

CITY PLANNING COMMISSION
CITY HALL AUDITORIUM
May 16, 2024

Minutes of the City Planning Commission meeting held May 16, 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
	Ron Jarvis
	Deborah Jones (arrived at 1:35 pm)
	Allan Smith
	Darren Medders
	Michael Logan
	Neil Springborn

MEMBERS ABSENT:	Melissa Busse	(excused)
	Joan Jester	(excused)

ALSO PRESENT:	Christina Ryans-Huffer, Recording Secretary
	Christine James, Planning Director
	Kameron Good, Senior Planner
	Gregory Gibson, Assistant City Attorney
	Dewayne Burk, Assistant City Manager
	Jeremy Peterson
	Christina Erman
	James Walden, Garver
	Bryce Callies, Garver
	Courtney Tannehill-McNair, Garver

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

CONSENT AGENDA

The following items are considered to be routine by the City Planning Commission and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

2. **Consider approving the minutes from the regular scheduled meeting from April 25, 2024.**

Motion by Jarvis, **Second** by Smith to approve all items on the consent agenda
Aye: Jarvis, Smith, Medders, Logan, Springborn, Denham **Nay:** None. **Motion Passed.**

OLD BUSINESS

None.

NEW BUSINESS

3. **Consider holding a public hearing and recommending for approval an ordinance defining crematoriums and adding crematoriums as a permitted use in I-1 Restricted Manufacturing and Warehouse District and a use permitted on review in C-5 General Commercial District, and allowing for floor amendments if necessary.**

James stated if you remember back on March 28th 2024 a discussion item was brought before this Committee to discuss where the crematorium use would be appropriate. We did have a citizen approach the Planning Department about where this type of use would be allowed. It wasn't specifically labeled in Code. It currently listed as an accessory to a funeral home. So, we needed to do a little bit of Code clean up to allow just a crematorium and so this is brought back to you with the draft Ordinance for a permitted use in I-1 Restricted Manufacturing and Warehouse District and then a Use Permitted on Review in the C-5 General Commercial District.

Denham asked any questions for Christine?

Jones asked I have one, the current funeral home located at 6th and D, is that a part? What part of the Downtown Plan is that located? I thought 7th Street was the boundary?

Good stated the overlay, it's part of the Downtown Overlay.

Jones asked yes, what is the Land Use in that Overlay?

Good responded it's Commercial zoned, Commercial Land Use. It's not part of the Urban Renewal Plan. Maybe I'm misspeaking. I'll have to pull up the Land Use Plan from the Urban Renewal Plan but if so it would be part of the Downtown 1.

Jones stated I think it is part of the Downtown 1 Plan. I just wanted. Have we looked at that? Of course, it would be Non-Conforming.

James stated well this would only allow it in C-1 and C-5. A C-5 would be a Use Permitted on Review and it would still have to come back if they wanted to be in C-5 in that Downtown area.

Jones asked what I'm asking let's say they wanted to expand and move out of Non-Conformity?

James stated oh okay. The current place.

Jones asked the base zone is C, Central Business District isn't it, C-5?

James stated I believe so.

Good stated so crematorium is actually listed in the Urban Renewal Plan as a specific use. Our regular Zoning Code did not specifically list it.

Jones responded okay, so you did look at the Downtown.

Good stated I did look at the Downtown, yes ma'am.

Jones stated okay.

Good stated crematorium is already listed in the Urban Renewal Plan.

Jones stated I just didn't want to get into a situation where if they needed to expand or bought a lot, they were in the base zone Central Business District and not C-5 and so on. Thank you.

Denham asked does this only apply if it's only a crematorium? Because if it's a funeral home is that just not?

Good responded it would be an accessory use.

Denham asked an accessory use?

James stated and that's already in Code. This would be for a standalone crematorium, whether it would be human or pet.

Denham responded right. Good question. Anything else? Alright, I'll go head and declare the Public hearing open. Anybody that would like to come speak for or against this Ordinance update, please come speak for or against. Give us your name and we'll need you to sign in afterwards please.

Peterson stated my name is Jeremy Peterson. I am the citizen who came forth and asked about this. We are looking to open a pet cremation facility. A few years ago, the one that we had in town, they retired. They left. So, it's gone. I didn't know it was happening because I was interested at that time but we had one in town and it seemed to meet the needs. Now we do not and the Vets in town when they do have animals cremated they send them off to Oklahoma City. So, from an economic stand point it makes sense to bring one back in to town and that's kind of where I started looking as there's a need, let's fill the void. The other thing is as we've been looking at locations, I-1 is pretty much

where I thought because that's where it was. It was south of 1st Street, south of the Fina, by Arrow Signs. And that was I-1 so I'm limiting myself to look at buildings in I-1 and there are just none. Other than giant warehouses. The one that we did find is through a really bumpy gravel road with overgrown, you know on the side, and it's not just somewhere you want to go when you're grieving because your pet died. That's not somewhere you go to pick out an urn and arrange for this kind of a service. So, we want to try and find something a little better and when I took the information, I believe the gentleman's name was Tyler, when I took the request to him, he started looking up and he couldn't find anything and so his thought was I-1 and C-5 makes the most sense and so he said I'm just gonna go talk to everybody and see what we can figure out and that's kind of how the ball started. We've found a building in the C-5 area. It's the old Debbie Do embroidery building. It is larger than what we need but it's large enough to house this facility plus some. It's completely remodeled so there's nothing for us to do within the building and the sale of that building to us is pending the approval of this. So, if that's approved we're buying the building. What we've looked into for, my biggest thought was, having worked Downtown for the majority of the time I've lived in Lawton, which is 20 (twenty) years, the Lawton Ritter Gray when that's the only one that I know of in towns and I'm sure there's others. We always knew when somebody was being cremated right. With the new pet cremation and probably human cremation systems that are ungodly expensive but worth it. You don't see that, you don't, there's not a billow of thick black smoke. The opacity is amazing. It stays below 20 percent and if not it shuts itself down. So, with the filtration systems and being on the end at 11th and D in that building you would hardly notice anything. And I wasn't aware, I don't know how it works currently with Lawton Ritter Gray if there are certain days and times when they're allowed to do it and that's what I was looking at, if that were a restriction that we probably could work around that as well but I believe the opacity is such that it's not going to be a distraction. It won't be anything that is a turn off.

Denham asked what would be the height of your smoke stack? Just out of curiosity.

Peterson responded that would be, I don't have all the information quite yet because we're still trying to nail it all down. I don't think it's super high. From the models that I've seen, it's only maybe 10 (ten) feet or so above. Yes 9 (nine) to 10 (ten) feet above the roof.

Denham asked okay so it wouldn't have any flight restrictions for?

Peterson stated no, no it's not.

James stated and just for clarification, they would have to apply for a Use Permitted on Review, if this was passed today. They would still have to bring in their site plan and everything like that to go through the Use Permitted on Review process.

Peterson responded I have nothing else unless you have any questions. I'll try and answer them. I'm not as organized as they were.

Denham stated I appreciated the information and especially as a pet owner, who did utilize the last one so. Any questions for Mr. Peterson?

Logan asked I do have one, that would mean that they would have to come back and that would mean a letter would be sent out to the businesses around because I think the Debbie Do right next door to Mosley's am I correct? Okay.

(Inaudible)

Logan asked so they're familiar with you coming into that area? So, they would have to send out letters?

Denham stated they would have to send out the 300 foot notice.

James stated yes, the same thing that we would do for re-zoning and other Use permitted on Reviews, they would apply, pay the fee, the ownership list we would notify it, 300 foot. Yes.

Denham stated binding site plan.

James stated yes Sir.

Denham stated the whole works. So, if you moved on , retired, if they changed it, they would have to come back.

James stated no binding site plan per Kameron.

Denham asked there won't be? Oh, I'm just saying for the Use Permitted on Review part.

Good stated yes it would be a Use Permitted on Review for this specific use.

Denham stated right if the use changed they would have to come back.

Good stated the site plan itself would not be a binding site plan. Those only come into the case when it's a re-zoning adjacent to a Residential property and so there's no Residential property adjacent to this.

Denham stated okay. Any other questions for Mr. Peterson? Thank you so much for coming and letting us know. Anybody else that would like to speak for or against this item please approach the podium? Seeing no one approach, I'll go ahead and close the Public hearing. I will be willing to entertain a motion.

Motion by Jones. Second by Medders to recommend approval to the City Council an ordinance defining crematoriums and adding crematoriums as a permitted use in I-1 Restricted Manufacturing and Warehouse District and a use permitted on review in C-5 General Commercial District **Aye:** Jarvis, Jones, Smith, Medders, Logan, Springborn, Denham **Nay:** None. **Motion Passed.**

4. **Consider holding a public hearing and recommending for approval an ordinance allowing legal nonconforming lots and parcels to be built on if said lot or parcel was established prior to November 10, 1964, and allowing for floor amendments if necessary.**

James stated as you are probably aware there are several existing lots in the Lawton View and the Lawton heights area that are 25 foot, which per current Code are unbuildable lots. In an effort to spur development, to revitalize some of those neighborhoods. This is a proposed Code that would allow if that parcel or lot less than 35 foot to 25 foot was existing prior to the November 1964 date that it could be a buildable lot. Right now Code says that a buildable lot goes down to 35 feet from the 50 foot and this would allow that 35 to 25 foot to catch these 25 foot lots and let them be buildable. If a developer wanted to come in and sub-divide several lots together this rule goes out the window, they're tied to the current Sub-Division Code which would require your 6,000 square foot buildable lot for Single-Family and a 50 foot frontage. This is just for the existing one off lots that are out there. Staff estimates that between the 2 (two) large neighborhoods you're almost in the couple thousand lots out there, not all of them are vacant currently but this is a problem that if we don't do something in Code they never will be buildable, unless a developer comes in like I said owns several in row where they can Re-Plat. So, this will allow buildable lots established prior to 1964 to be buildable.

Denham stated very good. Any questions for Christine? Seeing none I'll go ahead and declare the Public hearing open, anybody that would like to come speak for or against this ordinance change please come up, approach the podium. Seeing no one approach I'll go ahead and close the Public hearing. Members of the Commission?

Motion by Jones. Second by Smith to recommend approval to the City Council an ordinance allowing legal nonconforming lots and parcels to be site built on if said lot or parcel was established prior to November 10, 1964 **Aye:** Jones, Smith, Medders, Logan, Springborn, Denham, Jarvis **Nay:** None. **Motion Passed.**

5. **Consider holding a public hearing and recommending for approval an ordinance increasing the maximum electronic message sign square footage allowed within two hundred feet of an A-1 General Agriculture, A-2 Suburban, R-1 Single-Family Dwelling, R-2 Two-Family Dwelling, R-3 Multiple-Family Dwelling, and R-4 High-Density Apartment zoning district and allowing electronic message centers signs to be building mounted, and allowing for floor amendments if necessary.**

James stated in the last 8 (eight) months the Board of Adjustments has heard 6 (six) variance requests for electronic message centers within 200 feet of those listed zonings, I won't repeat them all, with all of those variances being approved and those signs being under 65 square feet. There's a little bit of historical data here, back in 2015 there was

Code put in place about the 200 feet away from the Districts and some of the lighting in 2017. It was brought back as far as not being so bright and making them dimmable and then in 2021 it did pass the CPC for recommendation for up to 64 square feet but then it died at Council. Council did have some concerns about the brightness which was previously taken care of and current Code does require them to be dimmable. So, there is a few examples of existing, the ones that were variance. In the packet you'll see the signs that were varied just for some real life examples. The largest one of those is the one at the McMahon Auditorium, it's 64.45 square foot so that would be just under the proposed new 65 square foot limit. Normally it looks like they're closer to 30, 35 square foot. If you look at High Tea, Arvest, Sovereign Bank, the Car Wash and so we feel that the 65 square foot would handle most of those variances because 99 % of them do get approved anyway.

Denham asked and if they are larger they would still go through Board of Adjustment?

James responded yes if they are larger than 65 and within 200 foot of those zoning Districts, yes. Board of Adjustments would still hear those cases.

Denham stated so we're not going to put the Board of Adjustment out of business, we're just going to make them a whole lot less busy.

Jones stated if the Council approves this, I think the Council setting a policy that's 65 is what they want and unless the Board of Adjustment can find a hardship, under the variance procedure and then the application probably should not be pursued. It will go through Legal and they'll make the determination.

Gibson responded we actually wouldn't make a determination.

Jones stated well you would make a determination on the application whether there is a hardship.

Gibson stated no it would all go through.

Denham stated the BOA.

Jones responded I understand it goes through them but are you not participating in the Board of Adjustment?

Gibson stated I participate only just kind of to monitor them and be there for general council but I don't make, I have no part in the decision making of the Board of Adjustment.

Springborn stated as a member of the Board of Adjustment this is a badly needed change and improvement. Got awfully boring and frustrating to see the same things coming in over and over and over again. This will hopefully eliminate as I think she already said a lot of this so I'm all for it.

Denham asked alright, any other discussion, questions? Then I will declare the Public hearing open anybody that would like to come speak for or against this ordinance change

please approach the microphone, give us your name. Seeing no one approach we'll close the Public hearing. Entertain a motion please.

Motion by Logan, Second by Springborn to recommend the approval an ordinance increasing the maximum electronic message sign square footage allowed within two hundred feet of an A-1 General Agriculture, A-2 Suburban, R-1 Single-Family Dwelling, R-2 Two-Family Dwelling, R-3 Multiple-Family Dwelling, and R-4 High-Density Apartment zoning district and allowing electronic message centers signs to be building mounted **Aye:** Jones, Smith, Medders, Logan, Springborn, Denham, Jarvis **Nay:** None. **Motion Passed.**

6. **Consider holding a public hearing and recommending for approval an ordinance and three resolutions modifying the Downtown I Urban Renewal Plan, Civic Center Urban Renewal Plan, and D-6 Urban Renewal Plan by removing Retail Sales and Service activities within the Mixed Use District of each plan and allowing the Lawton Urban Renewal Authority to determine uses that are similar in character to the listed uses, and allowing for floor amendments if necessary.**

Good stated this is an amendment to the Code requested by the Lawton Urban Renewal Authority on January 16, 2024. This Code revision was created by staff and taken to LURA on February 20, 2024 and they recommended approval. This Code change would amend these Mixed-Use areas by, more specifically by striking Number 39, Retail Sales and Services general and also changing Planning Commission to Lawton Urban Renewal Authority for Number 45. To give a little background, an item that was brought to you in the past was the car wash that was this route, Number 45 to determine whether they fit in the Downtown area. The Lawton Urban Renewal Authority felt that this, the Code change, would be you know it's the Urban Renewal Plan that they should make the determination of whether or not is a similar in use in the Downtown area or not rather than bringing it to the Planning Commission. So those are the 2(two) changes. I'm happy to answer any questions.

Denham asked any questions for Kameron? We do remember this item.

Kameron stated very lengthy minutes.

Denham responded well it's a, like I said, they put in a lot of time and energy in to monitoring this area so I've got no heartburn with it. Okay without further questions I'll go ahead and declare the Public hearing open, anybody wants to speak for or against this ordinance please approach. Seeing no one come we'll close the Public hearing. Members of the Commission.

Motion by Jones. Second by Logan to recommend to the Council to approve an ordinance and three resolutions modifying the Downtown I Urban Renewal Plan, Civic Center Urban Renewal Plan, and D-6 Urban Renewal Plan by removing Retail Sales and Service activities within the Mixed Use District of each plan and allowing the Lawton Urban Renewal Authority to determine uses that are similar in character to the listed uses **Aye:** Smith, Medders, Logan, Springborn, Denham, Jarvis, Jones **Nay:** None. **Motion Passed.**

7. **Hold a public hearing to consider a request for a Use Permitted on Review to allow a private medical facility to be in a Public Facility (P-F) zoning classification district. The request is located at 4814 NW Floyd Ave, Lawton, OK 73505 and take appropriate action as deemed necessary.**

This item was moved to the top of the agenda under New Business.

Good stated Kameron Good Senior Planner with the Planning Department. This a Use Permitted on Review to allow a private medical facility to be located in a P-F zoning district. This is going to be located off of Floyd Avenue. This is between 48th Street and 49th Street. Here is an existing aerial for that facility. It's an existing school, that is no longer used for the school. The proposed site plan for this would be to add additional parking on the northwest side and an optional second entrance onto Floyd. The current zoning for this is P-F and this would be a Use Permitted on Review within that zoning district. The current Land Use is Public Facility. The surrounding zoning is all R-1 Residential and the surrounding Land Use is all Residential Low-Density. This is a rendering provided to us. They do have a presentation that they also have provided to us that they would like to give. This was noticed to 85 property owners within 300 feet on April 24th and published in The Lawton Constitution on April 30, 2024 and we received no phone calls, letters for or against this item. The Use Permitted on Review that they are wanting to use would be for Volunteers of America to re-model the existing school into a patient medical and mental health treatment facility for women who are pregnant and or have children. Any questions for me?

Denham asked you sent out the notice was there any responses for or against?

Good responded no Sir.

Denham asked any questions for Kameron?

Springborn asked is this, how will this, the mental health end of it, how will it differ from Taliaferro Mental Health Center?

Good responded I'm sorry I will let the applicant answer that.

Denham stated I instructed Council to see if we should open the Public hearing before the presentation, he suggests that we go ahead and take the presentation first and then I'll declare the open meeting. If that's fine with everybody?

Good stated if you guys want to come up, I'll set up your PowerPoint.

Erman stated thank you for allowing us to speak today. My name is Christina Erman, I am the Chief of Integrated Behavioral Health for Volunteers of America. We're a brand new behavioral health clinic here in Lawton and this is our desired project. It's our family focused recovery program. It is specifically for women with their children. We would be an in-patient and an intensive out-patient facility for mothers with their children while they get behavioral health and mental health care. How this differs from Taliaferro Center is Taliaferro does not allow children to be with their adult parent in services, we would. It's one of its own kind. There isn't another facility like this in Southwest Oklahoma. So, Lawton is the desired City for us to bring this program to where we felt like for the Lawton community and the surrounding areas it would have the biggest impact because we don't have these available services today. We would have dorm-style living arrangements for the families. They attend therapy services all on site to include medical care so that they don't have to leave the facility for their care and they can have their children with them which prevents families from being separated, it prevents DHS involvement. It would allow women to take their children to get their family unit well together. It's all very home-like how we are structured, it's staffed 24 hours a day, 7 days a week, a wait staff and we are, we would have to be state and national accredited to operate. Are there any questions?

Denham asked who accredits that for the state?

Erman responded the Oklahoma Department of Mental Health and Substance Abuse Services, it the state accrediting body and then our national accreditation is CARF.

Smith asked how many people will this house?

Erman stated it would vary on the family make up. We are looking to have somewhere between 20 (twenty) and 30 (thirty) family rooms.

Denham asked what do you anticipate the typical stay? How long?

Erman responded the insurances kind of dictates that on medical necessities. So, each individual is given a different medical need once they come into care, they're assessed at the very first piece of service. The average stay can be anywhere from 30 (thirty) days to 90 (ninety) days and we would offer a step-down level of care because that's not typically enough time for folks to get things together, which would also be on-site. So those same family rooms, half of them would work for our Residential Program and the other half would be for folks on a step-down basis where they're still in care half of the day and the other half of the day we're helping them gain employment, do job skills, what they need to do to get active in the Community so they can become independent with their families.

Denham asked they would still reside in the facility?

Erman responded yes.

Smith asked is there a minimum stay there? I'm trying to compare it to Taliaferro Center. I do a lot of work at the Taliaferro Center so I'm kind of familiar with the people you know it's in and out all day.

Erman stated sure, this would be like their Residential Unit that they have. The unit for Taliaferro differs because it's a crisis care unit. So, those stays are dictated by court orders or medical evaluations on is this person a danger to themselves or someone else. This is not that level of care. It is still got medical components and behavioral health components to it but they are not a danger to themselves or someone else. Their mental health, they have some work to do and they've got some behavioral health problems as well, probably some health issues and they could be pregnant which is an unique component of this program that is not in other programs here in the Southwest. So, all together when we look at those the optimum stay would be somewhere in the neighborhood of 6 (six) months. Your residential focus would be around 60 (sixty) days and then you step down in care until we hopefully launch them out in an independent state with their families.

Springborn asked who will determine the seriousness of the level of care needed for these people? As opposed to those who should probably go to Taliaferro?

Erman stated there's a, there are State prescribed assessments and a Doctor and a licensed Behavioral Health Practitioner make the determinations what is medically necessary and what level of care they need.

Springborn asked okay, you'll have a Doctor and Medical people on duty then?

Erman responded yes, on staff.

Logan asked maybe I missed it and if I did I apologize, where do the referrals come from?

Erman stated they can come from DOC, they can come from DHS, they can self-refer, medical provider within the Community or the surrounding Communities can refer.

Denham asked any additional questions for Ms. Erman? Christina , thank you.

Erman stated thank you.

Denham state okay at this time I will go ahead and declare the Public hearing open anybody who would like to speak for or against this Use Permitted on Review please approach the podium, give us your name, sign in. Seeing no one approach I'll close the Public hearing. Members of the Commission what do you say?

Motion by Medders, Second by Jones to recommend to the Council to approve for a Use Permitted on Review to allow a private medical facility to be in a Public Facility (P-F) zoning classification district located at 4814 NW Floyd Avenue, Lawton, OK 73505 **Aye:** Medders, Logan, Springborn, Denham, Jarvis, Jones, Smith **Nay:** None. **Motion Passed.**

8. Receive a presentation from Garver regarding an update on the status of 2050 Land Use Plan.

Bryce Callies and Courtney Tannehill-McNair from Garver gave a presentation on the progress of the 2050 Land Use Plan.

Denham stated a lot of information but thank you.

Callies responded yes, there is more to digest in the report. All of this is in the report.

Denham asked and when do you anticipate the next briefing for this organization? Would that be in Phase 2?

Callies stated yes, it will be in Phase 2.

Denham asked the Steering Committee will get before us?

Callies stated yes, we'll contact you all.

Denham stated thank you very much, very interesting data. Appreciate you giving us the update.

9. Commissioner's Reports or Comments.

Denham asked Greg did we ever schedule our training meeting?

Gibson responded we haven't yet and we need to do that and Christy I know you're just coming over here and I don't know if you knew about this, we're planning kind of a training just to talk about how these meetings operate and what the Commission does and just kind of a review for some and an introduction for others. We'll circle back on that.

Denham stated we have several new members so, want to make sure they are on top of what our job descriptions are so to speak. Any other Commissioner's reports or comments?

10. Secretary's Report.

None.

11. Audience Participation.

None.

12. Adjournment.

Motion by Springborn, **Second** by Logan to adjourn the meeting **Aye:** All in favor **Nay:** None. **Motion Passed.**

With no further business meeting was adjourned at 2:45pm.