

MINUTES
CITY PLANNING COMMISSION

Minutes of the City Planning Commission meeting held February 11, 2021 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: David Denham
Ron Jarvis
Paula Bowen
Neil Springborn
Darren Medders
Shelli Fox*
John Jones

MEMBERS ABSENT: Deborah Jones (excused)
Dave Davison (excused)

ALSO PRESENT: Charlotte Brown, Planning and Subdivision Administrator
Cindy Augustine, Planning and Subdivision Administrator
Michael Cleghorn, City Manager
Richard Rogalski, Deputy City Manager
Greg Gibson, Assistant City Attorney
Tammy Anderson, Recording Secretary

*entered meeting at 1:41 p.m.

CONSIDER APPROVING THE MINUTES OF THE JANUARY 14, 2021, MEETING.

MOTION by Medders, SECOND by Jarvis, to approve the minutes of the January 14, 2021 meeting. AYES: Jarvis, Denham, Bowen, J. Jones, Medders, Springborn. NAYS: None. MOTION CARRIED 6 - 0.

HOLD A PUBLIC HEARING AND CONSIDER AN AMENDMENT TO CHAPTER 18, LAWTON CITY CODE, 2015, THAT AMENDS SECTIONS 18-1-1-106 AND 18-5-8-580 BY AMENDING THE DEFINITIONS OF THEATER, AMENDING THE PERMITTED USES IN C-1 LOCAL COMMERCIAL DISTRICT TO ALLOW FOR INDOOR THEATERS, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

At the City Planning Commission meeting held on November 12, 2020, the Commissioners directed staff to bring forward a code amendment that will permit limited drive-in movie theaters in the C-1 Local Commercial District. Under the current code, drive-in movie theaters are a use permitted on review in the C-5 General Commercial District; a theater, provided that it abuts a major street is a use permitted on review in the C-2 Planned Neighborhood Shopping Center District; an indoor theater is a permitted use in the C-3 Planned Community Shopping Center District; and an indoor and outdoor theater is a permitted use in the C-4 Tourist Commercial District. This proposed ordinance will list an indoor theater as a permitted as regulated in Article 7-34 of Lawton City Code. The ordinance will also amend the definition of a drive-in movie theater to allow for drive-in movie theaters as an accessory use to an indoor theater. This accessory use will require a permit that will be regulated by Chapter 7 of Lawton City Code and the License & Permit Division. This permit will be an annual permit and shall set regulations on operating the drive-in movie theater as an accessory use to an indoor theater when located within the city limits.

Brown said the annual permit would cost \$50 for a new permit and \$25 for a renewal permit.

Brown said the following regulations would have to be followed:

- 1) No sound amplifying equipment except in emergency situations.
- 2) Audio shall be broadcasted on the radio or other mobile devices as provided by the permittee.
- 3) Outside concession stands are prohibited.
- 4) Light trespassing rules must be adhered to.

Brown said complaints regarding Chapter 16 (noise ordinance) will continue to be handled by the Lawton Police Department. She said any other complaints on Chapter 7 issues will go to the Code Plans Supervisor in License and Permits. Brown said accumulation of more than five verified complaints within a consecutive three-month period could be grounds for permit revocation. If the permittee feels the revocation isn't warranted, they can make an appeal to the City Council. If the City Council upholds the revocation, the permittee will have to wait one year to apply for another permit.

Rogalski said the Vaska has conducted several outdoor showings that adhere to this code change, and staff has yet to receive any complaints.

Commissioner J. Jones inquired about parking.

Brown said she capped the parking at 30 vehicles.

Chairman Denham asked that staff further examine the parking situation to better determine an appropriate amount.

Chairman Denham declared the public hearing open.

Justin Hackney, owner of the Vaska Theater, said typically his outdoor showings allow for up to 50 cars. He said the parking lot can hold up to 130 vehicles, but he only allows 50 because it can be hard to see the movie screen the further you get away from it. Hackney said they've had food trucks in the past, and he'd like that to be permitted in the future.

Rogalski said staff wasn't trying to prohibit the operation of food trucks. He said staff will provide further clarification in the code change. Rogalski said he sees no problem with upping the maximum number of vehicles to 50.

Chairman Denham declared the public hearing closed.

MOTION by J. Jones, SECOND by Medders, to recommend to the City Council approval of an amendment to Chapter 18, Lawton City Code, 2015, that amends Sections 18-1-1-106 and 18-5-8-580 by amending the definitions of theater, amending the permitted uses in C-1 Local Commercial District to allow for indoor theaters, providing for severability and establishing an effective date. AYES: Jarvis, Bowen, Medders, Springborn, Denham, Fox, J. Jones. NAYS: None. MOTION CARRIED 7 – 0.

CONSIDER APPROVING THE RECORD PLAT FOR SAINT JAMES PLACE, PART 5, WHICH INCLUDES A REPLAT OF LOT 1, BLOCK 10, SAINT JAMES PLACE, PART 3, SUBJECT TO CONDITIONS.

Saint James Place, Part 5, is located approximately ½ mile west of NW 82nd Street, south of NW Cache Road. This plat contains 2 lots which are currently zoned R-1 Single Family Dwelling District and A-1 General Agricultural District. The developer is Quail Ridge, Inc., and Clint and Tiffany Kirk. The consulting engineer is Landmark Engineering.

The purpose of this plat is to reduce the lot size of Lot 1 from 2.61 acres to 1.09 acres which would move the property lines out of the flood zone. The remaining area would be added to Lot 2, which will be owned and maintained by the homeowner's association. They intend on using it as a natural area and walking trail for the residents of the subdivision.

As there is a truck sewer main below much of Lot 2, Public Works has noted that while a gravel walking trail would be acceptable, a revocable permit would be required if a concrete or asphalt trail were constructed within the easement.

There are no public improvements to be constructed with this plat.

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

- 1) Label and show the flood zone on the record plat.
- 2) Specify on the plat that Lot 2 will be owned and maintained by the homeowner's association.
- 3) Show the location and description of all section corners and permanent survey monuments.
- 4) Show the existing street, NW Wellington Way, that is adjacent to proposed Lot 1 on this plat.
- 5) Show and dimension the location of all building lines and setbacks.

MOTION by Medders, SECOND by Jarvis, to recommend to the City Council approval of the record plat for Saint James Place, Part 5, which includes a Replat of Lot 1, Block 10, Saint James Place, Part 3, subject to the conditions listed. AYES: Jarvis, Bowen, Springborn, Denham, Medders, Fox, J. Jones. NAYS: None. MOTION CARRIED 7 – 0.

COMMISSIONERS' REPORTS OR COMMENTS

Chairman Denham welcomed Commissioner Fox.

Chairman Denham said an editorial regarding mural regulations was published in the January 31st, 2021 issue of the Lawton Constitution. The editorial said the City's goal should be setting a standard that improves the lifestyle of its residents. The editorial also said the City should be more concerned with helping citizens do their job than stopping them from doing certain things. Chairman Denham said he agrees with the statements made in the editorial. He said the Planning Commission seems to be doing a great job soliciting citizen feedback. He said he'd like to also see this mindset adopted by City inspectors.

Commissioner Springborn said he was glad to see the vote on hotel/motel tax pass.

SECRETARY'S REPORT

Regarding the editorial, Rogalski said he agrees that the City needs to be more helpful. However, the Constitution misquoted City Code regarding signs. Rogalski said City Code currently allows signs to be 30% of the building face. He said if a mural uses words or symbols that identify what the facility is, then it's considered a sign.

Rogalski said the code change regarding electronic message signs did not pass at City Council. He said staff will be making further code changes that will be brought back to the Commission and City Council. He said Council would like to see more restrictive codes (e.g. height restrictions) for signs near residential areas.

AUDIENCE PARTICIPATION

None.

ADJOURNMENT

Meeting adjourned at 2:05 p.m.

David Denham, Chairman
City Planning Commission