

MINUTES
CITY PLANNING COMMISSION
CITY HALL AUDITORIUM
May 11, 2023

Minutes of the City Planning Commission meeting held May 11, 2023, 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
Deborah Jones
Joan Jester
Darren Medders
Michael Logan
Ron Jarvis

MEMBERS ABSENT: Allen Smith (excused)
John Jones (excused)
Neil Springborn

ALSO PRESENT: Madison Aust, Recording Secretary
Charlotte Brown, Director of Community Services/Planning
Kameron Good, Senior Planner
Tyler Pobiedzinski, Planner 1
Gregory Gibson, City Attorney
Chris Boyd, CDBL, Inc

2. Verify posting of the meeting.

The meeting was posted on May 8, 2023 at 1:57pm by Kobe Humble.

3. Establish Quorum.

Six (6) of the Nine (9) members were present.

Denham stated I'm going to make our attorney nervous and deviate from the agenda. I'd like to introduce everyone to our new member Joan Jester who will be serving the citizens of Ward 2. Joan welcome aboard.

Jester responded thank you.

Business

4. Consider approving the record plat for Retail Addition.

Good stated this is a record plat for Retail Addition. This is going to be located on the Eastside of Sheridan just north of the Panera Bread but south of Aldi's. The tract of land was replatted as the Roger's replat of lot 5 Thompson Subdivision. This will split the land into two different spots and there will be some easement documents dedicated along with that. There will be a 15-foot water easement down the middle, an additional 5-feet of right-of-way off of 21st Street, and a 2-foot public access easement with room to install sidewalk. There will also be a 7-foot easement on the westside for future install of sidewalks. The plan is to build a 7Brew Coffee Shop on lot 1 and have future development on the eastern lot 2. Brent Jung with North Fork Surveying & Drafting was the surveyor on this project. The Public Utilities and Stormwater Departments have both reviewed the plans and recommend for approval.

Denham asked any questions for Mr. Good? Seeing and hearing none I will entertain a motion.

Motion by Medders, **Second** by Jarvis, to approve the record plat for Retail Addition.

Aye: Jarvis, Jester, Deborah Jones, Medders, Logan, Denham **Nay:** None **Motion Passed**

5. Discuss and determine if the Southern Oklahoma Brewing Company's proposed use for 104 SW 2nd Street is similar in character to those enumerated in the D-6 Urban Renewal Plan-Mixed Use District.

Good stated this proposed use was brought to us to remodel and expand an existing building on the corner of 2nd Street and Southwest A Avenue. There are uses that are similar in character in number 45 in the Mixed Use D-6 Urban Renewal Plan states that the use is not more obnoxious or detrimental can be approved by the Planning Commission. We feel that this use is more like number 21 eating establishment with sit down alcohol. This would most likely exceed the 50 percent sale of alcoholic beverages. That is why this was brought to you today to make the determination of this use of this of a brewery is similar in nature to number 21. We have their site plan here that shows the existing building and what they plan on doing with brewery. It will have a covered outdoor area. They also provided some visual aids showing what the building will look like after the remodel. As you can see the outdoor area will have space for cornhole and different events like that. Outside seating area along with small indoor seating area and a bar. If you determine this is not similar to number 21, they will have to go through a Use Permitted on Review process, and go through LURA, CPC, and Council.

Deborah Jones stated Greg, can I ask a question? In making a determination can we make a determination that has a condition on it. I don't know why we couldn't. I'm trying to avoid them going to a Use Permitted on Review. The condition I'm suggesting is that this is similar in nature provided that the alcoholic beverages is brewed on site. The reason I'm saying this is when they don't brew on site, it's a tavern. It is serving beer, you can have 100 percent of the sales, with no food, I do not want that in the downtown. That is what we purchased in the downtown. On the other hand I think this is a wonderful idea that is why I'm trying to do.

Good stated we do have Chris Boyd here. He is the contractor that will be working on this.

Deborah Jones responded this is more of a legal question.

Gibson stated that is a tough one, I don't know specifically. We are starting to encounter those in front of the commission that we haven't seen before. We did move something recently to Council without a recommendation either way. There is no place in the code that I see, we did that because there was nothing stopping us from doing that, and it also communicated what the commission felt. What I would say unless Kameron or Charlotte either have a problem with conditionally approving this. We might even find out our answer in a few moments.

Denham stated _There is a brewery right here but that doesn't mean they can't sell other.

Deborah Jones responded no. What I'm saying is if they exceed fifty percent in alcohol sales beyond the food then its fine to do it provided that you have a beverage manufacturing site, brewing site, vodka site whatever, on the premises.

Good stated yes ma'am. There is a tap room in the lower left corner. They will be selling beers from other local breweries.

Deborah Jones responded there would be no limit on that.

Good stated okay, I just wanted to clarify.

Deborah Jones stated what I am to avoid again for those of you.

Good stated just a bar serving beer.

Deborah Jones stated it's not even a bar. It's what we would call a tavern. In other words you just come in and maybe they have a bag of potato chips and drink whatever.

Denham stated I think LURA has cleaned all that stuff up. They removed a lot of the restrictions in the downtown overlay.

Deborah Jones stated I do not want to inadvertently not be clear on this and then we start to taverns. All they have to say is well we are exceeding the fifty percent serving beer. I think Dr. Sheppard will agree with me, is not what you want. This is a grand idea.

Brown asked what you're saying is that you're fine this because it has the brewery?

Deborah Jones responded yes.

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Brown stated in the future anyone else that wanted to come in and do something like this that it would have some kind of brewery on site. So it would not restrict them from selling other alcohol or beer because it is a brewery onsite.

Deborah Jones responded exactly. When they exceed the fifty percent that is the trigger, it used to be. I think it's a great idea.

Brown responded yes.

Denham in that Downtown Overlay I believe we did 2027 they did some minor modifications to the language and tavern was replaced because they is no three two drinking establishments anymore. You either have a liquor license or you don't type stuff.

Deborah Jones stated that is causing some of the definition problems.

Denham responded seeing it in grocery stores and convenience stores. We can take that as a motion then.

Deborah Jones stated yes. I would make a motion that this proposed use is similar in nature provided that a alcoholic beverage be brewed onsite.

Logan stated second.

Denham asked any further discussion?

Good stated I want to make it clear for the motion that not all alcoholic beverages have to be brewed onsite.

Denham stated correct. There has to be a distillery onsite.

Brown stated she just said that an alcoholic beverage must be brewed onsite.

Deborah Jones stated no, and if you want to add that into the motion that this determination with regard to the brewing onsite does not preclude that occupant from serving alcoholic beverages that are produced offsite.

Denham stated you can go with the amended motion.

Logan stated yes.

Denham stated Pastor Logan has agreed as the second. Any further discussion?

Motion by Deborah Jones, Second by Logan, this determination with regards to the brewing onsite does not prohibit the other sales of alcoholic beverages onsite. **Aye:** Medders, Jester, Deborah Jones, Logan, Jarvis, Denham **Nay:** None **Motion Passed**

6. Commissioner's Reports or Comments.

None

7. Secretary's Report.

Brown stated I will be out of the office from the 19th through the 30th, if anyone needs anything you guys can holler at Kameron.

8. Comments from the public.

None

9. Adjournment

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