

MINUTES
CITY PLANNING COMMISSION

Minutes of the City Planning Commission meeting held July 28, 2022, 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 Deborah Jones.

MEMBERS PRESENT: Ron Jarvis
 Shelli Fox
 Deborah Jones
 Dave Davison
 Michael Logan
 Neil Springborn

MEMBERS ABSENT: David Denham
 John Jones
 Darren Medders

ALSO PRESENT: Janet Smith, Director Planning and Community Services
 Kameron Good, Planner
 Paul Martin, Planning Administrator
 Charlotte Brown, Code Plans Supervisor
 Cindy Augustine, Legal
 Denise Ezell, Recording Secretary

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- 2. Verify posting of meeting.**
Recommended Action: Verification of posting time and date
- July 22, 2022 at 4:53 p.m. by Donalynn Blaze-Scherler.

- 3. Establish Quorum.**
Recommend Action: Establish that a quorum is present
- Jones D. asked did we hear from those absent.
- Ezell stated yes.
- Jones D. stated for the record please show them excused.

BUSINESS

4. Hold a public hearing to consider a change of zoning from the I-1 Restricted Manufacturing and Warehouse District to the C-5 General Commercial District zoning classification and a change to the 2030 Land Use Plan from Industrial to Commercial for the properties located at 201 SE 7th St, Lawton, OK 73501, 3 SE Interstate Dr, Lawton, OK 73501, 54 SE 7th St, Lawton, OK 73501 & 56 SE 7th St, Lawton, OK 73501.

Recommend Action: Hold a public hearing and recommend approval to the City Council for a change of zoning from the I-1 Restricted Manufacturing and Warehouse District to the C-5 General Commercial District zoning classification and a change to the 2030 Land Use Plan from Industrial to Commercial for the properties located at 201 SE 7th St, Lawton, OK 73501, 3 SE Interstate Dr, Lawton, OK 73501, 54 SE 7th St, Lawton, OK 73501 & 56 SE 7th St, Lawton, OK 73501.

Good stated this property is located near the interstate just south of Gore Boulevard between 6th Street and 7th Street. Currently there are two (2) hotels located on two (2) of the properties and three (3) vacant lots. This is an administrative request due to the area not fitting into industrial. The two (2) hotels are non-conforming. Residential use is not an excepted use inside industrial zoning classification. The surrounding zoning is C-4 to the north, C-5 to the east as well as PF, R-1 to the south and industrial to the west. The current land use is commercial to the north and east, residential residency to the south, and industrial to the west. The requested zoning would be to C-5 to lower the zoning classification and to change the 2030 land use plan to commercial instead of industrial. This was sent to twenty-nine (29) owners within 300 feet on July 1st and was published in the Lawton Constitution on July 10th. We received one (1) letter and that was in your packet. The letter was due to concerns of not having a stop sign coming from Interstate Drive onto 7th Street. Traffic rolls through without stopping and there has almost been accidents at this intersection. They did not mention any issues with the rezoning and was happy we were lowering the intensity of use next to the residential homes.

Jones D asked are there any questions from the commissioners before we open the public hearing.

Davidson asked how would this body handle the stop sign question.

Good stated we have notified the traffic safety engineer of the concern.

Jones D stated I assume this is in private ownership.

Good stated as far as the two (2) hotels and the other three (3) lots, yes. They were all notified of the request.

Jones D asked did any of them sign the application.

Good stated no ma'am. It was just the administration.

Jones D stated I have never known of an administrative rezoning that at least sixty (60) percent of the property owners in the affected area didn't sign the application. We are into a legal question here.

Good stated this would turn the two (2) properties at the hotel to conforming instead of non-conforming.

Jones D stated there are hundreds of acres that is non-conforming. That just happens over time.

Good stated yes ma'am.

Jones D asked why didn't the owners sign the application. I know they are in favor of it. I would recommend the planning department get the owners, or at least sixty (60) percent of the owners, to sign the application before it goes to Council. The city does not own this property. This could cause problems. We will open the public hearing. Anyone wishing to speak for or against this item please come to the podium and state your name and address.

Public Hearing Opened

Jones D stated seeing no one approach we will close the public hearing.

Public Hearing Closed

Jones D asked what is the pleasure of the commission.

Motion by Jarvis, Second by Logan, to recommend approval of a change of zoning from the I-1 Restricted Manufacturing and Warehouse District to the C-5 General Commercial District zoning classification and a change to the 2030 Land Use Plan from Industrial to Commercial for the properties located at 201 SE 7th St, Lawton, OK 73501, 3 SE Interstate Dr, Lawton, OK 73501, 54 SE 7th St, Lawton, OK 73501 & 56 SE 7th St, Lawton, OK 73501 and to get at least sixty (60) percent of the ownership sign the rezoning application prior to going to Council. **Aye:** Jarvis, Fox, Jones D, Davison, Logan, Springborn. **Nay:** None. **Motion Passed.**

Jones D stated we have six (6) in favor and zero (0) against. The motion passes.

5. Hold a public hearing to consider a change of zoning from the C-4 Tourist Commercial District to the C-5 General Commercial District zoning classification at 7515 NW Cache Road, Lawton, OK 73505.

Recommend Action: Hold a public hearing and recommend approval subject to the conditions of listing the specific use on the binding site plan and adding a tree buffer to the City

Council for a change of zoning from the C-4 Tourist Commercial District to the C-5 General Commercial District zoning classification at 7515 NW Cache Road, Lawton, OK 73505.

Good stated this request is to change the zoning from C-4 Tourist Commercial to C-5 General Commercial to the property located at 7515 NW Cache Road. This property is located west of 67th Street, east of 82nd Street, and north of Cache Road. The current zoning is C-4 with the surrounding zoning of C-5 to the west, C-4 to the east and R-1 to the north and south. The land use is commercial. We are not requesting a change to the land use. The use of the site is currently listed as all C-5 on their site plan. The proposed use is a bedliner business to be placed in what is currently used as storage on the north side of the property. They are proposing asphalt for parking and the driveway. They show the possibility of a new building in the future, if needed, for more sales floor space. They are proposing to build a new opaque fence, but they do not show proper screening. Staff recommends changing the site plan to the specific use incase they want to the change use, they will have to amend the site plan. We also recommend adding a tree buffer. This was mailed to forty-one (41) property owners on July 1st and published in the Lawton Constitution on July 10th.

Jones D stated there is an email objection included in your packet.

Good stated there was an email received from a Michael Light, a property owner to the north. He had concerns since this was rezoned in the past and promises were made at that time. He also stated the fence is falling. The site plan does show a new opaque fence. We did not receive any phone calls.

Jones D stated you say he is going to extend the asphalt drive. Is this description one (1) description? Is it one (1) ownership for the whole tract?

Good stated yes ma'am.

Jones D stated don't we have a provision that requires concrete returns on drives.

Good stated I'm not aware of that but I can research that. The city does have parking standards as far as the depth of the asphalt and what goes beneath it. They will be required to get their permits and inspections through License and Permits.

Jones D stated my concern is if you go through a lot split and you don't have the infrastructure. It is asphalt and I guess you could put some kind of access over there.

Good stated on the site plan the north is where the new proposed uses will exist. Access to the property will go through the carwash.

Jones D stated right, I see that.

Good stated this is all one (1) ownership and he intends on leasing that space.

Jones D stated yes, at this time. Are there any other questions?

Davidson asked are you going to address the junk on the property and the promises that there wouldn't be a second business on the property. Are you going to address the email?

Smith stated some of that is addressed by the new site plan. With a binding site plan, they will be tied to what is presented here. Apparently, this neighbor has had numerous issues with this property owner. I am not aware if he has gone through the normal means of reporting any issues. If they have been reported, we would handle those. There is a lot of information in the email. Some of it is not applicable to the current request. It is informative about the past.

Jones D stated it is true about the past and promises were made by the Planning Commission and the two (2) adjacent property owners. That is the past. I'm concerned this isn't the site plan. We are approving something that we are going to change. Am I misunderstanding you?

Good stated they plan on asphaltting the parking lot. The only thing not shown is the stripes of the parking lot. Proposed is a 20 x 80 building in the northwest corner. He put that there in case they wanted to build in the future they would not have to amend the site plan. If we require them to change the specific use to all C-5 they would have to come back to move anything else in.

Jones D stated okay, so this is an existing building.

Good stated yes ma'am. It has been there since the 70's. It was there when the houses were built to the north.

Jones D stated actually, the houses were built prior to this. Are there any other questions by the commissioners?

Smith stated I would point out that number seven (7) shows staff's recommendation. We believe that the tree buffer should be required, and we have been very specific with the definition of the properties specific use, "Garages, public provided no gasoline is stored above ground and machinery repairing if conducted in conjunction with a retail agency and wholly within a completely enclosed building, but not including automobile or machinery wrecking establishment or junkyards." As we reviewed the application, we want to be very explicit on what they could and could not do. We wanted to ensure the residential area was not adversely affected and that will be in the binding site plan.

Jones D stated what I'm trying to get to is are they going to have a different building for the detailing from what we see.

Good stated the only thing they would do in the future is in the northwest corner the 20 x 80 building. It is the black square on the site plan. That is currently not there. They added that to the site plan as a possible new building.

Jones D stated okay, so whoever he leases to intends to do all the work within the confine of the existing building.

Good stated yes ma'am.

Jones D stated I would recommend you put that in the condition that all the work on the automobiles be confined to inside the building.

Good stated if a specific use is listed on the site plan it would be included in that use. It is C-5 and that allows them to fit in this category under garages that Janet just read that definition.

Smith stated "wholly with a completely enclosed building".

Good stated that is the specific use they fall under. That is why we are suggesting it be listed on their site plan.

Jones D asked are they proposing any storage of vehicles outside. You used to have to have a hard surface to store vehicles. We don't have anything on the site plan to show parking or storage. I'm not opposed to storage but if the leasee is going to store vehicles in an open field you will be getting calls very quickly.

Smith asked Kameron, how many parking spaces are required for this building.

Good stated currently there is two (2) garage base and three (3) spaces per garage base is required. There will be a total of six (6) spaces with one being a required handicapped with an eight (8) foot access aisle. That will be required once they submit to do the work for their building permit.

Jones D stated if they have outside storage of vehicles do they have to have an oil and chip surface.

Good stated I'm not aware of that requirement.

Cleghorn stated I don't remember the portion of the code, but it states that any vehicle must be stored on impervious surface. So, chip and seal or something along that line would probably be the definition of impervious. I don't know if that is what you are asking.

Jones D stated I think that is what I'm asking. Thank you, Michael. Historically, if you have a wrecker service and you have a storage area where you are displaying cars that are for sale you have to get an oil and chip surface because they move those cars. It is not like a storage yard.

Good stated yes, they wouldn't be allowed to park these in a grass field or anything like that.

Jones D stated let's make sure we get that in the site plan.

Good stated the whole thing will be asphalt.

Jones D stated really.

Good stated yes, that is what the site plan shows asphalt parking and driveway.

Jones D stated okay, are there any other questions. Seeing none we will open the public hearing. Anyone wishing to speak for or against this item please come to the podium and state your name and address.

Public Hearing Opened

Jones D stated seeing no one come forward we will close the public hearing.

Public Hearing Closed

Jones D asked what is the pleasure of the commission.

Motion by Jarvis, **Second** by Logan, to approve a change of zoning from the C-4 Tourist Commercial District to the C-5 General Commercial District zoning classification at 7515 NW Cache Road, Lawton, OK 73505.

Davidson asked do we need to amend the motion to include a binding site plan.

Jones D stated it is required. The conditions that Janet mentioned on page two (2) of your commentary will be applicable. She read the definition of garage and a tree buffer.

Davidson stated okay.

Aye: Jarvis, Fox, Davison, Logan, Springborn. **Nay:** Jones D. **Motion Passed.**

Jones D stated we have five (5) in favor and one (1) against so the motion passes.

6. Hold a public hearing and consider an amendment to Chapter 18, Lawton City Code, 2015, that amends sections 18-1-1-106, 18-6-11-611, 18-6-11-612, and 18-6-14-646, removing definitions, adding definitions, striking and adding uses permitted for microbrewery and microdistillery in the C-4 tourist commercial district; adding uses permitted for macrobrewery, microbrewery, and microdistillery in the I-1 restricted manufacturing and warehouse district, providing for severability, providing for renumbering and allowing floor amendments.

Recommend Action: Hold a public hearing and recommend approval to the City Council of an amendment to Chapter 18, Lawton City Code, 2015, that amends sections 18-1-1-106, 18-6-11-611, 18-6-11-612, and 18-6-14-646.

Smith stated what we are presenting to you today has do to with microbrewery, microdistillery and macrobrewery. This is for development in some areas and mainly restaurants. We went through Chapter 18 and have stricken some language we didn't feel was appropriate for us going forward such as carnivals, circuses, and amusement enterprises. We added some language to daycare centers stating they had to be approved through the city and state before they could open. On page four (4) number thirty-three (33) we determined the definition for gasoline service or filling station was dated. We put in some current language that would give a description of gasoline service as what we have today. The changes on page six (6) is where you see the macrobrewery. It is defined as an establishment with beer or malt beverages that are made on the premises at an annual production rate of over 15,000 barrels. It also states you can have a tasting room. Page seven (7) has the definition of microbrewery. That is a smaller brewery. The microdistillery is where they will be distilling spirits of some kind. What we have done is to continue updating the definitions. On page nine (9) we marked out "rooming house" because we don't have that phrase any longer. We took out sanitarium because as far as we know we don't have those facilities in our city. On page eleven (11) you see "tourist home". We marked through that. Some of these we were able to put into other uses and combine like the bed and breakfast or short-term rentals. We continued those kinds of strike throughs and mark outs. We have tried to update and make it more applicable to what we are doing now and to allow additional uses for microbrewery, macrobrewery and microdistillery.

Good stated since we were adding definitions, we wanted to thoroughly go through to touch up this section. I would point out that kennel was updated. It was talked about in other areas of the code, and we wanted to make our definition consistent with the other sections.

Davison asked is charging stations for electric cars anywhere in here. I believe there are some stations behind the Hilton.

Jones D stated and all the dealerships.

Davison stated I don't know if gas stations will include them.

Jones D stated that is kind of an accessory use and not a primary use.

Smith stated those would be additional amenities. We didn't specify them in the gasoline station definition, but neither did we exclude them. We know this is coming and there are charging stations behind the hotel and other places. When those companies come in and find their place, if we don't find them in our zoning, we will bring it back.

Jones D asked where are we having circuses and carnivals now.

Smith stated the last one that I know about was in the parking lot of Central Plaza. They were there maybe a month or so ago.

Jones D stated normally it is more restrictively. The zoning is central business district with the overlay. Another question, and I know nothing about this stuff, are we confident there are no rooming houses in town.

Smith stated they are called something different.

Jones D stated okay.

Good stated recently we updated to allow for Airbnb and stuff liked that. The language is short term rentals now instead of rooming houses.

Smith stated we did incorporate that language, but it is not a familiar term anymore. Short-term rental covers the Airbnb and then there was a restriction in another section of the ordinance that was just approved by Council for Airbnb.

Jones D stated you know in the older part of town they would subdivide the rooms and literally with a bath down the hall. I think in some of the depressed areas you may have some of that going on. I'm not advocating I just don't think you should kick them out.

Smith stated if you look at number ten (10) "boardinghouse" means a dwelling other than a hotel where, for compensation and by prearrangement for definite periods, meals or lodging are provided for three (3) or more, but not exceeding twenty (20) persons on a weekly or monthly basis.

Jones D stated I think that covers it.

Smith stated we felt so as well.

Good stated like I said we are updating our section of the code to be consistent with other sections. Licenses has been updated as well.

Jones D asked are there any other questions. Seeing none we will open the public hearing. Anyone wishing to speak for or against this item please come to the podium and state your name and address.

Public Hearing Opened

Jones D stated seeing no one come forward we will close the public hearing.

Public Hearing Closed

Jones D asked what is the pleasure of the commission.

Motion by Logan, **Second** by Springborn, to approve an amendment to Chapter 18, Lawton City Code, 2015, that amends sections 18-1-1-106, 18-6-11-611, 18-6-11-612, and 18-6-14-646, removing definitions, adding definitions, striking and adding uses permitted for microbrewery and microdistillery in the C-4 tourist commercial district; adding uses permitted for macrobrewery, microbrewery, and microdistillery in the I-1 restricted manufacturing and warehouse district, providing for severability, providing for renumbering and allowing floor amendments. **Aye:** Jarvis, Fox, Jones D, Davison, Logan, Springborn. **Nay:** None. **Motion Passed.**

Jones D stated we have six (6) in favor and zero (0) against so the motion passes.

7. Commissioner's Reports or Comments.

None

8. Secretary's Report.

Smith stated I do have some good news. ODOT approved our request to allocate \$75,000 to update our land use plan and CPC uses that regularly. Sometimes during a rezoning, we need to update the land use plan. The last update was in 2008, so we are due an update. That amount of money will allow us to go out for a Request For Proposal to get a professional company to help us put this together. We have gathered lots of information and they will be able to take that information and incorporate it into the land use plan. Staff is very excited because we had begun to work on the 2050 update. It has been difficult to find the time to devote to that document. It will be good to have an outside perspective.

Jones D stated that is great news. Any other comments or questions.

Springborn stated some time ago we approved to have raised murals on the overpasses and those have never been done.

Jones D you are talking about what they did on the tri-level where they have the buffalos imprinted in the concrete.

Springborn stated yes.

Jones D stated I don't remember. I think that was a negotiation with ODOT for the tri-level.

Springborn stated I was just curious if they were going to continue doing so. I have made several trips to Oklahoma City, and they have a lot of them. They look really good. They add a lot to the appearance of the city. I would like to see us do something like that. We have a few bridges that could stand beautification with this respect.

Smith stated we have an ODOT representative in our MPO meetings and the traffic engineer for the city. I'll make sure and convey your comments and try to find out where we are on that so I can report back to you.

Springborn stated thank you.

Jones D stated is there anyone else.

9. Comments from the Public.

None

10. Adjournment.

There being no further business the meeting adjourned at 2:10 p.m.

Motion by Springborn, Second by Logan, to adjourn. **Aye:** Jarvis, Fox, Jones D, Davison, Logan, Springborn. **Nay:** None. **Motion Passed.**