPROVAL OF THE MINUTES OF THE SEPTEMBER 15, 2020 MEETING OF THE LAWTON URBAN RENEWAL AUTHORITY.

MOTION by Cross, SECOND by Abshire, to approve the minutes of the September 15, 2020 meeting of the Lawton Urban Renewal Authority.

VOTE ON MOTION: AYES: Cross, Abshire, Purcell, Sheppard. NAYS: None. MOTION CARRIED 4 - 0.

3. CONSIDER A RESOLUTION APPROVING THE EXPENDITURES AND ACCEPTING THE FINANCIAL STATUS REPORT OF THE LAWTON URBAN RENEWAL AUTHORITY FOR THE MONTH OF AUGUST 2020.

The balance in the bank as of August 1, 2020 was \$30,766.50. After deposits of interest, and disbursements, the bank balance as of August 31, 2020 was \$30,763.58.

Schlecht said the bank charges for August were \$3.18.

4. CONSIDER A RESOLUTION APPROVING THE EXPENDITURES AND ACCEPTING THE FINANCIAL STATUS REPORT OF THE LAWTON URBAN RENEWAL AUTHORITY FOR THE MONTH OF SEPTEMBER 2020.

The balance in the bank as of September 1, 2020 was \$30,763.58. After deposits of interest, and disbursements, the bank balance as of September 30, 2020 was \$29,675.80.

Schlecht said the bank charges for September were \$3.03, and LURA paid Lawn Wizards \$1,085.00 for 74 standard grass cuts.

Rogalski said the profit and loss statement for September reflects two \$1,085.00 payments for Lawn Wizards.

Schlecht said she will have to investigate this.

Rogalski said September's bank balance sheet does reflect only approximately \$1,000 coming out of the account. However, the balance sheet and the profit and loss report for the month of September do not match.

Schlecht said because accrual accounting is used, the balance sheet and profit and loss report don't necessarily match each month. When an invoice is received by finance and enters the system, the charge gets added to the profit and loss report. However, the balance sheet does not reflect the charges until a check for the invoice has been cut.

MOTION by Ashere, SECOND by Cross, to adopt Resolutions 20-10 and 20-11 approving the expenditures and accepting the financial status report for the months of August and September 2020.

VOTE ON MOTION: AYES: Sheppard, Purcell, Cross, Abshire. NAYS: None. MOTION CARRIED 4 - 0.

5. CONSIDER ADOPTING A RESOLUTION RECOMMENDING APPROVAL OF AMENDMENT NO. 5 TO THE DOWNTOWN I URBAN RENEWAL PLAN ADDING INSTITUTIONAL, LIMITED INDUSTRIAL, MEDICAL SERVICES, AND RESEARCH SERVICES AS PERMITTED USES WITHIN THE COMMERCIAL CENTRAL DISTRICT.

The Downtown I Urban Renewal Plan, as amended, was adopted by the City Council on March 14, 2006, with Amendment No. 1 being approved by the City Council on October 23, 2007, Amendment No. 2 being approved by the City Council on December 18, 2018, Amendment No. 3 being approved by the City Council on May 14, 2019, and Amendment No. 4 being approved by City Council on July 9, 2019. The Plan is divided into six districts: Hotel-Motel, Office and Banking, Commercial Central, Mixed Use, Commercial Light Industrial, and Public.

On September 22, 2020, the Lawton City Council approved a lease of the vacant Sears store in Central Mall for Fires Innovation Science and Technology Accelerator, or FISTA. FISTAs activities are slated to include defense-related industrial space for research and development, science and technology laboratory rooms, and an initial prototyping integrating facility. With the closing of two of the anchor stores and the leasing of Sears, it is evident the mall is transitioning to non-retail uses. It would be prudent to expand the permitted uses to allow for opportunities of continued uses for the remaining spaces in Central Mall and allow institutional, limited industrial, medical services, and research services uses in the Commercial Central District. The following is the list of existing and proposed permitted uses within the Commercial Central District:

EXHIBIT 1
DOWNTOWN I URBAN RENEWAL PLAN AMENDMENT NO. 5

1. Permitted Land Uses. The following land uses shall be permitted in the land use districts shown on the Land Use Plan, Exhibit URP-III-A.
* * *
- c. Commercial Central: This district is intended to accommodate those commercial, recreational, and personal service needs of the regional trade area. Such accommodation shall be provided in a unified shopping center with architectural and space controls as necessary to meet market and economic demands.
 - (1) Beauty and nail salon
 - (2) Body piercing salon
 - (3) Commercial school
 - (4) Day spa
 - (5) Day care center, licensed by the State of Oklahoma
 - (6) Department stores
 - (7) Institutional: Public, quasi-public, or private facilities of an educational or religious nature.
 - (8) Limited Industrial. Establishments engaged in the manufacture, assembly, research, or processing of products and goods with all operations and

processes entirely within an enclosed structure, producing no airborne emissions, objectionable noise, glare, odor, vibrations, smoke, or dust associated with the industrial operation. There is no outdoor storage of raw materials and products unless fully screened from public view.

- (9) Massage therapy, licensed by the State of Oklahoma
- (10) Medical marijuana dispensary licensed by the State of Oklahoma
- (11) Medical marijuana growing and processing facilities, licensed by the State of Oklahoma, when associated with a dispensary at the same location.
- (12) Medical Services: General. Establishments primarily engaged in the provision of personal health services and including related retail sales activities. Typical uses include medical offices, dental offices, dental laboratories, clinics, or health maintenance facilities with related sales facilities such as opticians or apothecaries in the same structure but not including hospitals, convalescent centers, or nursing homes.
- (13) No bars, taverns or lounges will be permitted; however, private clubs and entertainment will be permitted when the serving of alcoholic beverages is auxiliary to a restaurant use
- (14) Parking, public and/or private
- (15) Participant recreation and entertainment; indoor. Typical uses include bowling alleys, billiard parlors, gymnasiums, health clubs, skating rinks, miniature golf, and arcades
- (16) Professional offices and financial institution (excluding pawn shop)
- (17) Research Service: Administrative offices plus research facilities of a technical or scientific nature which are located within a completely enclosed building. There is no product manufacturing and no outside storage, display, or activity.
- (18) Restaurant (no drive-in)
- (19) Specialty retail stores and shops
- (20) Stores and shops for retail business, including incidental minor repair and service
- (21) Tanning salon
- (22) Tattoo parlor
- (23) Theater and movie
- (24) Accessory uses customarily incidental to the above uses
- (25) 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.
- (26) Other public uses necessary for access to interior areas for emergency vehicles and service.

Cross asked why staff considered limited industrial as a permitted use.

Rogalski said there are higher levels of industrial uses, but limited industrial is already a permitted use in the mixed used area. Rogalski said limited industrial uses are typically less problematic for adjacent or nearby property owners.

Chairman Sheppard asked if DLARC with still have authority in this area.

Rogalski said yes.

MOTION by Cross, SECOND by Purcell, to adopt Resolution No. 20-12 recommending the approval of Amendment No. 5 to the Downtown I Urban Renewal Plan adding institutional, limited industrial, medical services, and research services as permitted uses within the Commercial Central District.

VOTE ON MOTION: AYES: Sheppard, Purcell, Cross, Abshire. NAYS: None. MOTION CARRIED

4 - 0.

6. CONSIDER DIRECTING STAFF TO START THE PROCESS OF MAKING A MAJOR MODIFICATION OF AN URBAN RENEWAL PLAN TO THE D-6

URBAN RENEWAL PLAN TO CHANGE THE MIXED USE DISTRICT EAST OF RAILROAD STREET AND NORTH OF NE ARLINGTON AVENUE TO MEDIUM INTENSITY RESIDENTIAL DISTRICT.

The D-6 Urban Renewal Plan, as amended, was adopted by the City Council on March 14, 2006, with Amendment No. 1 adopted by City Council on December 15, 2009, Amendment No. 2 adopted by City Council on August 12, 2014 and Amendment No 3 adopted by City Council on July 9, 2019. The Plan is divided into four districts: Medium Intensity Residential, Commercial Central, Mixed Use and Public.

On December 18, 2018, the Lawton City Council considered an amendment to the D-6 Urban Renewal Plan that would add medical marijuana dispensary facilities as a permitted use in the Mixed Use and Commercial Central Districts, add medical marijuana research facilities as a permitted use in the Mixed Use District and exclude medical marijuana growing and medical marijuana processing facilities as permitted use within the D-6 Urban Renewal Plan. Councilman Burk originally made a motion to approve the resolution with a change that would allow for “medical marijuana growing facilities and medical marijuana processing facilities associated with a dispensary in the same location.” This motion failed. Councilperson Johnson then asked for clarification regarding the Mixed Use District. A big portion of the Mixed Use District is currently residential housing and with the overlay, a citizen can be approved a permit for any of the permitted uses within the Mixed Use District. City Council had discussion regarding protecting the neighborhood and directed staff to bring the request back to LURA to change the overlay district on the Mixed Use District that currently houses residential to a Medium Intensity Residential District. The City Planner recommends changing only the area east of Railroad Street and north of NE Arlington Avenue to Medium Intensity Residential District.

Rogalski said it’s viable to have a mixed used district on property along Gore Boulevard on the east side of Douglas. He said there are several vacant lots along Gore Boulevard. Rogalski said it’s possible this area will remain a mixed use district.

Chairman Sheppard asked where the diving line would be to distinguish the medium intensity residential district from the mixed use district.

Rogalski said NE Arlington Avenue would serve as the diving line.

Rogalski said he will make sure a church is allowed in a medium intensity residential district.

Cross said this area needs to be developed. He said there are only 14-16 property owners living in this area, and the rest are renters. Cross said he campaigns for Ward 7, and the people living in this area say they want to preserve the neighborhood.

MOTION by Cross, SECOND by Purcell, to direct Staff to start the process of making a major modification of an Urban Renewal Plan to the D-6 Urban Renewal Plan to change the Mixed Use District east of Railroad Street and north of NE Arlington Avenue to Medium Intensity Residential District.

VOTE ON MOTION: AYES: Sheppard, Purcell, Cross, Abshire. NAYS: None. MOTION CARRIED
4 - 0.

7. **PURSUANT TO SECTION 307(B)(3), TITLE 25, OKLAHOMA STATUTES, CONSIDER CONVENING IN EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING THE POSSIBLE PURCHASE OR APPRAISAL OF REAL PROPERTY FOR THE PROPOSED LATS DOWNTOWN TRANSFER CENTER, AND IF NECESSARY, TAKE APPROPRIATE ACTION IN OPEN SESSION.**

MOTION by Purcell, SECOND by Cross, to move into executive session.

VOTE ON MOTION: AYES: Sheppard, Purcell, Cross, Abshire. NAYS: None. MOTION CARRIED
4 - 0.

Regular session was resumed at 1:50 P.M.

8. REPORTS AND COMMENTS

Rogalski said staff has been working with Mark Cox regarding the fence at Scissortail Children School. Mr. Cox said the materials needed to construct the fence are on back order, but he will install the fence as soon as the materials arrive.

Purcell inquired about the status of the fence that will surround the electrical equipment at the Hilton Garden Inn.

Rogalski said staff is working with the developer on that project and they are aware they must get the fence installed to receive a certificate of completion.

Sheppard said several decisions made by the Downtown Lawton Architectural Review Committee have been overturned by the Board of Adjustment. Sheppard asked why this may be happening.

Cross said regarding the library mural, many of the Board members sympathized with the Friends of the Library and saw nothing wrong with placing a mural on the side of the library. When the concern of setting precedence for murals in the downtown area was mentioned, the BOA said they'll have to address each new situation as a case-by-case basis.

Purcell said he attended the last BOA meeting, and he explained to the Board members what purpose the Downtown Lawton Architectural Review Committee serves. Purcell said he's also noticed how the BOA overturns many of the DLARC's decisions. Purcell asked if the BOA can overturn decisions made by LURA.

Rogalski said the BOA can only review DLARC decisions.

Chairman Sheppard said he is concerned that the BOA may not be aware of the DLARC's vision for the downtown area. He suggested the DLARC meet with the BOA so a better understanding amongst the two bodies can be achieved.

Rogalski said both the DLARC and the BOA are governed in Chapter 18 of City Code. If the DLARC wishes to change the way their decisions are appealed, staff could draft a code change to Chapter 18 to be presented to City Council.

Chairman Sheppard asked Rogalski what he sees being a solution.

Rogalski said it would be a good idea to arrange a workshop for the DLARC and the BOA.

Chairman Sheppard asked that staff organize this meeting. He also asked that staff provide the Board members with a summary of DLARC provisions for them to review.

9. ADJOURNMENT

MOTION by Abshire, SECOND by Purcell, to adjourn.

VOTE ON MOTION: AYES: UNANIMOUS. NAYS: None.

MOTION CARRIED

There being no further business the meeting was adjourned at 2:10 p.m.

Ernest Sheppard, Chairman

Jacob Brox, Secretary