

CITY PLANNING COMMISSION
CITY HALL AUDITORIUM
March 28, 2024

Minutes of the City Planning Commission meeting held March 28, 2024, 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 David Denham

ROLL CALL

MEMBERS PRESENT

David Denham
Melissa Busse
Ron Jarvis
Joan Jester
Allan Smith
Michael Logan
Darren Medders
Neil Springborn

MEMBERS ABSENT:

Deborah Jones (excused)

ALSO PRESENT:

Christina Ryans-Huffer, Recording Secretary
Charlotte Brown, Director Community Services/Planning
Kameron Good, Senior Planner
Christine James, Interim Planning Director
Tyler Pobiedzinski, Planner I
Gregory Gibson, Assistant City Attorney
Jon Jernigan, Chief Building Official
Dewayne Burk Assistant City Manager
Sherene L. Williams Council Member Ward 7
Jon Silver 4D Construction

The meeting has established a quorum and was posted according to the Oklahoma Open Meeting Act, 25 O.S. 301-314.

OLD BUSINESS

None.

NEW BUSINESS

2. **Hold a public hearing and consider an ordinance and resolution request from Jesus Rodriguez-Contreras for an amendment to the 2030 Land Use Plan from Residential/High Density to Commercial, and a change of zoning from the R-1 Single-Family Dwelling District to C-4 Tourist Commercial District zoning classification for the properties located at 3116 SW J Avenue, Lawton, OK, 73505 and take appropriate action as deemed necessary.**

Pobiedzinski stated good afternoon Tyler Pobiedzinski, Planning Division. This applicant came to us to re-zone 3116 SW J Avenue. The parcel is currently vacant and it's not documented on any Record Plats. He is proposing to do 2 (two) soccer fields with a 1,000 square foot, 1 (one) story concession building. The site plan does show an 8 (eight) foot chain link fence around the property, an opaque fencing and tree buffer along the eastside of the property. Here is the area described. This is the arial, it's big open land. Here is the site plan with the 2 (two) soccer fields that he is proposing, along with the 1 (one) story concession stand in the middle. He is also proposing the parking lots be crushed stone, which if this is approved today, he would have to go to the Board of Adjustments next to be able to do that. But he does have to pave the Handicapped spaces which is also shown as paving in front of the concession stand. Here's the existing zoning map, it's currently R-1, the north is R-1, the south is I-1, east is R-3, west is C-5. It's proposed to be C-4. In C-4 the allowed Uses is recreation center, public or private, is the closest use we came up within the Planning Division of what he is asking to do. The Land Use Map is currently Residential/High Density is proposed Commercial and to the north is Residential/Low Density, south is Industrial, East is Residential/High Density and west is Professional Office/ Transition. This is what he is proposing to turn it into Commercial. Notice of Public hearing was mailed to 28 owners within 300 feet of the requested area on March 7th and published in The Lawton Constitution on March 12, 2024. We received 1 (one) phone call with a concern that people would be coming out of the parking lot zipping by and requested a stop sign, that was it. Any questions?

Smith asked so if we do approve this, we're not approving the chat parking lot, correct?

Pobiedzinski responded you're just approving the re-zoning.

Smith stated the zoning part of it, okay. Thank you.

Denham asked what are the consequences of being directly across the street of residential going to C-4?

Good stated Kameron Good of the Planning Division. This still would be a Binding Site Plan so any change of proposed Use or any structures added to it would be an amendment to the Binding site plan would come back to this Board and Council to change that so, going all the way up to C-4 you still have the protection of that binding site plan being put into place.

Denham responded thanks Kameron. Any other questions of Tyler? Hearing none, I'll go ahead and declare the Public hearing open. Anybody that would like to come and speak for or against this project please approach the microphone, sign in. Seeing no one approach I'll close the Public hearing. Members of the Commission what's your pleasure?

Motion by Smith, Second by Logan to recommend to the City Council approval of an ordinance and resolution request from Jesus Rodriguez-Contreras for an amendment to the 2030 Land Use Plan from Residential/High Density to Commercial, and a change of zoning from the R-1 Single-Family Dwelling District to C-4 Tourist Commercial District zoning classification for the properties located at 3116 SW J Avenue, Lawton, OK, 73505.

Denham stated it is unanimous 8 (eight) to 0 (zero) so this will move through City Council for the next step.

3. Consider approving the record plat for Lee Commerce Addition, subject to conditions and take appropriate action as deemed necessary.

Good stated Kameron Good with the Planning Division. This is a proposed Record-Plat for Lee Commerce Addition. This is roughly 15.68 acres, south of Southwest Lee boulevard, west of Southwest Brentwood Boulevard. This is located in southwest portion of Lawton, over by the Scooters Bar and the Brentwood Senior Living. The proposed Plat is to split this into 2 (two) lots, one being in the northeast corner and the proposed use there is a Dollar General Store. That's the reason for this Plat and leaving the rest of the land as Lot 2 (two). The conditions listed, label the Utility Easement as Public, label Brentwood Boulevard with SW (southwest), correct the City Clerk's name and label adjacent properties outside platted boundary have all been met since this packet has been made and has been turned back in to the Planning Division. There is representation if you have any questions from the applicant, 4D Construction, they're the ones building the Dollar General to be located on Lot 1 (one).

Denham asked Kameron what about the other two recommendations from Public Utilities?

Good responded I'm sorry, yes, all the conditions have been met.

Denham stated thank you. Any other questions for Kameron?

Smith asked did we, I know we talked about it, recommendations from the Planning Commission to us and then we stopped for a while, are we re-starting that back up?

Denham responded they're recommending approval.

Smith stated I didn't read that.

Denham asked any other questions? I'll entertain a motion.

Motion by Jarvis, Second by Medders to recommend to the City Council to approve the record plat for Lee Commerce Addition **Aye:** Jarvis, Jester, Smith, Medders, Logan, Springborn, Denham, Busse **Nay:** None. **Motion Passed.**

4. Consider approving the record Replat for Lots 4, 5, 6 & 7, Block 18, Radio City Addition, subject to conditions and take appropriate action as deemed necessary.

Good stated as you can see on the screen the original Record Plat was approved in the early 1900s. This is a re-plat of Block 18, Lots 4-7, highlighted with the red box. The proposed re-plat would be to turn one of the lots to the side and go from 4 (four) lots to 3 (three) lots. As you can see on this arial there is an existing Trailer Park, an existing house and an existing building. This is to split those lots and be able to sell off that northwest building on Lot 16 and right now as is the house and the building on Lot 16 are all on the same lots and so that's the reason for this re-plat. The current zoning is C-5. This is at the southeast corner of Sheridan and D Avenue. There is one listed condition and it is to make sure that we get 10 (ten) additional feet for the right-of-way on Sheridan. Right now, it's platted at 50 (fifty) and according to Code the arterial roads are supposed to be 120 feet total, 60 (sixty) on each side from the centerline. So, the condition on there is to get 10 (ten) more feet granted to the City along that west boundary line.

Denham asked does that include that median that's in front?

Good responded so that centerline of the road, it would be 60 feet from the centerline. So, the total width would be 120 feet for the arterial street of Southwest Sheridan Road. The additional 10 (ten) feet would require them to get a Council Revocable Permit for the existing concrete driveway that goes all the way to the street and the fence that's built out here for the house but due to City Code being arterial roads are supposed to be 120 feet that's why we are requiring the additional 10 (ten) feet right now. If you can see on the original plat these lots stick out farther than the other lots and so the street right-of- way should continue along. We don't, so the City doesn't have to purchase additional right-of-way later on, that's why we request it when they're platting it.

Denham asked and then the other ones to the south won't be addressed until some change comes forward?

Good responded correct. Or if at the time we decide that we need to widen that road the City would then go acquire more property and have to buy that land.

Denham asked alright, any questions? What's your pleasure?

Motion by Medders. Second by Springborn to recommend to the City Council approval of the record Replat for Lots 4, 5, 6, & 7, Block 18 Radio City Addition with listed conditions **Aye:** Jester, Smith, Medders, Logan, Springborn, Denham, Busse, Jarvis **Nay:** None. **Motion Passed.**

5. Discuss and determine the proper zoning district classification of a crematorium use within the city of Lawton and take appropriate action as deemed necessary.

Pobiedzinski stated thank you. Tyler Pobiedzinski, Planning Division. Basically, this came up because a citizen came into our office he wants a pet crematorium business. He was trying to figure out what zoning he was allowed in and it's not mentioned anywhere in our Code as a Use. So, we did a little digging the lists with similar uses is not listed in Chapter 18. However human crematoriums are being permitted as an Accessory Use to funeral homes within the City. Additionally human crematoriums not associated with a funeral home was allowed in our I-1, Restricted Manufacturing District because it is an existing establishment. So, we have a human crematorium that is currently that's not in a funeral parlor in I-1 right now. They're pre-existing prior to the zoning. So, a funeral home and mortuary is listed as a Permitted Use in our C-1 and C-4 District and C-5. When we did a local Use Permitted On Review for C-3. When we did a Google search for crematoriums and funeral homes, we actually looked up their addresses, they're currently all in the City operated in the C-5 zoning and we looked at our 6 (six) peer Cities, I'm not going to list them all but for the most part they break it apart between funeral homes and funeral homes with crematoriums and without. And then keep in mind the citizen came back for pet crematorium not human. The main takeaway is a separation, like I said, before I move on, the staff recommendation is do a Use Permitted On Review in C-5, with permitted in I-1 and to go over some of the Use Permitted On Review Uses that we have currently we allow for Use Permitted On Review for C-5 You got theater, movie drive inn, your parcel pickup, storage and delivery, some temporary manufacturing uses that are only permitted not exceed 2 (two) years as your engraving plants, book bindery, electrical equipment manufacturing, leather goods fabrication and so forth. Some of the Permitted Uses in our I-1 currently is automobile repair shop and paint, jewelry and watch manufacturing, furniture manufacturer, electronic equipment manufacturer, paper products manufacturing, marijuana growing so that's what we got right now. I can give you more detail if you need me to or answer any questions.

Denham asked so again your recommendation is for Use Permitted On Review on a C-5 and a I-1?

Pobiedzinski responded I-1 Permitted Use. And this would be for cremation unless you want funeral home also a part of it.

Denham asked and it's for human and pets or animals?

Pobiedzinski stated cremation, one of the definitions in, from the Cities that provided, was in Norman, they define crematorium a facility for the incineration of corpses, human and animal. So, we can take that same definition. If you wanted.

Denham asked any questions of Tyler? Obviously there's not any toxic fumes involved in this process?

Pobiedzinski responded correct.

Denham stated seeing how we have black smoke floating over Downtown, every so often. I'll entertain a motion.

Springborn stated as someone who recently had to put their long-time pet, dog, down, the closest crematorium for the dog was Oklahoma City. So, I think this is something badly needed here in town.

Denham stated there was one here in town, Rainbow Bridge operated one down in Industrial Park,

Springborn responded that's closed now.

Denham stated yes , right down in Industrial area, right.

Pobiedzinski stated again we're just looking for direction to bring back Code change.

Denham responded oh okay.

Pobiedzinski stated it would also help the citizen know where and what properties to look at. Knowing that we are moving forward.

Denham asked I just been asking, shown some clarification the I-1 is permitted, C-5 is UPOR?

Pobiedzinski responded yes.

Denham asked any feedback? I agree with Neil we need this and hopefully we can get the zoning classification done so this citizen can come back with a proposal.

Jarvis asked can I just aske one question? It's something to think about. Usually in Commercial Districts where they have hazardous materials or chemicals within a building and they have an exhaust system that cleans, there's a minimum height of the smoke stack of that. So, is that inclusive in this to determine what's going on with that smoke? Can it dissipate quicker than a short stack?

Good responded that would be handled within the Building Code portion and not necessarily the zoning of it.

Brown stated yes, in the Mechanical Codes we have certain requirements based on the Use, on what kind of ventilation and how they handle the exhaust. So, we would address that at the time of construction.

Denham responded back in the day I worked at Gibson's. They had an incinerator on property. So, I'm sure there's probably some other retail establishments that still do.

Jarvis stated you mentioned the black smoke Downtown and the height of that smoke stack is short, in my opinion and probably could help that problem if they were taller. So, if you look at Cameron, they put in a Physical Science building at Cameron and you can see 2 (two) very tall smoke stacks. The advantage of that in the building you don't smell those chemicals but before that the Physical Science building it reeked of those chemicals just because of storage and so forth. So, I would encourage us to make sure that whatever the location is, we identify the potential of that smoke hazard.

Springborn stated when I worked out at Cameron the 2 (two) tall smoke stacks were there for the Chemistry Department.

Denham responded having gone there I do remember the old Chemistry building and it was quite pungent walking down the hallways. Okay any additional feedback for Staff?

Smith stated I think we're just here just for the zoning part so, I think we'll get in deeper on the other parts. I would make a motion to pass but I do not know how to word it.

Denham stated there's no need for a motion at this time. They just need feedback.

Brown responded it's a directive for Staff so, just a motion to direct Staff to bring back an ordinance with those changes.

Smith stated I make a motion to direct Staff to come back with the changes.

Motion by Smith. Second by Logan to bring back a draft Code Amendment for the proper zoning district classification of a crematorium use **Aye:** Smith, Medders, Logan, Springborn, Denham, Busse, Jarvis, Jester **Nay:** None. **Motion Passed.**

6. Commissioner's Reports or Comments.

Denham stated first off thank you for the recommendations on these items. You are our source of the information and we rely on you to make these decisions so, thank you. Any other from the Commissioners?

7. Secretary's Report.

Brown asked so, Kameron do you have anything?

Good stated I just want to make a comment the dormitory that was supposed to go to Council was tabled until the 9th Meeting. The Mayor wanted to be there. We had to re-notice. He asked for it to be pushed back for a meeting he could be there. So, we had to send out and re-notice. The dormitory is going on the 9th of April to the Council meeting.

Brown stated and I have a couple of things, some of you got an email about our Land Use Steering Committee for Tuesday afternoon at 5:30 and then we need to schedule a Kick Off meeting with this Board. Garver will be in town next week so we're hoping Wednesday or Thursday afternoon, to schedule a meeting with this Board. So, that they can meet with you guys. If we could get a consensus on either afternoon.

Denham asked Tuesday afternoon would not be practical, I guess? Before the Steering Committee? Since 2 (two) of us at least will be on that.

Brown stated I can ask. I'm not sure. They should be in town early enough we could.

Smith asked so we're doing a meeting before a meeting? I'm not understanding.

Denham responded the actual meeting the actual Steering Committee itself is the Tuesday one.

Brown responded it's 2 (two) separate Committees. We could do Tuesday afternoon.

Good stated the Steering Committee does have a couple of the members on it. They're requesting that this CPC gets together as well, separate from the Steering Committee.

Denham responded just from the point of view for the 2 (two) people that are on Steering Committee, we would like to be as close together as opposed to multiple afternoons.

Brown stated okay, we can look at if you guys are okay with Tuesday afternoon, we'll have to get notice out.

Denham stated it's short notice for this Commission too.

Brown stated it is, we could do it if we got the notice posted today for the Special Meeting. So, if you guys would be comfortable doing a meeting?

Denham asked how long are we talking about? Thirty Minutes, an hour?

Brown responded thirty minutes to an hour.

Denham asked so we could make it at 4:30?

Brown responded yes.

Denham stated Tuesday the 2nd.

Brown responded yes.

Denham asked does that work for everybody here? If it doesn't we can reschedule. Let's go a head and shoot for Tuesday at 4:30 and that way it will save an afternoon for us.

Brown stated okay.

Denham asked anything else Charlotte?

Brown stated no that's all I have.

8. Audience Participation.

Denham stated welcome Council Person.

Williams asked I do have a question on the crematory, I couldn't hear I was way at the back, what zoning area are we talking about and which ward?

Good stated we can get you that.

Williams responded okay.

Denham stated and it's just giving them direction to bring something actually back to us with a Code. Anything else?

Brown stated real quick I'm going to get killed for this but today is Tyler's last meeting with us, so say thank you Tyler.

Denham responded Tyler you just started getting up here. Better opportunity I hope? Moving. Well thank you for all you've done and I apologize never really being able to pronounce your last name properly. Best of luck to you to you in the future Tyler and thanks again seriously for all help. I was able to sign many a Plat under his direction. I'll entertain a motion to adjourn.

9. Adjournment.

Motion by Medders, Second by Smith to adjourn the meeting **Aye: Smith, Medders, Logan, Springborn, Denham, Busse, Jarvis, Jester **Nay:** None. **Motion Passed.****

With no further business meeting was adjourned.

DRAFT