

LAWTON CITY PLANNING COMMISSION

REGULAR MEETING

September 14, 2023 @ 1:30 PM

212 SW 9TH STREET

CITY HALL AUDITORIUM



AGENDA

- 1. Meeting called to order and roll call.**
- 2. Verify posting of meeting.**
- 3. Establish Quorum.**
- 4. Consider approving the minutes from August 24, 2023, meeting.**

BUSINESS

- 5. Hold a public hearing and consider an ordinance pertaining to planning and zoning amending Sections 18-4-1-406, Division 18-4-1, Article 18-4, Chapter 18, Lawton City Code, 2015, by adding a fee for the appeal to the Building Material Review Committee and adding a fee for the appeal to the City Planning Commission, providing for severability and establish an effective date.**
- 6. Hold a public hearing and consider an ordinance pertaining to planning and zoning amending Sections 18-5-7-571 and 18-5-7-572, Division 18-5-7, Article 18-5, Chapter 18, Lawton City Code, 2015, by removing child care center and church from the Uses Permitted on Review section and adding those two uses to the Uses Permitted section in a Public Facility District.**
- 7. Hold a public hearing to consider a request for an amendment to the 2030 Land Use Plan from Public Facility to Commercial, and a change of zoning from the P-F Public Facilities District to C-5 General Commercial District zoning classification for the property located at 6725 NW Atlanta Ave, Lawton, OK 73505.**
- 8. Commissioner's Reports or Comments.**
- 9. Secretary's Report.**
- 10. Comments from the Public.**
- 11. Adjournment.**

CITY PLANNING COMMISSION
CITY HALL AUDITORIUM
August 24, 2023

Minutes of the City Planning Commission meeting held August 24, 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 Allen Smith.

ROLL CALL

MEMBERS PRESENT:

Darren Medders
Allen Smith
John Jones
Deborah Jones
Michael Logan
Joan Jester
Ron Jarvis

MEMBERS ABSENT:

David Denham (Excused)
Neil Springborn (Excused)

ALSO PRESENT:

Madison Aust, Recording Secretary
Charlotte Brown Director Community Services/Planning
Kameron Good, Senior Planner
Tyler Pobiedzinski, Planner I
Christina Ryans-Huffer, Planning Administrative Assistant II
Gregory Gibson City Attorney
Gregory Smith

2. Verify posting of meeting.

The meeting was posted on August 21, 2023, at 3:06 pm by Kobe Humble.

3. Establish Quorum.

7 (seven) of the 9 (nine) members where present.

4. Consider approving the minutes from June 29, 2023, meeting.

Motion by Logan, Second by Medders, to approve the minutes from June 29, 2023, meeting as written. **Aye:** J. Jones, Jarvis, D. Jones, Jester, Smith, Medders, Logan **Nay:** None
Motion Passed.

5. Consider approving the minutes from July 13, 2023, Meeting.

Motion by Logan, Second by Medders to approve the minutes from July 13, 2023, meeting as written. **Aye:** J. Jones, Jarvis, Jester, D. Jones, Smith, Medders, Logan **Nay:** None
Motion Passed.

Business

6. Select City Planning Commission member(s) for 2050 Land Use Steering Committee.

Smith stated to be honest I'm not real familiar with this.

Brown stated we've selected Garver to help us prepare our Land Use Plan for 2050. We've run into some possible money issues with the cost, the cost to do it but we're just trying to be prepared. I believe David is already a member for the Transportation Policy board but we would like to see 1(one) or 2(two) CPC members sit on that Steering Committee as well to help guide the discussion and the direction that the new Land Use Plan will go.

Smith asked how often do they meet.

Brown stated we haven't set a schedule time yet. It will probably be once a month or so when we get everything or more but probably no more than twice a month, I'd say.

D. Jones stated okay I've raised enough cane about this so, I volunteer.

Medders stated I second.

Smith stated I'll go ahead and volunteer.

Medders state I'll second that.

Brown stated DJ & Allen.

Smith stated and Denham, he already said.

Brown stated Denham will represent the Policy Board for it, so yes.

Smith stated any more discussion on that. I think that's it.

Brown stated I guess someone just needs to make a motion and a second to put DJ and Allan.

Motion by Medders. Second by D. Jones. to approve the selection of Allan Smith and Deborah Jones as the City Planning Commission members to the 2050 Land Use Steering Committee. **Aye:** J. Jones, Jarvis, D. Jones, Smith, Medders, Jester, Logan **Nay:** None **Motion Passed.**

7. Hold a public hearing and consider an amendment to Chapter 18, amending Section 18-6-16-678, Chapter 18, Lawton City Code, 2015, by modifying the special screening requirement for the I-3 light industrial district, providing for severability, and allowing floor amendments.

Good stated good afternoon, Chair and Commission this is going to be modifying 18-6-16-678 special requirements when abutting a residential district in the I-3 zoning classification. The proposed change will only require the screening if the use of the property requires I-3 Industrial District zoning classification. If the proposed use of this Industrial parcel is a permitted use in a lower zoning classification the screening requirements shall follow the lower classification. As it is right now this section reads that all uses that go into this I-3 zoning when its adjacent to abutting and directly across the street from still requires this screening requirement. This is going to lower the screening requirement for uses that aren't permitted in this I-3 zoning. If it is the lower zoning classification, it will follow the screening requirements for that lower classification.

D. Jones asked let me understand if an I-3, that's an I-3 then you wouldn't have the screening.

Good responded correct.

D. Jones stated okay, if it abutted a residential use you would go to the residential screening requirements, is that what you're saying.

Good responded if a I-3 parcel, if somebody comes in and wants to put a use there, that is a residential use, it would follow the residential screening requirements. Now if this was an I-3 use then it would follow I-3.

D. Jones stated okay thank you.

Brown stated this stems from the Kirk's Ambulance business building that they were constructing in the I-3 zoning, it was across the street from a residential zone.

A. Smith stated I think it's a less requirements, if it's commercial, not industrial. If it's a Commercial business, then you wouldn't have to put up all the opaque screening.

Brown responded correct.

A. Smith stated but if you're industrial. I think that's the way it sets easy for me.

D. Jones stated a C-3 isn't abutting a residential.

Good responded yes, that's correct. The side requirements and everything and other screening requirements would still follow that lower screening requirements.

D. Jones stated okay.

Good asked are there any other questions I can answer.

Smith stated if not then we'll open it up to the public.

G. Smith stated I'm a slow writer.

Smith stated if you please state your name and address.

G. Smith stated my name is Gregory Smith, I live at 108 SW I Avenue. Screenings, we're talking about the stuff that goes down on the road for people to park on right.

A. Smith stated no, screening is a fence requirement.

Good stated like an opaque screening fence.

G. Smith stated well they put up a metal fence across from me like a year or two ago. You familiar with 108 I. It's back to the I-3 zoning between Guy's Body Shop and Railroad Street. You guys put up a fence around there. There used to be 2 (two) houses there. There's like a 6 (six) or 8 (eight) foot fence there. I lost a roof right after they put the fence up. I can't prove that the fence had anything to do about it or not, but the house has been there about 50(fifty) years and then swish. To make a long story short I thought using screenings on parking, 1 (one) of my complaints is over that. The screening of the fence too. The people that. I was all into the I-3 Industrial District, when they changed where I lived at, but the City is slow but surely been pushing me. I'm in a residential house, everything else is in the I-3. I've been pushed away. I even tried to talk to my City Council lady and stuff. There's things that you guys could do to help out on my end, but they just won't be done.

A. Smith stated I mean if you're there existing, it's my understanding I think you can stay there as long as you want.

G. Smith stated well yeah but if something happens, I'd like to see this happen. If something happens to my house that I could actually re-build another house on that property but because of being I-3, if something happens to my house, it's gone. I gotta go back to Industrial deal, am I correct on that.

A. Smith stated I would have to go back to talk to legal about that.

Brown stated no, actually since you're existing non-conforming, if something were to happen to your house you would just go through the Board of Adjustments for a variance to be able to re-construct your house back at that location.

G. Smith stated okay, let's go back to this I-3. I got a neighbor on one side of me that I can't even work on the side of my house because he's such a butt head. Last time when I lost my roof a year or so ago, I went up on my roof and looked down, they're using the side of my house for a bathroom. I went to Ms. Johnson. I've been to City Council Meetings, and they just raise their hands and say oh well that's the way it goes. That's your neighbors. I've been all over town, I've been to attorneys, I've been everywhere, isn't there something since it's been an I-3 zone and

I'm residential, isn't there something that the City could do to at least get them to work with me to be able to work on my house, you understand what I am saying.

Brown stated we do. Unfortunately, we cannot get involved in civil matters. We can go out and address junk and debris, violations of code but a civil matter where they won't allow you to be able to work on the side of your house, we wouldn't be able to get involved with that.

G. Smith stated even civil matters, he the address that is on his tax returns and everything at the Court Clerk's Office, isn't him. When the City or I send stuff to him, he just doesn't pick it up because that's not his address.

Brown stated I did get a letter to him a couple of years ago.

G. Smith stated a couple of years ago.

Brown stated when you first came to me about it. I was able to send out a letter to him and he responded but unfortunately the civil matters, our City Council and Legal has said, if it's a civil matter we're not allowed to get involved. All we can do is the refer you to contact a lawyer.

G. Smith stated all lawyers in this town all they want to do is take your money, and it's just.

A. Smith stated I think what we're here to talk about today is just the screening of the fences.

G. Smith stated I have, you guys don't do no kind of I was going to say look into but this guy here he put up, you guys automatically put up a fence for him that's what he wanted it, there was no kind of research to see if there was water drainage or any kind. Being on I Avenue we get flooded out all the time when it rains. The fence doesn't help. The fence makes it worse. As far as Ms. Johnson and everybody they came by and say that can't do it but when they come to City Hall it's forget about. You understand what I am saying.

A. Smith responded not really; I mean.

G. Smith stated thank you, Allen.

A. Smith stated you bet. Any more discussion on that? Do I hear a motion to modify that. We need to close the Public Hearing. The Hearing is closed. Do I hear a motion?

Motion by Jarvis, Second by Medders, to recommend approval to the City Council of an amendment to Chapter 18, Lawton City Code, 2015, Section 18-6-16-678. Aye: Logan, Medders, A. Smith, D. Jones, Jarvis, Jester, J. Jones Nay: None Motion Passed.

8. Consider approving the record plat for Bulldog Subdivision of 7210 NW Cache Road, subject to conditions.

Good stated this is a record plat called Bulldog Subdivision and it's located the southeast corner of Northwest Cache Road and Northwest 73rd Street, address is 7210 NW Cache Road. There is 1(one) parcel, which is the old pharmacy, just west of The Outback and there is a daycare located just south of that, Children of Joy Learning Academy. It has been brought to our attention that

they want to give the grass area, south of the pharmacy, to the Children of Joy Learning Center to build a parking lot, for additional parking. This is an unplatted area so they have to split this into 2(two) separate lots so that they can give that portion to the daycare. This is the record plat as you can see, they are splitting that section into 2 (two) separate parcels, 2(two) separate lots, creating that lot they won't have access to sanitary sewer. Currently the northern portion lot 1 (one) has an easement that goes across the Outback parking lot, the lot 2(two) does not. So, subject to those conditions, the condition is that they provide us an easement. The blue area on this picture is shown as a proposed easement that we told them that maybe they can get that easement across the daycare's parking lot, to get access to the sanitary sewer which is the green line on the image.

D. Jones asked what if they don't get the easement.

Good responded then we, this won't go to Council until they get that condition fixed.

Medders asked but if it's parking why would they need a sewer easement.

D. Jones stated all lots need sewage because lots change, you know ownership.

Good stated the use of the lot could change.

D. Jones stated it needs to be a publicly dedicated so they could get access to it.

A. Smith stated but if the owner sold the whole lot as 1 (one), there's already easement up by the pharmacy so they wouldn't need easement.

Good stated correct if they sold the entire lot.

A. Smith stated lot 1 (one) and 2 (two).

Good stated they're wanting to split off that southern portion, is the reason that they're needing to plat this. This was sent to Public Utilities, they approved on everything besides this condition needing to get that access. Storm Water also recommended approval on this plat. There are no public improvements to be constructed at this time and the property is currently zoned C-3 Planned Community Shopping Center District.

Medders asked does that have to be changed for the day care.

Good responded to use it as a parking lot, no Sir.

Medders stated okay.

D. Jones asked Kameron, they have access to water.

Good responded yes. I'm not sure. I think the water line runs potentially along the west side of the street. I'd have to clarify.

D. Jones stated probably. Certainly, there is one on Cache Road, but I would assume because that's a platted street, that the waterline is coming down.

Good stated the condition for that sanitary sewer easement was sent to us from Public Utilities and they didn't say about the water.

D. Jones responded they didn't say there was any problem with water, okay.

A. Smith stated I guess what we're trying to do is just to prove with the condition of having that easement there.

Good responded we've been in contact with the engineer, he's aware of this condition and they're working on acquiring that easement and they would have the options to get it from the Outback property to the east or go across the day care property to the south and get it.

D. Jones asked are you saying that's a public line in the Outback parking lot.

Good responded that green line is a public sanitary sewer line.

D. Jones stated I understand that but you're suggesting that if they couldn't get the one to the south, that they could get one from Outback.

Good responded yes, if they could get an easement to go across that parking lot, so that the property would have access to that sanitary sewer as well. Either way, currently the parcel as it is has an easement, it just goes from the southeast corner of lot 1 (one) and goes across the parking lot and connects. So, they can tie into that east sewer line but this lot 2(two) doesn't have access to that.

D. Jones stated okay.

A. Smith stated but it seems to me, if the daycare is buying that lot, to me that would be the easiest way for them to get their easement.

Good responded that's what was suggested from the Public Utilities Department because the day care is the one acquiring the property and getting that easement document should be easy.

A. Smith stated acquiring that property.

D. Jones stated you want it there because if you have to maintain it, you're not tearing up Outback's parking lot.

Good responded yes.

D. Jones stated you're adjacent to the street easement. Okay, move to approve the record plat for Bulldog Subdivision subject to conditions.

Motion by D. Jones .Second by Medders. to approve the record plat for Bulldog Subdivision of 7210 NW Cache Road, subject to conditions. **Aye:** Logan, Medders, A. Smith, D. Jones, Jester, Jarvis, J. Jones. **Nay:** None **Motion Passed.**

9. Commissioner's Report or Comments.

None

10. Secretary's Report.

Brown stated I have got a couple of things, the Bishop Re-Zoning was approved Tuesday 7 (seven) to 1(one) not sure what the nay response was, but Councilman Harris voted against it, but it was approved. They will be able to move forward with the school. We have met, staff met with LPS in regard to the accessory uses and the fields and stuff like that and we are waiting for them to provide some more information back to us. Then the first meeting in September we will have a couple of more minor code changes that we're bringing to you guys for review. That's all I got.

A. Smith stated that's it.

11. Comments from the Public.

None.

12. Adjournment.

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

With no further business the meeting was adjourned.

CPC AGENDA ITEM COMMENTARY

ITEM TITLE: Hold a public hearing and consider an ordinance pertaining to planning and zoning amending Sections 18-4-1-406, Division 18-4-1, Article 18-4, Chapter 18, Lawton City Code, 2015, by adding a fee for the appeal to the Building Material Review Committee and adding a fee for the appeal to the City Planning Commission, providing for severability and establish an effective date.

INITIATOR: Charlotte Brown, Director of Planning & Community Services

STAFF INFORMATION SOURCE: Kameron Good, Senior Planner

BACKGROUND: This proposed ordinance will modify the Architectural design standards for buildings in the section below:

18-4-1-406 - Architectural design standards for buildings.

- G. If the director of planning denies a building permit application for failure to meet the architectural standards established in this section, the applicant may appeal the decision to the building materials review committee. The applicant shall pay the fee as set forth in Appendix A, Schedule of Fees and Charges. This committee shall be composed of one member of the city council, one member of the city planning commission, and one member from the public who is a general contractor or otherwise involved in the building industry. This committee shall be appointed by the mayor, confirmed by the council, and shall serve three-year terms for the purposes of hearing such appeals and reviewing and approving building materials that may meet the requirements of this section. The building materials review committee shall review the appeal within fourteen (14) days and make a decision. However, if the committee is unable to meet within this time period, the appeal shall be placed upon the next meeting of the city planning commission for disposition. Additionally, if the building materials review committee denies an appeal, the applicant may further appeal the decision to the city planning commission for final disposition. The applicant shall pay the fee as set forth in Appendix A, Schedule of Fees and Charges.

The proposed change will require the applicant to pay a set fee to appeal to the Building Materials Review Committee (BRMC) regarding architectural standards for a building. Furthermore, if the applicant wishes to appeal the BMRC decision they will pay an additional fee to go before the City Planning Commission.

EXHIBITS: Ordinance No. 23-
Resolution No. 23-

KEY ISSUES: Current Lawton City Code doesn't have any fees associated with appealing the architectural design standards set forth in the city code.

RECOMMENDED ACTION: Hold a public hearing and recommend approval to the City Council of an amendment to Chapter 18, Lawton City Code, 2015, sections 18-4-1-406.

ORDINANCE NO. 23-_____

AN ORDINANCE PERTAINING TO ARCHITECTURAL DESIGN STANDARDS FOR BUILDINGS, AMENDING SECTIONS 18-4-1-406, DIVISION 18-4-1, ARTICLE 18-4, CHAPTER 18, LAWTON CITY CODE, 2015, BY ADDING A FEE FOR THE APPEAL TO THE BUILDING MATERIAL REVIEW COMMITTEE AND ADDING A FEE FOR THE APPEAL TO THE CITY PLANNING COMMISSION, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED by the Council of the City of Lawton, Oklahoma, that:

SECTION 1. Section 18-4-1-406 is hereby amended to read as follows:

18-4-1-406- Architectural design standards for buildings.

* * *

G. If the director of planning denies a building permit application for failure to meet the architectural standards established in this section, the applicant may appeal the decision to the building materials review committee. The applicant shall pay the fee as set forth in Appendix A, Schedule of Fees and Charges. This committee shall be composed of one member of the city council, one member of the city planning commission, and one member from the public who is a general contractor or otherwise involved in the building industry. This committee shall be appointed by the mayor, confirmed by the council, and shall serve three-year terms for the purposes of hearing such appeals and reviewing and approving building materials that may meet the requirements of this section. The building materials review committee shall review the appeal within fourteen (14) days and make a decision. However, if the committee is unable to meet within this time period, the appeal shall be placed upon the next meeting of the city planning commission for disposition. Additionally, if the building materials review committee denies an appeal, the applicant may further appeal the decision to the city planning commission for final disposition. The applicant shall pay the fee as set forth in Appendix A, Schedule of Fees and Charges.

SECTION 2. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, said portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

SECTION 3. Effective Date. The provisions of this ordinance shall become effective thirty days after passing of the ordinance.

ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma, this ____ day of _____, 2023.

STAN BOOKER, MAYOR

Ordinance No. 23-____

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ATTEST:

TRACI HUSHBECK, CITY CLERK

APPROVED as to form and legality this _____ day of _____, 2023.

TIMOTHY WILSON, ITERIM CITY ATTORNEY

ORDINANCE NO. 23-____

AN ORDINANCE PERTAINING TO ARCHITECTURAL DESIGN STANDARDS FOR BUILDINGS, AMENDING SECTIONS 18-4-1-406, DIVISION 18-4-1, ARTICLE 18-4, CHAPTER 18, LAWTON CITY CODE, 2015, BY ADDING A FEE FOR THE APPEAL TO THE BUILDING MATERIAL REVIEW COMMITTEE AND ADDING A FEE FOR THE APPEAL TO THE CITY PLANNING COMMISSION, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE

Brief Gist

This ordinance relates to setting a fee for the appeal process already in existence for architectural design standards for buildings. If the director of planning denies a building permit application for failure to meet the architectural standards established in this section, the applicant may appeal the decision to the building materials review committee. Additionally, if the building materials review committee denies an appeal, the applicant may further appeal the decision to the city planning commission for final disposition.

ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma, this ____ day of _____, 2023.

STAN BOOKER, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK

(Published in *The Lawton Constitution* this ____ day of _____, 2023)

RESOLUTION NO. 23-_____

A RESOLUTION AMENDING APPENDIX A, SCHEDULE OF FEES AND CHARGES, LAWTON CITY CODE, 2015, PERTAINING TO CHAPTER 18, PLANNING AND ZONING, BY ADDING A FEE FOR THE APPEAL TO THE BUILDING MATERIAL REVIEW COMMITTEE AND ADDING A FEE FOR THE APPEAL TO THE CITY PLANNING COMMISSION.

WHEREAS, Section 1-205, Chapter 1, Lawton City Code, 2015, provides that fees and charges shall be set by resolution.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Lawton, Oklahoma, that:

SECTION 1. Article A-18-4 is hereby created as follows:

Article A- 18-4 Architectural design standards for buildings.

<u>18-406</u>	<u>Appeal to the Building Material Review Committee</u>	<u>57.50</u>
<u>18-406</u>	<u>Appeal to the City Planning Commission if Building Material Review Committee denies appeal</u>	<u>57.50</u>

ADOPTED and APPROVED by the Mayor and Council of the City of Lawton this ____ day of _____, 2023.

STANLEY BOOKER, MAYOR

ATTEST:

TRACI L. HUSHBECK, CITY CLERK

APPROVED as to form and legality this ____ day of _____, 2023.

TIMOTHY WILSON, INTERIM CITY ATTORNEY

CPC AGENDA ITEM COMMENTARY

ITEM TITLE: Hold a public hearing and consider an ordinance pertaining to planning and zoning amending Sections 18-5-7-571 and 18-5-7-572, Division 18-5-7, Article 18-5, Chapter 18, Lawton City Code, 2015, by removing child care center and church from the Uses Permitted on Review section and adding those two uses to the Uses Permitted section in a Public Facility District.

INITIATOR: Charlotte Brown, Director of Planning & Community Services

STAFF INFORMATION SOURCE: Kameron Good, Senior Planner

BACKGROUND: This proposed ordinance will modify Section 18-5-7-571 & Section 18-5-7-572 as the section below:

18-5-7-571 - Uses permitted.

The following uses shall be permitted in the P-F Public Facilities District:

1. Any facility that is publicly-owned and used for the benefit of any federal, state, county, or municipal governmental entity or division thereof, unless otherwise listed in Section 18-5-7-572 of this code, including but not limited to:
 - a. Airport;
 - b. Armory;
 - c. Auditorium;
 - d. City, county, state, or federal office building;
 - e. Community center;
 - f. Exhibition hall;
 - g. Fairground;
 - h. Fire station;
 - i. Hospital;
 - j. Library;
 - k. Medical office/clinic;
 - l. Museum;
 - m. Nursing home or assisted living center;
 - n. Park;
 - o. Police station;
 - p. Post office;
 - q. School, elementary, secondary or vocational;
 - r. Sports stadium;
 - s. University and college offering degrees of higher education;
2. Child care center;
3. Church;
4. Private hospital and associated uses if located on same tract;
5. Private school, elementary or secondary, offering general educational courses similar to those as ordinarily given in the public schools.

18-5-7-572 - Uses permitted on review.

The following uses may be permitted on review in a P-F District in accordance with the provisions of Section 18-113 of this code:

1. Art gallery;
- ~~2. Child care center;~~
- ~~3. Church;~~
- ~~4~~ 2. Private nursing home or assisted living center;
- ~~5~~ 3. Private medical office;
- ~~6~~ 4. Private university and college offering degrees of higher education;
- ~~7~~ 5. Public or private correctional facility including pre-release center;
- ~~8~~ 6. Public or private facility providing in-patient mental health treatment;
- ~~9~~ 7. Public or private outpatient clinic; if the clinic includes the treatment of psychiatric illness, sociopathic or psychopathic condition, drug, alcohol or any other addition and related rehabilitation, such must be stated on the site plan;
- ~~10~~ 8. Radio station;
- ~~11~~ 9. Television station;
- ~~12~~ 10. Any privately-owned use similar in function and character to the uses enumerated in Section 18-5-7-571 of this code and the uses listed above.

The proposed change will allow child care centers and churches to be a permitted use in a Public Facility (P-F) zoned district.

EXHIBITS: Ordinance No. 23-

KEY ISSUES: Current Lawton City Code only allows child care centers and churches to be in a P-F district after the Use Permitted on Review process has been completed and approved.

RECOMMENDED ACTION: Hold a public hearing and recommend approval to the City Council of an amendment to Chapter 18, Lawton City Code, 2015, sections 18-5-7-571 & 18-5-7-572.

ORDINANCE NO. 23-_____

AN ORDINANCE AMENDING SECTIONS 18-5-7-571 AND 18-5-7-572, DIVISION 18-5-7, ARTICLE 18-5, CHAPTER 18, LAWTON CITY CODE, 2015, BY REMOVING CHILD CARE CENTER AND CHURCH FROM THE USE PERMITTED ON REVIEW IN THE P-F PUBLIC FACILITY ZONING DISTRICT AND ADDING CHILD CARE CENTER AND CHURCH TO THE USES PERMITTED IN THE P-F PUBLIC FACILITY ZONING DISTRICT, PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED by the Council of the City of Lawton, Oklahoma, that:

Section 1. Section 18-5-7-571 is hereby amended to read as follows:

18-5-7-571 Uses permitted.

A. The following uses shall be permitted in the P-F Public Facilities District:

1. Any facility that is publicly-owned and used for the benefit of any federal, state, county, or municipal governmental entity or division thereof, unless otherwise listed in Section 18-5-7-572 of this code, including but not limited to:
 - a. Airport;
 - b. Armory;
 - c. Auditorium;
 - d. City, county, state, or federal office building;
 - e. Community center;
 - f. Exhibition hall;
 - g. Fairground;
 - h. Fire station;
 - i. Hospital;
 - j. Library;
 - k. Medical office/clinic;
 - l. Museum;
 - m. Nursing home or assisted living center;
 - n. Park;
 - o. Police station;
 - p. Post office;
 - q. School, elementary, secondary or vocational;
 - r. Sports stadium;

- s. University and college offering degrees of higher education;
- 2. Child care center;
- 3. Church;
- ~~2~~ 4. Private hospital and associated uses if located on same tract;
- ~~3~~ 5. Private school, elementary or secondary, offering general educational courses similar to those as ordinarily given in the public schools.

Section 2. Section 18-5-7-572 is hereby amended to read as follows:

18-5-7-572 Uses permitted on review.

A. The following uses may be permitted on review in a P-F District in accordance with the provisions of Section 18-113 of this code:

- 1. Art gallery;
- ~~2. Child care center;~~
- ~~3. Church;~~
- ~~4~~ 2. Private nursing home or assisted living center;
- ~~5~~ 3. Private medical office;
- ~~6~~ 4. Private university and college offering degrees of higher education;
- ~~7~~ 5. Public or private correctional facility including pre-release center;
- ~~8~~ 6. Public or private facility providing in-patient mental health treatment;
- ~~9~~ 7. Public or private outpatient clinic; if the clinic includes the treatment of psychiatric illness, sociopathic or psychopathic condition, drug, alcohol or any other addition and related rehabilitation, such must be stated on the site plan;
- ~~10~~ 8. Radio station;
- ~~11~~ 9. Television station;
- ~~12~~ 10. Any privately-owned use similar in function and character to the uses enumerated in Section 18-5-7-571 of this code and the uses listed above.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

Section 4. Effective Date. The provisions of this ordinance shall become effective thirty days after passing of the ordinance.

ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma, this 26th day of September, 2023.

STANLEY BOOKER, MAYOR

ATTEST:

TRACI L. HUSHBECK, CITY CLERK

APPROVED as to form and legality this _____ day of _____
_____, 2023.

TIMOTHY WILSON, INTERIM CITY ATTORNEY

ORDINANCE NO. 23-_____

AN ORDINANCE AMENDING SECTIONS 18-5-7-571 AND 18-5-7-572, DIVISION 18-5-7, ARTICLE 18-5, CHAPTER 18, LAWTON CITY CODE, 2015, BY REMOVING CHILD CARE CENTER AND CHURCH FROM THE USE PERMITTED ON REVIEW IN THE P-F PUBLIC FACILITY ZONING DISTRICT AND ADDING CHILD CARE CENTER AND CHURCH TO THE USES PERMITTED IN THE P-F PUBLIC FACILITY ZONING DISTRICT, PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

Brief Gist

This ordinance removes the child care center and church from the use permitted on review section in the P-F Public Facilities District and places child care center and church as a permitted use in the P-F Public Facilities District.

ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma, this 26th day of September, 2023.

STANLEY BOOKER, MAYOR

ATTEST:

TRACI L. HUSHBECK, CITY CLERK

(Published in *The Lawton Constitution* this ____ day of _____, 2023.)

CPC AGENDA ITEM COMMENTARY

ITEM TITLE: Hold a public hearing to consider a request for an amendment to the 2030 Land Use Plan from Public Facility to Commercial, and a change of zoning from the P-F Public Facilities District to C-5 General Commercial District zoning classification for the property located at 6725 NW Atlanta Ave, Lawton, OK 73505.

INITIATOR: Tanwood III LLC

STAFF INFORMATION SOURCE: Kameron Good, Senior Planner
Charlotte Brown, Director of Planning & Community Services

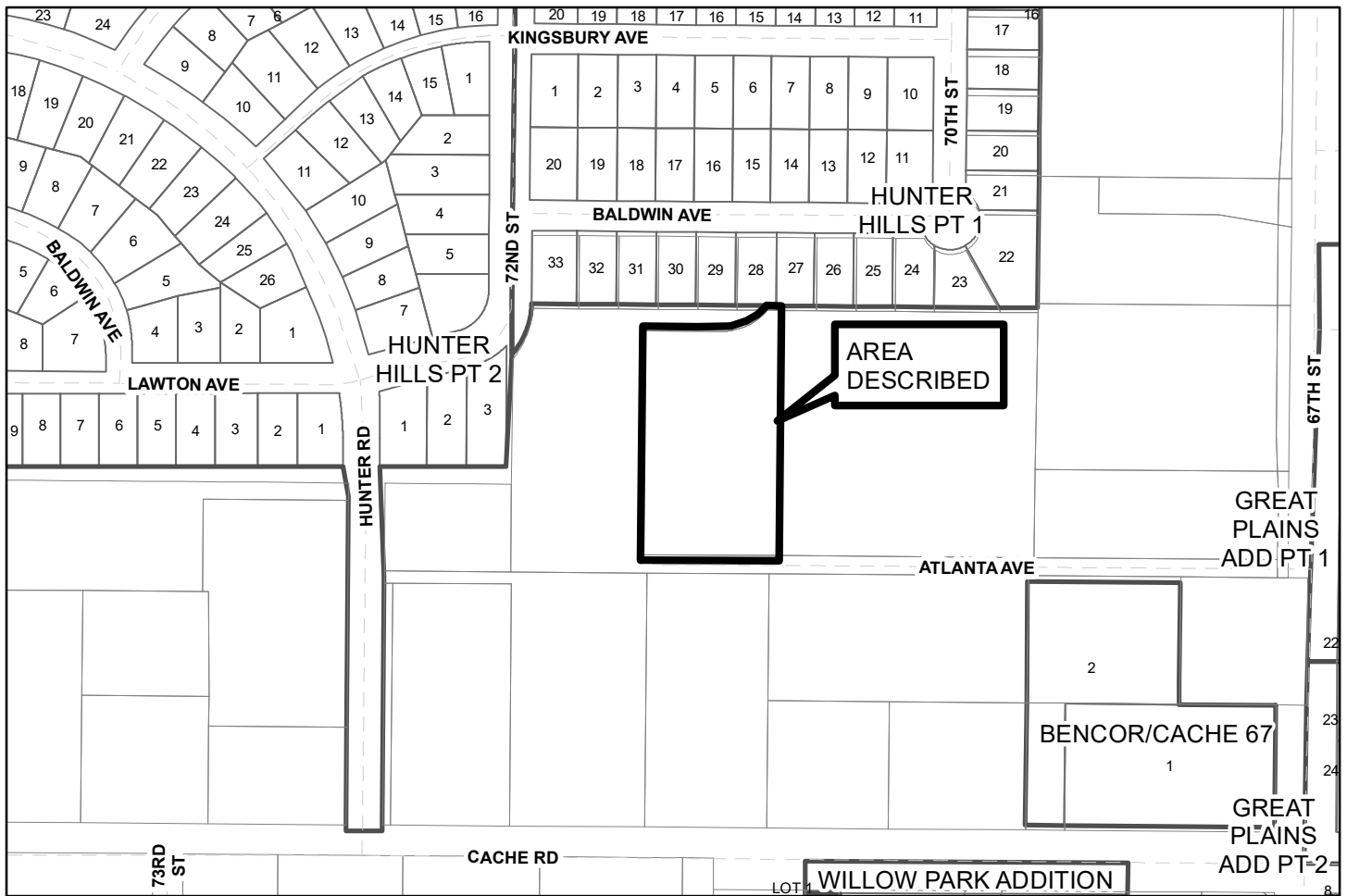
BACKGROUND: Tanwood III LLC is the owner of the property located at 6725 NW Atlanta Ave, Lawton, OK 73505. This property is located on the north side of NW Atlanta Avenue between NW Hunter Road and NW 67th Street. The land was formally used by Public Utilities as a lay yard/warehouse, and the proposed use for this property will be an automotive repair and service.

1. The Zoning of the surrounding area is:
 - North - R-3; R-1
 - South - C-5
 - East - P-F
 - West - C-5
2. The 2030 Land Use Plan for the surrounding area is:
 - North - Commercial & Residential/Low Density
 - South - Commercial
 - East - Public Facility
 - West - Commercial
3. The Notice of public hearing was mailed to 36 owners of property within 300 feet of the requested area on August 23, 2023, and proper notice was published in *The Lawton Constitution* on August 27, 2023.

EXHIBITS: Location Map
Application
Site Plan
Analysis

KEY ISSUES: N/A

RECOMMENDED ACTION: Hold a public hearing and make recommendation to the City Council for the request for an amendment to the 2030 Land Use Plan from Public Facility to Commercial, and a change of zoning from the P-F Public Facilities District to C-5 General Commercial District zoning classification for the property located at 6725 NW Atlanta Ave, Lawton, OK 73505.



AMENDMENT TO THE LAND USE PLAN AND REZONING

REQUESTED BY: Tanwood III LLC

PROPOSED USE:

Amend the 2030 Land Use Plan from Public Facility to Commercial;
and change the zoning from Public Facilities District (P-F) to General Commercial District (C-5)

AREA DESCRIBED AS:

20-2N-12W C T BEG 497.4' N & 867' W OF SE/C SEC 20 TH W 227.87', N 367', E 127' TH NER;Y
ON CUR TO LFT RAD OF 100' FOR 79.33' TH E 28.873', S 417' TO POB.

Legend

- Street Centerline
- 6725 NW Atlanta ave
- Lot

0 150 300 600 Feet





CITY OF LAWTON PLANNING DIVISION

212 SW 9th Street, Lawton, OK 73501
Telephone 580-581-3375 Fax 580-581-3573

APPLICATION FOR REZONING

1. Applicant(s): Tanwood III LLC Phone 405-232-9100
Address: 204 N. Robinson 21st Flr Fax 405-232-4140
2. Owner(s) Tanwood III LLC Phone _____
Address: same as above Fax _____
3. Request Rezoning From PF To: C5
4. Proposed Use (including all buildings to be constructed)
From: Public Works
To: Auto Garage
5. Street Address or Location: 6725 NW Atlanta
6. Legal Description of Property: see attached
7. Tract Size 2 acres
8. In order that your application can be considered at the next available Planning Commission meeting, you must submit this completed application and all other information to include filing fee to the Planning Division for processing. Due to public hearing notice requirements the Planning Staff will advise you of the earliest date available for consideration by the Planning Commission and City Council. You must submit the following:
 - (a) A completed application form.
 - (b) Proof of ownership of the property or power of attorney from the property owner.
 - (c) Certified list of names and addresses of all property owners within 300 feet of the request. A map showing the 300-foot notification area will be provided to the applicant by the Planning Staff.
 - (d) A filing fee as required by Appendix A, Schedule of Fees and Charges, Lawton City Code.
 - (e) A site plan, basic or detailed, as required by Section 18-1-1-114 of the Lawton City Code. The site plan requirements of Section 18-1-1-114 are located on the back side of this application. Please note: if a detailed site plan is required, the site plan will be part of the rezoning ordinance and will be binding on the development of the property.
9. You may submit any other information you wish to support your request for rezoning.

Signature of Applicant(s)

Tanwood III LLC
[Signature]

Date Submitted: _____

Signature of Property Owner(s)

Tanwood III LLC
[Signature]
managing member



CITY OF LAWTON PLANNING DIVISION

City Hall – 212 SW 9th Street, Lawton, OK 73501 Telephone 580-581-3375 Fax 580-581-3573

APPLICATION FOR AMENDMENT TO THE 2030 LAND USE PLAN

- A Location and extent of requested amendment (legal description, street address. Attach map if possible).

See attached

- B. Present land use designation Public Facility

- C Requested land use to be changed to: Commercial

- D **Justification for change. The applicant must answer the following questions. If marked Yes, explain efforts to be provided by applicant to lessen the impact. Supplemental information is also encouraged.**

1. Will the proposed land use increase traffic congestion on streets serving the lot or tract or the area within 300 feet of the lot or tract?

☐ Yes ☒ No

2. Will proposed land use increase fire danger to area within 300 feet?

☐ Yes ☒ No

3. Will proposed land use increase health danger or decrease general welfare of the area within 300 feet of the lot or tract?

☐ Yes ☒ No

4. Will proposed land use diminish adequate light and air including the light and air quality to the tract or area within 300 feet of the lot or tract?

☐ Yes ☒ No

5. Will proposed land use cause overcrowding of structures on the lot or tract applied for or within 300 feet of the lot or tract?

☐ Yes ☒ No

6 a. Is the proposed land use in an area designated for historic preservation? If yes, answer 6b

☐ Yes ☒ No

b. Will proposed land use diminish any historic preservation efforts on the lot or tract or the area within 300 feet of the lot or tract?

☐ Yes ☒ No

7. Will the proposed land use cause undue concentration of population on the lot or tract or within 300 feet of the lot or tract?

☐ Yes ☒ No

8 a. Will the proposed land use be served by existing infrastructure including streets, water, sewage, drainage, schools, parks, or other public facilities? If yes, answer 8b.

☒ Yes ☐ No

b. Will the proposed land use overburden the existing infrastructure including streets, water, sewage, drainage, parks, or other public facilities?

☐ Yes ☒ No

9 Is the proposed land use in character and suitable with the area within 300 feet of the lot or tract?

☒ Yes ☐ No

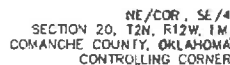
10 Will the proposed land use diminish the value of existing structures in the area within 300 feet of the lot or tract?

☐ Yes ☒ No

Applicant Tanwood III LLC
Address 204 N. Robinson 21st Flr
Phone 405-232-4100
Date Submitted _____
Signature [Signature]

If filed in conjunction with an application for rezoning
please enter the name of the applicant for such
rezoning

Tanwood III LLC



LEGEND

LEGAL DESCRIPTION

A tract of land located in the Southeast Quarter (SE 1/4) of Section Twenty (20), Township Two North (2N), Range Twelve West (R12W) of the Indian Base and Meridian, Comanche County, Oklahoma, according to the U Government Survey thereof. Said tract of land being more particularly described as follows:

CORRECTION: The Southwest Corner of the Southeast Quarter (SE ¼) of Section Twenty-120, Township Two North (T2N), Range Twelve West (R12W) of the Indian Basin and Meridian, Comanche County, Oklahoma, well as a set mag nos., PLS 1944, THENCE N89°37'03"E along the Indian Base or said SE ¼; a distance of 493.40 feet to BECOMING; N68°34'09"W a distance of 867.00 feet to a set #4 iron pin, PLS 1944, which is the POINT OF BEGINNING; THENCE N84°31'09"W a distance of 227.87 feet to a set #4 iron pin, PLS 1944, which is the POINT OF BEGINNING; THENCE S84°31'09"W a distance of 387.00 feet to a set #4 iron pin, PLS 1944, THENCE S89°34'09"E a distance of 1272.00 feet to a set #4 iron pin, PLS 1944, THENCE Northeastward along a curve to the left, having an arc length of 75.38 feet and a radius of 100.00 feet (C=77.3 degrees) to a set #4 iron pin, PLS 1944, THENCE S68°34'09"E a distance of 280.80 feet (C=77.3 degrees) to a set #4 iron pin, PLS 1944, THENCE S50°57'03"W parallel to the East line of said SE ¼ a distance of 417.00 feet to the POINT OF BEGINNING.

Said tract of land containing 2.0002 acre, more or less.

This legal description was prepared by Kyle D. Adams, FLS 1944, on 03-03-2022. The basis of bearing is SPCS 83-5 NAD83(2011).

CERTIFICATION

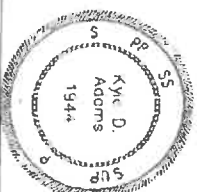
First Plot of Survey meets or exceeds the Minimum Standards for Land Surveying as accepted by the Oklahoma Board of Licensure for Professional Engineers and Land Surveyors.

Kyle D Adams, PLS 1944

550-357-3004

Last Field Visit: 03-01-2021
Keywords: N/A

03-03-2022



DRAWN	DRG DATE 3-1-2
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CERTIFIED SURVEY



Benchmark

DRAWN	DATE 3-1-2022	APPROVED	NO	SCALE	T=60'	PROJECT NO	22-009
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3430 WALLINGFORD DR., NORMAN, OK 73068
CA 6342 EXP. 06/50/2072



Planning Department
212 SW 9th Street, Lawton, Oklahoma 73501
Phone: 580-581-3375 Fax: 580-581-3573

MEMORANDUM

TO: City Planning Commission
FROM: Charlotte Brown, Director of Planning & Community Services
STAFF: Kameron Good, Senior Planner
Tyler Pobiedzinski, Planner I
SUBJECT: Request for Rezoning and Amendment to the 2030 Land Use Plan for Property
Located at 6725 NW Atlanta Ave, Lawton, OK 73505
MEETING DATE: September 14, 2023

The following is an analysis of the request for a change of zoning of the P-F Public Facilities District to C-5 General Commercial District zoning classification and amendment to the 2030 Land Use Plan from Public Facility to Commercial for the property.

Tanwood III LLC is the owner of the property located at 6725 NW Atlanta Ave, Lawton, OK 73505. This property is located on the north side of NW Atlanta Avenue between NW Hunter Road and NW 67th Street. The land was formally used by Public Utilities as a lay yard/warehouse, and the proposed use for this property will be an automotive repair and service. This is a permitted use within the C-5 General Commercial District zoning classification.

This analysis is based upon criteria set out in Title 11, Sections 43-102 and 43-103, Oklahoma Statutes.

1. *To lessen congestion in the streets.* There is no proposed plan is to build additional buildings on this property. Only patrons expected to service their vehicle is expected at this time.
2. *To secure from fire, panic, and other dangers.* This property is not within the 100-year floodplain. There are two fire hydrants located within 200 feet of the property and one fire hydrant located within 300 feet.
3. *To promote health and the general welfare.* No additional structures are proposed to be built on this property at this time. Any future construction would require a building permit and would require going through the appropriate inspection/approval process.
4. *To provide adequate light and air.* Any parking areas created will need to be properly lit at night. All construction will have to meet all City Code and building code requirements.
5. *To prevent the overcrowding of land.* This would not overcrowd the land.
6. *To promote historical preservation.* There are no historic buildings, landmarks, or overlays on the requested property. There is also no historic buildings, landmarks, or overlays on the adjacent properties.

7. *To avoid undue concentration of population.* The proposed zoning change from P-F to C-5 will not bring additional residential living space to this area.
8. *To facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.* The City of Lawton Public Utilities has not placed any water lines adjacent to the property. Located along the north side of the property is a 8" sewer line running east to west.
9. *To conserve the character of the district and buildings and encourage the most appropriate land uses.* The 2030 Land Use Plan has this designated as Public Facility. Any future proposed construction must meet city code for architectural standards to include the proper screenings.

Based upon these facts, if the request is approved, it is recommended to add the following conditions per city code:

-add the appropriate water line to the property