

MINUTES
CITY PLANNING COMMISSION

Minutes of the City Planning Commission meeting held January 13, 2022 in the City Council Auditorium, City Hall, 212 SW 9th Street, Lawton, Oklahoma.

The agenda for the meeting was posted on the bulletin board in City Hall in compliance with the Oklahoma Open Meeting Act.

The meeting was called to order at 1:30 p.m. by Chairman David Denham.

MEMBERS PRESENT: Ron Jarvis

Darren Medders
Deborah Jones
Dave Davison
David Denham
Neil Springborn

MEMBERS ABSENT: John Jones (excused)

Shelli Fox (excused)

ALSO PRESENT:

Richard Rogalski, Deputy City Manager
Kameron Good, Planner
Greg Gibson, Assistant City Attorney
Stacy Reyna, Recording Secretary

APPROVAL OF MINUTES

MOTION by Jarvis, SECOND by Medders, to approve the minutes of the January 13, 2022 meeting.

AYES: Jarvis, Medders, D. Jones, Davison, Denham, Springborn

NAYS: None. **MOTION CARRIED 7 - 0.**

BUSINESS

HOLD A PUBLIC HEARING AND TO CONSIDER A CHANGE OF ZONING FROM THE C-3 PLANNED COMMUNITY SHOPPING CENTER DISTRICT TO THE C-5 GENERAL COMMERCIAL DISTRICT ZONING CLASSIFICATION LOCATED AT 7220 NW SUN BLVD, LAWTON, OK 73505

- This request is located at 7220 NW Sun Blvd, Lawton, OK 73505. The current use is vacant. The proposed use is a Caliber Collision Repair & future self-storage. The property owner is Tinh Due & Lynn Thi Ho.
- The zoning of the surrounding area is:
 - North - R-1
 - South - R-1
 - East - C-5
 - West - C-5 & C-4
- The land use of the surrounding area is:
 - North - Residential/Low Density
 - South - Residential/Low Density
 - East - Commercial
 - West - Commercial
- As shown on the site plan submitted with the application, the applicant proposes to build Caliber Collision Repair & future self-storage and extend Sun Blvd to allow them access to their property. They will also add a turn around at the dead-end of Sun Blvd on the property to the east.
- Notice of public hearing was mailed to 53 owners of property within 300 feet of the requested area on December 21, 2021 and proper notice was published in *The Lawton Constitution* on December 26, 2021. No calls for or against have been received.
- Staff has reviewed the request and recommends approval. The analysis is attached.

Good stated this is a rezoning request to change from C-3 planned community shopping center to C-5 general commercial district zoning. This is on Sun Boulevard, which is a little access service road off of Quanah Parker Trailway, just west of 72nd Street. The current zoning classification is C-3. The proposed zoning classification is C-5. The land use will not be changed; it is already commercial and will stay commercial. The proposed use is caliber collision. They have the required opaque screening and tree buffer on their site plan for the residential use to the South. They are going to be extending Sun Boulevard to access their property and they are going to be required to do a turn around on the property to the East End and until that property is developed then those people that plan on developing that will have to extend Sun Boulevard. Any questions? This was posted in the Lawton Constitution and everyone within 300 feet was properly notified of the public hearing.

Chairman Denham asked if there were any questions.

D. Jones asked if the turnaround is a requirement of the site plan and if it needs to be included in the motion.

Good stated it is already on the site plan. Yes, ma'am. This was just a requirement that the fire marshals put on them so the fire department will have proper turnaround access. It is already on the site plan and will not have to be included in the motion. There is representation here if you have questions for Caliber Collision.

Chairman Denham opened the public hearing and stated anybody wishing to speak for or against this item please approach the microphone. Give us your name and also sign in please.

Brian Burger with Burger Engineering of 17103 Preston Road, Dallas, Texas, stated we are the applicant, and I am here just to answer any questions you might have.

Chairman Denham asked if there were any questions for Mr. Burger. He stated thank you for being here. Is there anybody else who might wish to speak for or against?

Seeing no one approach, Chairman Denham closed the public hearing.

MOTION by Jarvis , SECOND by Medders, to make a recommendation to the City Council for a change of zoning from C-3 Planned Community Shopping Center District to the C-5 General Commercial District zoning classification located at 7220 NW Sun Blvd, Lawton, OK 73505

AYES: Jarvis, Medders, D. Jones, Davison, Denham, Springborn

NAYS: None. MOTION CARRIED 6-0.

HOLD A PUBLIC HEARING AND TO CONSIDER A CHANGE OF ZONING FROM THE R-1 SINGLE-FAMILY DWELLING DISTRICT TO THE C-1 LOCAL COMMERCIAL DISTRICT ZONING CLASSIFICATION AND A CHANGE TO THE 2030 LAND USE PLAN FROM PROFESSIONAL OFFICE/TRANSITION TO COMMERCIAL LOCATED AT 3323 AND 3321 NW CACHE ROAD, LAWTON, OK 73505

This request is located at 3323 and 3321 NW Cache Road, Lawton, OK 73505. The current use is vacant residential. The proposed use is a HTeaO – Iced Tea Franchise. The property owner is Melissa Busse and Ryan Busse.

1. The zoning of the surrounding area is:

North - R-1

South - C-5

East - R-1

West - C-1

2. The land use of the surrounding area is:

North - Residential/Low Density

South - Commercial

East - Professional Office/Transition

West - Commercial

3. As shown on the site plan submitted with the application, the applicant proposes to build HTeaO – Iced Tea Franchise. They will have one curb cut on NW Cache Road and one curb cut on NW 34th Street. They would install a 6' sidewalk along Cache Road and a 5' sidewalk along 34th Street.

4. Notice of public hearing was mailed to 26 owners of property within 300 feet of the requested area on December 21, 2021 and proper notice was published in The Lawton Constitution on December 26, 2021. No calls for or against have been received.

5. Staff has reviewed the request and recommends approval.

Good stated this is a zoning request to change the zoning from R-1 to C-1 zoning classification and then amendment to the 2030 Land Use Plan from professional office transition to commercial. This is at the corner of 31st Street and Cache, just to the North side of Cache road. The current zoning classification is C-5, and the proposed is C-1. The current land use is Professional Office/ Transition with a change to Commercial. The proposed use is for a franchise out of Texas called HTeaO. It is a drive thru herbal tea franchise. They are very prominent in Texas and have wanted to expand into Lawton. It does have the required opaque screening along the north and that east side and a tree buffer on the east side. They will have to change their site plan just a little bit, so there will be a condition on this to add a tree buffer on the north side of the property to buffer for the residential use to the north. This was properly posted in the Lawton Constitution and everyone within 300 feet was notified.

Chairman Denham asked if there were any calls.

Good stated No, sir.

Chairman Denham as if there were any questions for Good before opening the public hearing.

One of the Commissioners asked if all the properties to the East had already been reclassified as C-1.

Good stated it has not been classified as C-1. There are two properties to the West that have been reclassified to C-1 and one currently already has a drive thru, Firehouse Subs. The ones to the right have not been rezoned, but the land use is still going to maintain the Professional Office/ Transition. The neighborhood to the North has a historical overlay, but it does not extend to those houses along Cache Road.

Chairman Denham stated it cuts off at the alley. Correct?

Good stated yes, sir.

One of the Commissioners asked if the tree buffer to the East on that property just needs to go to the back. Right? Or are they required on both?

Good stated it will be required because it's still a residential use. The tree buffer will be on the East side of the property as well along with the opaque screening.

Chairman Denham asked if there were any other questions and opened the public hearing.

Good stated a representative from HTeaO was present if there were any questions for him.

Seeing no one approach, Chairman Denham closed the public hearing.

D. Jones stated her only objection with the drive-thrus is when they did the HP overlay, Dr. Morford was given some assurances that if he removed the frontage lots along Cache Road that the commercial transition or professional office transition would not include drive-thrus. His concern and my concern as well is that as you put high demand uses on these frontage lots, which are 150 feet deep, you start to put demand on the median openings, on pause turning movements, and you end up with accidents. I called the Planning Department. They didn't have any accident data for 20, but they did for 17. There were 94 accidents in the corridor between 26th and Briarwick. And now, in the last 30 days, I know this from the Lawton Constitution, you've even had one fatality at 38th, and you've had another T bone with injuries at 34th. I'm going to assume, and I think it's common sense, that the accidents are going up on many of these links between 26th and 38th and 38th and 44th etc. And it's being caused by these turning movements and queuing problems coming off residential streets. We already put a new car wash across the street. We know we have a new fueling station across the street. During the holidays, we had a terrible condition out there. When we tried to pick the curb returns at an oil change shop at Florida. I personally sat through five cycles at the light before I even got to 38th from 34th. And that was the day that we had a fatality. I mean, it's just bad. It's bad planning, for one thing, long range, because we build these arterioles to carry heavy traffic. If we lose our tools like frontage roads and deceleration lines, then because of those turning movements, we just cause accidents. And unfortunately, they're serious accidents. 38 has the highest injury index on this corridor. In the long run, when we do this, we do a disservice to the public because at some point, not in my lifetime, obviously, we'll go back to the fact that Gore Boulevard is congested. We'll go back to Cache Road being so congested to the point that it hurts business and then we start to get cavities of businesses moving out. And then finally we go back to the product as we've done in decades in the past and say oh, by the way, we can't move east west traffic. So now we need to build the Eighth Avenue corridor to move traffic east and west. And I think we need to stop and think about some of these high use turning movements. I don't think anybody objects to the herbal tea use, but restaurants come and go

and then they become things like smoke shops and marijuana dispensaries because they have a drive thru capability. Now all of our traffic that you're moving through there, once it starts to face resistance, it's going to go to Atlanta to go to the west to 30th or it's going to go back east to 26th where there's a light. I really have problems when people have put their life investment in their home, and then the City can't be disciplined enough to maintain arterial capacity. I just don't think it's right. And I do not want to repeat the 3400 block of Oak here where the Council awfully administratively rezoned that area. This area thought so much of their property values that they put a historic overlay on it, which really limits the property owners on what they can do. I just don't think this is a good idea. I think it's going to lead to more drive-thru's and more demand, and eventually, you're going to have a traffic light at 34th. We've got 8 traffic lights between 26th and Briarwood. That's only 600 feet. I don't think that's a healthy thing for the citizens. I'm not against growth or herbalized tea or anything, but in all honesty, we haven't seen a comprehensive land use plan in years. There is an inventory out there of existing C-1 through C-5 tracks available right now along arterioles. I don't know how many there are, but historically, there have been acres and acres and acres. I think we should recommend to the Council to get an updated analysis on these streets. Let's see where they're going. They need an updated transportation plan. Let's limit some of these domain uses, let the restaurant go in and see what the analysis says. Give us some evidence and data to help. That's my concern and I can't support the drive thru.

Chairman Denham thanked D. Jones and asked for any other comments.

Ms. Crawford from 3320 NW Atlanta stated she would like to present a protest petition from members of the neighborhood. First of all, the traffic increase is a concern. The establishment of a restaurant with drive thru windows will force a traffic backup that will lead to an increase in traffic on Atlanta as drivers who cannot quickly access Cache Road will resort to going to the intersection at 34th and Atlanta, where they will move either North or South on a residential street that was not designed for heavy traffic. Not to criticize the City, but there is an incredible pothole at that intersection already. The City Council, at the request of residents, already made that intersection at 34th and Atlanta a four way stop. But that has not prevented the traffic at all. We'll see cars going 40 miles an hour, three in a row. That's a great concern because we have children in the neighborhood. My next concern is fencing. According to the proposed plan, the fencing will consist of a six-foot stockade. You can see through the stockade. I'm in the process of replacing one right now with a solid fence, and now I'll have to increase the height of it. This is very expensive. The six-foot height is not tall enough. This is not adequate screening for the back windows of homes behind a restaurant with a double drive thru. All of these family homes are built on pure grade foundations, as opposed to slab foundations. As a result, they are elevated higher than newer homes on a solid foundation. Consequently, the home's occupants will be clearly visible to people in the restaurant parking lot and there's no question about it. So, I don't have any privacy whatsoever. There's no way to screen it off. The noise from the drive thru order and pick up boxes, as well as noise from the vehicle radio and possibly restaurant music would overwhelm homeowners who want to enjoy the beauty of their backyards, some of which represent considerable time and investment. Residents are also concerned with the lighting of the proposed drive thru restaurant. A number of the houses not

only have backyard patios and decks but also front porches with porch furniture. Spill over lighting would illuminate these outdoor seating places, rendering them uncomfortable because motorists and insects could clearly view them. Part of the enjoyment of these outdoor spaces is privacy, which would certainly be violated by intense lighting. The intense lighting also attracts all kinds of bugs, which makes sitting outside unpleasant. Although the proposed plan does not mention lighting specifically, except that such lighting would have to comply with City Code, residents can simply look across Cache Road to see the effects of restaurant lighting. This petition is signed by John Turns, owner of 3314 and 3315 NW Atlanta, Lisa Thomas, who owns the residence at the corner of 34th and Atlanta on the north side, Janet Hankins, Linda Bracen, who resides at 3316 NW Atlanta, Cindy and Gary Dees, at 3322 NW Atlanta, the Nunez Family at 3324 NW Atlanta, and John Pointer, at 3321 NW Atlanta.

Chairman Denham asked if there were any questions for Ms. Crawford and requested a copy of her petition.

Josh Tubbs, resident at 3315 NW Atlanta stated he also owns 3314 NW Atlanta. He stated there are 23 homes on that block. It is a double block that goes from 30th to 34th. When cars come out of that drive thru, they can only fit through to the stop sign to get out on to Cache Road. Once there's two or three cars there, they are going to turn and go down 34th to Atlanta, and either turn East or West. If they turn East, there's 23 houses on that block. Once they put in Five Guys, Jimmy Johns, and Domino's, it's like a Grand Prix going down that road. Cars are going 60 miles an hour, and I have a 5-year-old, handicapped child. There are no less than 20 kids that live on that block. If you allow this, our traffic is going to double or triple. We already need something to slow people down because those blocks are so long. Now, you put a speed bump between 33rd and 32nd, and there's only five houses on that block with no children. I have no idea why this is there. It's 100 feet to each stop sign from that speed bump. We need to figure out some way to slow traffic down on that road and some way to lessen the amount of traffic on Atlanta. There's too many people and children there.

Chairman Denham stated that was his initial thought when she was speaking about the speed tables. It sounds like they've got it in the wrong place. He stated to check with Ms. Hankins and see if she can get that relocated. We can also check with LPD for enforcement on speeding.

Mr. Tubbs stated this is going to make it that much worse. Allowing a drive thru is not a good idea.

Chairman Denham thanked Mr. Tubbs and asked if anyone else would like to speak for or against this issue.

Seeing no one approach, Chairman Denham closed the public hearing.

Chairman Denham stated that this is only a recommending body. Whether CPC votes for or against this is merely a recommendation to Council, and they can vote how they see fit.

Good stated he would like to reiterate that there will be a tree buffer in place as well. Structurally speaking, the buildings that HTeaO put up are very nice and very modern looking.

One of the Commissioners asked if the double lane is going to be similar to Chick-fil-A on Cache Road. If this is going to be the same, that's no good. He then asked what type of demographic and time of day they anticipate seeing their influx of customers.

The representative from HTeaO stated they anticipate being the busiest from 2:00pm to 6:00pm. They will be open until about 8 or 9.

Chairman Denham asked if they could raise the fencing.

The HTeaO rep stated they will work with what's allowable by the City.

D. Jones asked if this is a drive-in or a drive thru.

Rogalski stated a drive-in is where you park your car and eat. This is a drive up.

Someone stated that there is parking on the North and South of the building.

The representative from HTeaO stated about half the people use the drive thru and half the people come in to make their purchases, but they don't stay there.

Rogalski stated the question is do people stay after they've made their purchase.

Chairman Denham stated it doesn't sound like it.

D. Jones stated But there is parking on the side.

The representative from HTeaO stated in the current locations very few people stay after they've made their purchase. That doesn't mean the Lawton location won't be different, but it's unlikely.

Medders asked if they could recommend a left turn only onto 34th Street, similar to Gore and 11th, to alleviate traffic issues and to request that the fencing be raised to 8 feet.

Chairman Denham stated they can certainly include that. They also need to include a tree buffer on the North.

MOTION by Medders , SECOND by Jarvis, to recommend approval to the City Council a change of zoning from the R-1 Single-Family Dwelling District to the c-1 Local Commercial District zoning classification and a change to the 2030 Land Use from Professional Office/ Transition to Commercial located at 3323 and 3321 NW Cache Road, Lawton, OK 73505 with

the conditions that there be a left turn only on 34th Street, a tree buffer be added on the North side, and the fencing be raised to 8 feet.

AYES: Jarvis, Medders, Davison, Denham, Springborn

NAYS: D. Jones MOTION CARRIED 5 - 1.

Chairman Denham stated this was just a recommendation to Council. The Council meeting will be the 1st meeting in February, and he suggests that the citizens of this area state their concerns at the Council meeting as well. He also advised they work with their Council person to move the speed table and check with law enforcement to help with the excessive speeding in that area.

HOLD A PUBLIC HEARING AND CONSIDER APPROVING THE REQUEST FOR A SPECIAL SUBDIVISION CERTIFICATE SUBMITTED BY CACHE ROAD SQUARE, L.P. TO TRANSFER A STRIP OF LAND LOCATED IN THE SE/4 OF SECTION 22, T2N, R12W TO BANCFIRST.

Martin stated this is the Bancfirst property at Cache Road Square. The entirety of Cache Road Square is unplatted, and Bancfirst would like to own that themselves. In order to separate that, they need to do a special subdivision. This property qualifies according to code. We can do a subdivision on a property that has not been subdivided more than three times.

D. Jones asked if this is the first split.

Martin stated this will be the first split.

Chairman Denham stated staff is requesting an approval on this, and CPC is the acting body for this. No public hearing is required. Chairman Denham asked for any questions.

MOTION by D. Jones, SECOND by Jarvis, to approve the request for a Special Subdivision Certificate submitted by Cache Road Square, L.P. to transfer a strip of land located in the SE/4 of Section 22, T2N, R12W to Bancfirst.

AYES: Jarvis, Medders, D. Jones, Davison, Denham, Springborn

NAYS: MOTION CARRIED 6-0

COMMISSIONERS' REPORTS OR COMMENTS

Chairman Denham thanked the Commissioners for their patience while he figured out the new agenda style.

SECRETARY'S REPORT

Janet Smith stated she would like to apologize for the new agenda style, but it is something she has been working on with the City Attorney's Office to get updated. She would also like to update the Planning Commission that they are working on a Land Use Plan. They will hopefully have something to bring to the Commission in a couple of months, but they are behind in large part due to COVID. We have had a lot of staff out of the office, but we are continuing to work on getting a Land Use Plan ready for approval.

Chairman Denham stated the need for a Land Use Plan predates Smith and COVID. They are approximately 3 years behind on having this done in 5 year increments.

AUDIENCE PARTICIPATION

None.

ADJOURNMENT

Meeting adjourned at 2:15 p.m.

David Denham, Chairman

City Planning Commission