

MINUTES
CITY PLANNING COMMISSION
CITY HALL AUDITORIUM
June 29, 2023

Minutes of the City Planning Commission meeting held June 29, 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 1:31 p.m. by David Denham

ROLL CALL

MEMBERS PRESENT: John Jones
 Joan Jester
 Ron Jarvis
 Allen Smith
 Neil Springborn
 David Denham
 Deborah Jones
 Michael Logan

MEMBERS ABSENT: Darren Medders (Excused)

ALSO PRESENT: Madison Aust, Recording Secretary
 Charlotte Brown Director Community Services/Planning
 Kameron Good, Senior Planner
 Tyler Pobiedzinski, Planner 1
 Gregory Gibson, City Attorney
 Christina Ryans-Huffer, Planning Administrative Assistant II
 Chris Boyd CDBL, Inc.

2. Verify posting of meeting.

The meeting was posted on June 26, 2023, at 4:24 pm by Kobe Humble.

3. Establish Quorum.

8 (eight) of the 9 (nine) members where present.

4. Consider approving the minutes from the June 15, 2023, meeting.

Motion by Jarvis, **Second** by D. Jones, to approve the minutes from the June 15, 2023 meeting as written. **Aye:** Denham, D. Jones, Logan, Jester, Jarvis, John Jones **Nay:** None
Motion Passed

UNFINISHED BUSINESS

5. Continue discussion to set parking requirements for stadiums, sports fields, and arenas, and consider directing staff to draft a code amendment to add stadiums, sports fields, and arenas.

Good stated good afternoon, Kameron Good Planning Department. This is to continue the discussion we had you had previous asked to bring back more information on parking requirements for stadiums, sports fields, and arenas. The additional information you had asked for was Chickasaw parking requirements. After contacting them several times they finally got back with us they were doing further research and trying to figure out and look back at when the sports fields were built and what the calculations were. They have no records of what they required but we did take it upon ourselves to count how many spaces they have and how many fields they have. They 454 total parking spaces, which comes out to be about 21 spaces per field and they do have a mixture of baseball, softball, and soccer fields.

Denham stated did you happen to count the seats.

Good stated no, we did not count the bleachers, no Sir.

Denham stated Okay, since it looks like that is what we are basing ours on. Any additional questions for Kameron. So what we did come up with, ours is the last page of the agenda item, the table.

Good stated no, that is just our current parking for public, civic, and commercial spaces. That is just what our current code has available. Like we said in the previous meeting, Wichita Falls does theirs as 1 per 4 seats provided. Norman does 1 per 4 patrons based on occupancy. Oklahoma City, they list theirs as director approval, we reached out to them several times trying to figure out what that actually calculates to. They never got back to us, it's just whatever the director approves.

Denham stated has LPS gotten back to us, as far as their current parking with their situations.

Good stated no but based on further discussion, the classrooms alone don't seem like there is going to be enough based on what our requirements are.

D. Jones stated one of my concerns is if you base it on seating, I just drove by some of these facilities, they have very little bleacher seating. I think what they do is park, and you bring your lawn chairs and sit out. When dealing with the junior high and high schools nobody really objects to it because mainly after school but when we put it in a public setting, we are going to

have cars everywhere. I don't know, I can't seem to wrap my head around how to address this. Really, I don't know.

Denham stated one of my concerns from the last meeting was that we were going to include all facilities as a cumulative number. I just think of high schools for example where you've got football which is of course is practice so there is not really going to be any fans there but then you've got a baseball game and softball games and their schedules are different parts of the year, basketball as well. It just seems like; I just have some issues the multiple facilities being included so they have all these extra seats that just seems a little excessive. And then again, we are not sure what this is going to entail for the proposed youth sports center either, since we don't even have a location yet let alone plans.

D. Jones stated would it be appropriate not to take action until LPS gets back with us. Maybe Kameron and some of the facility managers of LPS. All the high schools have quite a management, if you will, structure and sit down and talk about this. And get a little more information.

Denham stated was the city the one that approached us for the code requirements or is this just something as the city was discussing their plans, we said hey we don't even have something we ought to address this before it is an issue.

Good stated there is an architectural firm that is planning on developing these new facilities for the three high schools that reached out to us trying to calculate the parking for the facilities. We gave them the parking numbers that we had for the schools. We do have the calculation for the new facility itself but when you're talking about total parking numbers required, we do not have the numbers to calculate the fields and what their requirements are. So, we can't give them the total number required without specifying how we are going to calculate these sports fields. So, it was the architectural firm that's working on these proposed buildings who reached out to us asking for the information. When it's not specified in the code of how we would require it that's when we bring the discussion item to the CPC.

Springborn stated I'm just going to add to this, Don Davis when he was the president of Cameron had a possible solution. He got called by the head of the Board of Education not the one that's there now, the Board of Education about the high schools playing football out there at the stadium. They approached Don Davis and said will you sell us the stadium for a dollar, and Don Davis said just have it out of here by noon. That would solve the problem, not as if we can solve these problems as easily.

J. Jones stated it appears to me the school system is a whole different situation than stadiums or public affairs. I don't see how you can mix this in with anything like that. Schools a lot of times there is just kids involved, people drop kids off. So parking is certainly different than it would be on stadium or some private sports arena. I think whatever we do I think we have to be real conscious to build something that has some flexibility in it. To sit down and just put numbers of, 1 parking space per 3 or 4 seats or whatever to me I think that seems prohibitive to someone coming in. We have look at the use of it, to see what parking be needed. If we put a number based on seats or based on football fields or whatever. I see that really impossible.

Good stated so are you saying you feel that parking for a public or civic use such as a school would be a separate category than a commercial code.

J. Jones stated that's my thought.

Good stated also just a note I don't know if my opinion is allowed to be said or not, but the school itself already has a parking calculation, for these high schools 8 per 1 classroom. These are the same students that are going to be using these sports fields. Not all the kids are going to be coming out for sports when they are actually in play. So, the ones that are coming in visiting could already be offset by the parking that is already provided by the schools.

Brown stated so, what you could do you could set a precedence and say if they're apart of the school they are included in the existing school parking that is there for the existing buildings.

D. Jones stated I need to know more about this, how many fields, are they in different neighborhoods, what impact is on the neighborhood. I gave you my example, unfortunately, the city got in between the Postmaster and the schools, mail couldn't be delivered. I'm with John this is a very complex situation and I'm sure the schools are much different than the public facilities. It seems to me we just don't have a whole lot of information here, I would rather delay maybe two weeks or whatever and have the staff of the Planning Commission sit down and maybe the Architect could come down, the staff of the school board that they think appropriate and get us more information. You know what we don't want to do is go through all this and then have LPS say, and the architect say oh that won't work. Then we wasted that time. So, can we delay two weeks on this.

Denham stated I think one of the areas we are not even talking about is the elementary schools. This is strictly for the secondary schools. They're the ones that have the sports fields. There's no sporting events at elementary schools. They have plays, they have PTAs, they have the other stuff that cause the problems you're referring to, graduation or whatever the case may be. We're talking the secondary facilities, they have their own parking for everything and in the middle schools you have no students driving, you should have plenty of spots available for parents to come watch the deal. All the high schools they pretty much have the parking. I know Eisenhower Middle School they didn't have enough I believe at our last meeting already and it's the newest school of the bunch. So, the athletic director portion of the LPS would probably be the group we need. I think all the schools all have athletic director plus Mr. Dees is the LPS athletic director, you can work with them, they know what they're wanting to do. Let's see how we can work together to get that done. Then let's address the future sports field. The sports authority that's doing the eastside, the westside, and the other deal and get with them on what they envision what their needs because they're already growing their participation up higher. We are almost chasing a problem that doesn't exist yet.

Good stated would you like potentially some attendance records of the bigger sporting events at these high schools, would that be information that would tell us how many people are in attendance of that. That would at least give us a baseline.

Denham stated I would be shocked if they could get that for you frankly, but I would think that the schools as John mentioned with their parking allocated for the school requirements that

would be enough for their after-school events going on so not even worry about regulating it. Unless these plans they're bringing together is going to cause additional, during school, events that will add to that burden. I think that's why you need to get with LPS, administration, athletic directors and see what they're looking to do and then consider those numbers. That will be project A and then Lawton Sports Authority will be Project B with their plans too and find a way that we can combine the two because one is a public-school entity and the other is a Lawton Trust Authority. So, it's not like we really dealing with commercial operations of anything yet.

Good stated do you feel that we would still need to make a code adjustment to clarify that the high schools, if that's how we went, the high schools do already provide enough parking. That the uses on site would just be accessory uses that are classified under that. Would that still need a code change.

J. Jones stated why don't we leave the schools alone. The schools are an entity that services and governs their own needs. So, why do we want to get into the school business.

Denham stated the schools came to us. They are initiating this, their architect.

J. Jones stated well it appears to me then the schools should send a recommendation to us of what they need because they're asking us to sort of figure that we have no experience in, they have all the experience in, they have the architects that can tell you what the needs are. So why don't we listen to what they have to say instead of them trying to jump all over us and not agree with us. It doesn't make sense to me. They know what they need. Why don't we listen, let's reverse this let them come back to us and tell us what they need.

Brown stated I do think that if we do decide to go that route that I do believe a code change and that way it's in record that this is what the CPC recommended the accessory fields at the schools are accessory uses and don't count toward their parking lot.

Denham stated not subject to.

Brown stated not subject to the regular parking requirement, so I feel like that would be a good thing to have and in 20 years when none of us are here. It's an ordinance and it's there.

Denham stated do you promise. It feels like I have been here for thirty.

Brown stated I have sixteen left.

D. Jones stated before we recommend an accessory use or something like that, let's get all the stuff together and see because, as I have said contrary to what you've observed, I can tell you the people of Waterford every time when Tomlinson was a middle school. They couldn't get their mail and if it was muddy instead of parking on the ball field, they were parking in the neighborhood. Granted it was one day. You know you just kind of put up with it. It's just like a church and funerals. Let's just get all our stuff together and with that I make a motion to table this. Kameron do you need two weeks, four weeks.

Denham stated I would say until you can meet with the staff and administration of the schools.

D. Jones stated alright my motion is to table this indefinitely.

Motion by D. Jones. Second by Logan. to table indefinitely discussion to set parking requirements for stadiums, sports fields, and arenas, and consider directing staff to draft a code amendment to add stadiums, sports fields, and arenas. **Aye:** Denham, J. Jones, Jarvis, Jester, D. Jones, Logan, Springborn **Nay:** None **Motion Passed.**

Denham stated its unanimous motion has passed 7 (seven) to 0 (zero) to table item indefinitely, with coordinating with those entities that we have discussed.

NEW BUSINESS

6. Consider making a recommendation to City Council for waiving section 18-6-16-678 of Lawton City Code stating a I-3 Light Industrial District across the street from a residential district requires opaque screening installed along the side facing the residential district and take action as necessary.

Good stated this a request that has been brought to us by CDBL, Inc. the contractor for a new office building for Kirk's EMS located at 1608 SW F avenue. The building permit has been applied for and issued with the condition that an opaque screening built across the north property line due to section 18-6-16-678 because this is zoned I-3 and across the street to the north is zoned R-4 and used as single-family dwellings. Their site plan does show opaque screening to be constructed straight out from their buildings to the east and west which would be blocking their side yards and rear yards from across the street, but it would not block the actual property or the use because the parking lot and the building would still be seen. This is to request to construct as proposed with the opaque screening being on the side, blocking the side yard and rear yard, not the full property. Chris Boyd is here if you have any questions. He is with CDBL, Inc.

Denham stated this has always been in code where it is across the street, I thought it was if it was adjacent or behind.

Good stated this section is specifically in the I-3 zoning which says across from an alleyway across the street. It says across a street, across the roadway, alleyway, or easement. This is different than your typical opaque screening which a street would nullify that screening requirement but this one is specifically listed in the I-3 which catches this one because of the zoning of the property.

Denham stated any questions for Kameron.

D. Jones stated I would like to ask a question; this provision has been in code a long time. I'm not sure why they're asking this to be waived. Can you give me an answer. That's the first question.

Boyd stated they are requesting it to be waived because they don't want to put a fence up. Up on the street, along the street and blocking their entire building.

D. Jones stated have they been made aware of an alternative, and Kameron correct me if the alternative is not there if they can build an opaque screening fence on the residential side.

Boyd stated no we were not given that option but that would be across the street on somebody else's property, in somebody else's front yard.

D. Jones stated I understand but it is an option to you.

Boyd stated no that was not made.

D. Jones stated okay, my next question is to the City Attorney. What's the citation for waiving an ordinance, that we recommend waiving an ordinance.

Gibson stated I don't have the citation, I just checked with the City Attorney Tim Wilson, and he said that we can get the citation for you but we don't have it right now but Tim confirms they can waive that.

D. Jones stated the Council can waive that.

Gibson stated yes, the Council can waive that.

D. Jones stated I want to recommend a waiver when the waiver is not in the code. I have never heard of a waiver but that's okay. I have heard of varying the code, modifying the code, amending the code but I have never heard of waiving.

Good stated we recently brought two through the CPC for opaque screening requirements, one was 1130 SW Lee, and one was with the Sheridan Square Strip Center. Both of those came through the CPC for the recommendation and both were waived by Council.

D. Jones stated well if that's the case, that's fine. I want it to be legal that you can waive an ordinance. No offense to Mr. Wilson, I see some real issues here. Let's just waive all the ordinances. And I would like that question posed to him sometime. You send me an email, thank you very much. You don't have any hardship; you just don't want to build a fence.

Boyd stated correct they don't want to put their building behind an opaque fence. They would like to run the fence from the building to the site property lines. The fence itself is metal panel, which will match their metal panel building.

D. Jones stated I understand. I think we need to think about this folks, okay let's say I am a hotel owner, and we do the set back for height and I say I don't want to build a fence, I don't want to put the landscaping in and we're adjacent to a R-1 area. This is a sticky wicket. Unless we can come up with some kind of reason other than I don't want to, I just don't think this is a good precedence at all. I'm sorry that we recommended this twice before, I really am.

Good stated David I just wanted to let you know the use of the property is an office building, not a typical I-3 zoned use.

Denham stated where is the location to the actual dispatch.

Good stated right next door. There is vacant land just to the east of it. They will be connecting that property with this property.

Denham stated which is the east version of the plans.

Good stated I am going to pull up the visual aid for you on that.

Denham stated would it be the third one.

Good stated yes as you can see on the screen, the property in the red box is where the proposing on building and Kirks is the west of it. It is I-3 zoned already with the R-4 to the north across F avenue. This is their site plan, right now, they are required to put it up here in the north property line screening their entire use of the property, but they are proposing on putting it straight out from their building. The parking lot on the north side of the building will be the only portion not screened essentially. The current Kirks EMS building does not have the opaque screening it has a wrought iron fence as you can see on the north side right here. It's just a gate that is made out of wrought iron. So, their parking lot currently isn't being screened already.

Denham stated is the building inline with the gate or is it farther south.

Good stated the current facility.

Denham stated no the proposed.

Good stated no it will be further south. The current building is built at the building limit line. This one is roughly 25 feet further south of that.

Denham stated so the fence would be where to little red asterisks are where the code would require.

Good stated yes sir, that's my notes on their site plan submitted through license and permits was to provide an opaque screening fence. The driveways would not have an opaque screening. It would just be the portions east and west of that.

Brown stated Mr. Chairman I would like to say this code section came up a year or year and a half ago over by Salas just west of Salas, they were going to put up an open display and it's I-3 zoning. This is why we told them they had to screen the portion that was across the street from the residential or shift everything over where it was across from the public facility's portion because they were upset, they didn't want to screen. We kind of been looking at this code section to do an amendment to take out that when it's across the street requirement because like this one, a lot of businesses are not going to want to put a screening fence across the front of their property when it's across the street, if it was right next to it obviously, you know I definitely wouldn't recommend waiving or modifying code or anything like that but when it's across the street an opaque screening fence isn't going to do a lot to actually screen the property when you get that far away from it.

D. Jones stated why don't we recommend a code amendment instead of waiving the code.

Denham stated how long would that take and how long would that set Chris back.

Good stated they kind of already been issued their permit. This is just going to be a condition on their permit so they wouldn't be able to close out and get a final CO until this was either waived, changed code or they constructed it according to code. I don't know what your time frame is on construction, five months.

Denham stated so we can get the code amended by then.

D. Jones stated another way is we could send him to BOA and let BOA determine if they have a hardship.

Good stated this is kind of a reoccurring issue.

D. Jones stated I think the amendment of the code is a permanent solution.

Good stated if the code said if it were an I-3 use.

D. Jones stated are you going to do I-4 too.

Good stated this is only specifically listed in the I-3 it is not listed in the I-4 currently

Denham stated on those other prior examples except for Salas, those were commercial.

Good stated yes those were commercial uses.

Denham stated the across the street seemed new to me.

Brown stated we are also working on that code change that was recommended when we did those other two to allow a waiver or an appeal to come through. Instead of having to go all the way through to Council they would direct us to give to either you or Board of Adjustments.

Denham stated when you recommended BOA, I feel we would be doing it anyway.

Brown stated I think it's going to come back to you actually. That's my opinion.

Denham stated so we can just deny the recommendation and instruct staff to pursue a code modification and then they got their building permit, nothings getting held up, so they proceed accordingly and therefore we get this thing back before the end of summer and everything's good.

Good stated so we would just have to draft it, send out public notices for code change to Chapter 18 which is a minimum of 15 day a newspaper notice and then we would come back to next available CPC meeting and then that code change would be a recommendation to Council.

Denham stated to Council another notification

Good stated another 15-day notification but it could be a double noticed because it's a code change.

Brown stated with the discussion here, I believe we could do a double notice because I know which way you guys want to go I feel like I know which way you guys want to go on that, we could do a double notice on that, bring it back to the fist available CPC meeting, then it would go to the immediate nest Council meeting.

Denham stated okay. Do we need to do that in a form of a motion.

D. Jones stated I move that we deny the motion before us and recommend that staff pursue a code amendment so that we can get the input of the Council with regard to this issue and possible changing it and if possible, I would recommend the staff consider double notice.

Denham stated any further discussion. Thank you.

Motion by D. Jones. Second by Logan, deny the motion before us and recommend that staff pursue a code amendment so the we can get the input of the Council with regard to this issue and possible changing it and if possible, I would recommend staff consider double notice. **Aye:** Denham, J. Jones, Jarvis, Jester, D. Jones, Smith, Logan, Springborn **Nay:** None **Motion Passed.**

Denham stated motion passed 8 (eight) to 0 (zero).

7. Commissioner's Reports or Comments.

Denham stated FYI all meeting unless special are at 1:30pm the Thursday following the regular Council Meeting. Council meets seven times a week these days. The regularly scheduled meeting. Any other commissioners report.

Springborn stated information about AI.

D. Jones stated may I recommend the City Attorney's Office sit down amongst the, I know John is in the front office, if there is such a citation that allows the Council to waive a law and that's what an ordinance is. I think you guys need to go to lunch and think about that and maybe come up with whether that's a good idea or a bad idea and what the ramifications are. None of us need to be involved, you legals need to get together.

Gibson stated I will find that authority, I will find that, it is something we need to be aware of for sure.

Brown stated can you get me a copy of that Greg.

Gibson stated will do.

D. Jones stated if you could just imagine we go through a re-zoning and go to the Council, and we've had a public hearing and people think we've set certain conditions affect their property on this proposed use then all of sudden waive them. That affects their real estate, it affects their investment.

Denham stated very good points. Any other commissioners reports.

8. Secretary's Report.

Brown stated there is none.

9. Comments from the Public.

Denham stated there is none. I will go ahead and call for a motion to adjourn.

10. Adjournment.

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

With no further business the meeting was adjourned at 2:10pm.