

CITY PLANNING COMMISSION

WAYNE GILLEY AUDITORIUM

April 10, 2025

Minutes of the City Planning Commission meeting held April 10 2025, in the Wayne Gilley Auditorium, City Hall, 212 SW 9th Street, Lawton, Oklahoma.

The agenda for the meeting was posted on the bulletin board in City Hall in compliance with the Oklahoma Open Meeting Act.

The meeting was called to order at 1:30 p.m. by David Denham.

ROLL CALL

MEMBERS PRESENT

David Denham
Ron Jarvis
Joan Jester
Deborah Jones
Allen Smith
Michael Logan

MEMBERS ABSENT:

Melissa Busse (excused)
Darren Medders (excused)

ALSO PRESENT:

Christine James, Planning Director
Christina Ryans-Huffer, Recording Secretary
Garrett Lam, Assistant City Attorney
Kameron Good, Senior Planner
Robert Burns, Planner I
Cindy Augustine, City of Lawton Real Property Coordinator
Dewayne Burk, Deputy City Manager
Kim McConnell, Lawton Constitution
Ron Nance, Oak Development, LLC
Jason Wells, Insight Commercial Real Estate
Matina Davis

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

OLD BUSINESS

None

NEW BUSINESS

1. **Consider approving the minutes from the regular scheduled meeting from March 13, 2025.**

Motion by Smith. Second by Logan to approve the minutes from the regular scheduled meeting from March 13, 2025 as written **Aye:** Jarvis, Jester, Jones, Smith, Logan, Denham **Nay:** None **Motion Passed 6-0**

2. **Consider approving the Record Plat for Oak Ridge Part 2A, accepting the public water, sanitary sewer, and streets improvements, accepting the performance bond for minor incomplete improvements, accepting the maintenance bond for the public improvements and accepting the as-built drawings for the public improvements.**

Good stated good afternoon, Kameron Good with the Planning Department. This is Oak Ridge Part 2A. This is just north of the existing subdivision. It is going to extend up by the lake. Roughly 17.25 acres currently zoned R-1 Single-Family Dwelling District. The Developer is the Oak Development Company and the consulting Engineers is Hendrick Engineering. The Construction Plat was conditionally approved June 24, 2021 by the Planning Commission and July 13, 2021 by the City Council. It was brought back through the process December 12, 2024 through the Planning Commission and January 14, 2025 to Council with 7 conditions. The improvements there still is a punch list for incomplete items that's what the Performance Bond is for \$41,500.00.00. The construction cost for the water and sewer was \$279,051.40. The streets and drainage was \$437,774.80. The Public Improvement Maintenance Bond will be good for 2 years, it's \$107,523.93. This is the Record Plat for this Part 2A. The As-Built drawings are being reviewed by Public Utilities. They can't complete their review until their punch list is complete but we do have the Performance Bond for incomplete items. I'd be happy to answer any questions.

Denham asked there is 22 lots on this?

Good responded 18. The numbers you are seeing is an extension of the Lot numbers from the other portion of the Plat.

Jones asked do you have any idea when this punch list is going to be done?

Nance responded yes we are working right now Deborah. We've got some of the items complete. I would anticipate have it done within 30 days. The biggest item is sealing the streets and we want to do all, everything else before we seal it so that sealant is done at the end and that will be the last thing we wrap up. It's just a matter for the people from Oklahoma City how long it takes them to do it.

Denham asked any other questions? Hearing none I'll entertain a motion.

Motion by Smith. Second by Logan to recommend the City Council to the Record Plat for Oak Ridge Part 2A, accepting the public water, sanitary sewer, and streets improvements, accepting the performance bond for minor incomplete improvements, accepting the maintenance bond for the public improvements and accepting the as-built drawings for the public improvements **Aye:** Jarvis, Jester, Jones, Smith, Logan, Denham **Nay:** None **Motion Passed 6-0**

3. Consider whether a proposed bar to be located at 201 NW Arlington Avenue in the old Hoffman's Pub and Grill building is a similar use in character to other listed permitted uses within the Mixed-Use District of the D-6 Urban Renewal Plan, allowing for floor amendments if necessary.

James stated good afternoon. The Planning Department received an email inquiry a week or so ago regarding the building at 201 NW Arlington Avenue, their proposed use is to extend the existing bar in to the rest of the building but they intend not to install a kitchen and would like to serve pre-packaged foods. Since this is no longer a Grandfathered per the Urban Renewal Plan, the Legal Non-Conforming cannot be enlarged and so we are bringing this to CPC for their determination, if the proposed use of a bar is a similar use to one of the listed uses of the Plan. The Urban Renewal Plan is attached and the highlighted portion is the Mixed-Use District which this would be in. So, we are asking CPC today to determine if there is a similar use.

Jones asked Christy did this go to the Urban Renewal Board?

James responded no, the first step is CPC. CPC determines the similar use. LURA would if CPC does not determine a similar use, LURA would determine if it is consistent with the objectives of the Plan.

Denham asked if we do approve the use?

James responded if you do approve the use then we would approve all like uses moving forward in the future. They would not go back to CPC nor LURA.

Smith asked when did it not get Grandfathered in or just part of the building ?

James responded back in 2018 when the Side Bar went in, it had already been vacant for over 5 years and so when that was allowed, it's our opinion it was done in error because a

Grandfather Clause if it has been vacant for 2 years then there is no more Grandfather. It's our determination 2018 was done in error, that's what we have today. The Side Bar has only been closed just for a few months.

Denham asked so we are saying it could remain bar but just in the sliver of the building?

James responded yes Sir. It could stay Non-Conforming as is. It cannot be expanded.

Denham asked and what can they do with the other part of the building?

James stated they could be a use that's in the Urban Renewal Plan. So, one of the approved uses, which would be highlighted. They could do one of those uses in that portion of the building.

Denham stated so they could put a daycare in there.

James responded yes Sir.

Smith stated but when he bought the building, it was Non-Conforming. It was the whole building that was able to be used as a bar, Correct?

James stated our records indicate that Hoffman's Bar and Grill was licensed as a food service establishment that served alcohol. That's allowed in the Plan already. It was according to our records it was not a full bar at that time.

Smith stated I'm not going back to Hoffman's, I'm going to the Side Bar, I think they built that little sliver and their intentions were to build out the rest of it.

James responded according to the building plans only the sliver, they had to basically put up a firewall between the 2 buildings and it was only a CO granted for that sliver. That was the only portion of use. The only portion of the building did not have a use at that time.

Jones stated when we did the Urban Renewal Plan that area was inundated with bars, taverns. The intent was not to go back to that concentration. Then I have some hesitancy opening it up to just the everyday bar or tavern with packaged food, packaged food to me, I under the old bar code is a bag of potato chips, and so you get everything from the stand up bar, the sit down bar and fall down bar, and you know we've got this wonderful redevelopment across the street where we have the Hilton and now everything is looking good and unless LURA perceives dramatic changes in in these areas I just don't feel comfortable doing it now. This is much different than a brewery. This is just a bar.

Smith responded but it's a bar right now.

Jones stated it lost its grandfather. It does not have protection.

Denham stated but yes, it does, because it's only been closed for six months, it can stay a bar if they just keep that sliver.

Jones stated in this, in this sliver, right, they're trying to expand the non-conformity and that's why I have some hesitancy doing that without food service. Now if they want to put in food service, where fifty one percent of their gross proceeds are food. They're defined by the Sales Tax Commission. But that's a different thing, you know. It's going to have different requirements in in the building code.

Smith stated but I think when the owner bought this. I think he was considering the whole building to be conformed to that and they were only just opened up a sliver is because all they could afford at the moment

Jones stated the same family has owned this for decades.

Smith responded but they didn't know own the Sidebar on the building. all along.

Denham responded No, they've sold. They've sold that building years ago. Yes, yes, it is now owned by Jason Wells. He's here.

Jones responded I apologize.

Denham stated so but the problem is to put in foodservice. You have to have fifty one percent, I believe of your sales as food. Hoffman 's never attain that level. Sadly, I live in a neighborhood I frequented Hoffmans in the day. And no, you could go down there for lunch or this that and the other. But I assure you, nobody ever audited their financials. It was not a fifty one percent food sale location, but that's again beside the point. It's been a bar for the entire time that building has been sitting in there. To my knowledge, other when it was vacant and we're going to put a liquor store in at one time before the Sidebar, but that never happened. So, it just to me, it seems like a guy has got a building, that our Code is going to allow him to keep a sliver of that building used for something and then choose from a fairly long laundry list. I mean, I guess you can put a house in there. You have people living in there if they wanted to according to Code. That's ridiculous and you can have a daycare center in there not exactly some place I'd take my kids, but you know the bottom line is that, yes, those rules were implemented at a time when they needed to be, but that time is gone. We have the Hilton across the street, there are bars open till nine or so. You've got Bricktown Brewery restaurant. That brewery also sells alcohol. They're closed at nine, ten o'clock, what have you. So, we're trying to make this a true mixed-use district. We're going to need some entertainment for the live, work, play people that want to come establish investments and whatnot down there, so if this if this is a situation where we can add this as a like use and we're the final line will by gosh maybe we can get some more bars or entertainment devices down there. So that's my two cents.

James stated and I will say, no matter what CPC decides today, whether it's a similar use or not similarly in use there is a path moving forward. So I just want to make sure that was clear and if CPC determines it's not a similar use and then it could go to LURA and LURA decides if the use is consistent with the Urban Renewal Plan objectives, if they deem it consistent with the live, work, play type of objectives of the Urban Renewal Plan to make and authorize a Use Permitted on Review and that would then come back to CPC as a Use Permitted on Review before moving forward to Council. So there is still a path to moving forward. I want to make sure that was clear.

Jones responded thank you for telling us that because I don't remember the process. I remember we've changed it. That would give you a binding site plan to show some parking, to show some curb returns, to show what we need to do to come into compliance. It'll give us a seat count and I think that gives you at least more information than it was a bar when Lou Johnson, I thought they remembered, had it. It was a restaurant actually. But I think that would help. I have more information.

Lam stated according to the Urban Renewal Plan, what we're here today just so everyone's clear, the only thing that the City Planning Commission can do is under D-45, I'm sorry, B-45 of the Urban Renewal Plan. I'll read it here "Uses which are similar in character to those enumerated above, as determined by the Planning Commission. Provided these uses are not more obnoxious or detrimental to the area in which it is located by reason of noise, offensive odor, smoke, dust, vibration, traffic congestion, or danger to life and property other than those enumerated above" so that's the only thing we are doing today is to determine if you as the City Planning Commission can slot this use as a similar use within one of these forty four bullet points above it. OK, so just so everyone's clear.

Smith asked but if it was a bar before and it's only been closed six months. Then why is it not a similar use, but he's wanting to turn it into a bar and it was a bar?

Lam responded so the expansion of that or whether you're going back to the grandfather clause is what I believe Christy is talking about, could go then to LURA for them to determine based on LURA owning the Urban Development plan. They would then look to see if this expansion of use of non- conforming use could fit within that that category which would be E-2-C expansion of non-conforming use. LURA would then be the determining factor, decision maker on whether or not that expansion was grandfathered in or not, not the CPC.

Jones asked Christy can you tell me what the parking requirement is in mixed-use?

James responded not off hand. I'd have to pull that and look. Do you do you know Kameron?

Good stated (inaudible)

James stated it would depend on the use of the building. I believe our Parking Code is based off of the matrix and what it was used.

Jones responded OK. So, it would be like entertainment or something, Kameron?

James responded yes, fixed seating, non- fixed seating. You know, bar, restaurant I think they all have? Bar restaurant is one hundred per square feet.

Good stated gross feet.

James stated gross square feet is a bar or a restaurant would be one per one hundred.

Jones stated I'm asking this question because this site the right of ways East, West, North, South are very large.

James responded yes. They can always get a Revocable Permit to park and maneuver on the right of way.

Jones stated and I'm sure they'll get that if they desire it. But what I don't want is them parking across the street in the Hilton in and us having an unpleasant discussion about who should be parking where.

Good responded up to forty percent within three hundred feet would be allowed off site per Code, so you could have sixty percent of your required parking spaces on site. You would have to have the agreement written correct.

Jones stated I understand that but you have to have a lease to do that. You can't just go park.

Good stated yes you would have to have a lease.

James responded and that would be part of our review. We would make sure that they submitted a lease or some kind of permission that they would have they would use that.

Jones stated I just want to raise that issue because if it's a very small site. That's all I'm going to say.

Denham stated looking through the list, I see the one that could be is the eating established sit down alcohol permitted, which basically says alcohol sales, sales of permitted beverages containing alcohol may not exceed fifty percent of the total receipts..

Obviously they will probably be less, but they may have one heck of a lot of potato chip eaters, but again, it was able to be done under Hoffman's with less than fifty percent. Who audits those numbers?

James responded I think that's ABLE because it ultimately comes down to ABLE's different types of licenses. But what I could find is that it was a food service establishment with a liquor license. That's all I know.

Jones stated Sales Tax Commission receipts went to ABLE and they provided them to City. So, we could inspect the financial end.

Denham stated obviously people weren't getting it if kept Hoffman 's in business all those years, so because they were not less than fifty percent. So that's that would be the only thing I could see on here that would be a similar use for a motion. But like I said, I'm concerned about LURA because we gave LURA five million dollar investment on second and Gore and now it's up for sale again. So, I thought our idea was to develop the downtown area and all we're doing is not developing the downtown area. So, here's another potential new business.

Jones asked we gave LURA the car wash?

Denham responded no, LURA killed the car wash. Yes, we approved it, but somehow it didn't get done. So, when we were the final say.

Jester asked I do have a question about when the owner went to go buy this building was he told the whole building was non-conforming?

James responded I was not here in 2018. That was previous staff, but Hoffman 's moved out, according to our records in 2013. So, we had already been vacant for five years. So according to the Urban Renewal Plan discontinued use for two years or more would have lost his grandfather. So, I wasn't here in eighteen. That wasn't my determination.

Denham asked Jason, did you want to say something? Provide input.

Wells stated to answer your question when I purchased the building, obviously, I knew it had been a bar for years. It was built in 1950. It's always been a bar always. I purchased, I think about six years ago, five or six years ago. But the only reason I purchased the facility was it was guaranteed by city staff, I had Brad Burgess, my attorney with me. Everybody guaranteed I would have never bought it. There was value to me to buying the property because of the non-conforming use and it wasn't for a third, it wasn't for a half, it wasn't for three fourths, it was one address. The liquor license to date is for that one address, that one plat, that one building. We're talking a small building here. We're not talking a ten thousand square foot building that's divisible. There was a comment about fire proof walls or that's not the case in there right now. I don't know what that references to. There is none of that. There's a sheetrock wall with lots of windows and doors. The

backside is wide open. This building has never been marketed for thirds. I don't know who took that non-conforming because the intent from me, from my tenant, my lease, even from that date the City gave it is for the whole building one hundred percent, no question. First of all, second of all, the tenant was going to do those other things, but the City assured me they have to do it yet and then guess what happens? COVID struck. He had no money. He couldn't finish it. I had to get him out of the building. Now that's just what happened. But if I would have known that they were going to not give me today but withdrawal non-conforming I would have intervened myself sooner and just got the license and sat there The whole building has been used from day one, even though he didn't have it open to the public. It's been their inventory, everything it flows. It's not devising space guys. That's why this is very frustrating to me. It's been one address, one plat, one liquor license. I just got a City permit, from the City, for the whole building, for a bar rated use with that inspection for the thirty thousand square feet just two weeks ago. It didn't say for this part will be bar. This part could be daycare. This is ridiculous to me. I would have never bought it if I knew you were going to pull it trivially. Actually, no one's ever given me notification. It was removed. No one's ever given me legal notice of any such thing other than it's conforming. Mr. Wells, you can proceed. I then proceeded to close conversations occurred with City staff. So, this kind of agitates me because I wouldn't ask you anything further. So, I'm in this business is what I do all day. Every day with people from my clients at Insight Commercial. So, to hear you remove something from, I'm not here agreeing with the opinion I'm just here trying to avoid problems and we were coming to you guys to ask for permission for a high end tenant. We put a new roof on it the other day we have a new parking lot going into it high in the establishment. I'm going to lose this deal if I don't get this thing resolved quickly and I know everybody wants to just kind of kick it down the curb. But I shouldn't have to sacrifice my tenant my business already lost the last deal, which kicked me in the butt because I had to wait for him and you know he just didn't have the money. I just didn't want to wait that long. I would have gone myself and put something in there. But now all of a sudden I'm told with no notice when I'm coming back to you to get fire suppression because he does want to do food sales. That may be way beyond the fifty percent, but we don't know and we want to just continue to go on like we were. I'm already. I already have a license. I don't have to even come to you guys today. Except I'm not adding to my building, I'm just using and let's get another thing all the utilities are on the other side of the building. That's up for discussion today. They run through a whole building, electrical, the water, sewer all around the side of the discussion. That building is not divisible, it's not marketable for thirds. So, this is it doesn't make sense to me and I'm trying to be respectful, but this I'm. I'm is this a dream that my building I bought is now being told that you took my rights away. And now I have to go through all these processes which is going to cost me this tenant and the problem with the last tenant was it's not saying I was proud of to be the landlord of. And so, I'm trying, I can go right back today and go put him in that building and we can have the same problems or I continue as someone who's going to put two hundred thousand plus my hundred and fifty already put back into it and we have something we're proud of and we go down and enjoy. It's wine, it's cheeses that with music and live things. So I don't know what we're doing here, but I'm just more frustrated at my non-conforming was removed and now I'm told today I'm still conforming. But just for this little piece of my building well. When did that happen? I

never got legal notification then, so I can go on and on and on about the permits, about the taxes. It's taxed at a bar rate for the whole building from the county, do I want to go back and say now I have a warehouse over here and I have inventory here. No, you guys. So, it can't have it both ways. I'm sorry, it's just. I'm little heated.

Denham stated thank you for the input. Any questions for Jason while he's here?

Wells stated and I know there was mistakes made and they've admitted it, but that's not, that's all on me, that's all on me. And I've been operating. I've come to you in good faith. I've already got this far down the road with negotiations, money I've signed contracts, asphalt, everything. And now you know. And I'm doing something that's better. I've come to you guys for fire suppression item. Just to make sure we're doing right and all of a sudden. Whoa, whoa, whoa, now that you're getting. Whoa, I'm trying to get it. It just it defies logic. And I understand there's. They have to protect themselves on what the done prior. They want to make sure, but that's not right to this person and the people that are trying to invest and trying to put good things down there. I don't want something that's going to be riff raff. I don't want parking problems. I don't want to be associated with any of that. I won't. I won't allow it. There's other property that I have it part of this project that if I need to go, I'm going to do it the right way, but this isn't right.

Lam stated and again, I don't know that this is the end of the line here for this Commission, this Commission has a specific purpose set out for in the Plan and the Urban Renewal Plan. I think that that what you're expressing your frustration, I think that might. I don't want to say be heard better but might be something for LURA to determine if.

Wells responded well, I was going there and I was told that I couldn't go there. I had to come here.

Lam responded because of the Plan. So, because of the plan, the way that this is worded, the Planning Commission was put in there under this Plan. This is just the first stop along the road so.

Wells stated the problem with that, and I understand what you're saying completely, the problem is that I'm this close to losing the entire darn deal, and then we're going to have a legal issue because I've done everything by the book and they're saying we got to just do this. It'll be good. It'll get approved today otherwise. And it's wrong to me. It's wrong and I don't. I don't agree that I see that I'm here today. I just did it to. Because I was told just do it and it'll be it'll fix itself and I just but.

Lam responded my understanding. And my understanding is that that ball is already rolling. I believe it's already on the LURA. The LURA agenda.

Wells stated but I'm not asking to expand. I'm not asking for non-conforming. It was. I have not still today given notice legally that I lost it other than verbally. And when did

that clock start? When did you take it? I don't know. You guys have some? I haven't seen any other than the permits given for that one address. Not for A,B or C. This address and the one third you gave me that non-conforming for the whole building.

Lam stated and the only thing I would ask would be Christy was there some type of Certificate of Occupancy that that specifically described the area of that building or what it could be occupied by like number wise for that area?

James responded when the Sidebar was permitted through the Building Permit process, yes, it was given a Certificate of Occupancy and limited to 33 people.

Lam stated and so it's been operating under what probably was an erroneous grandfather clause back in 2018 that portion still operating under the grandfather clause through today whether or not like I said that's going to be determined to be an expansion of use. I just don't think that's the determination of this Board, but LURA and so hopefully.

Well responded it's just not right because it's. Common sense tells you that little dark building, it's always been one tenant. It's only marketed as one tenant there. The City knew the intent. The City said they would give him the whole building. He just wanted to do it in phases so that they're not even opposing it. They all agree that this is the right thing. What we're doing, and it's a good use. They just and they came up with their own division of the space without any. You know, and they still agree that it should be this way. And there's just a little. I don't have any documentation that said we this third was this. And here's the times here. I wasn't given any notification that that's the time frame. So, to this day, I still have not seen any documentation. All I've seen is everything from one address, one liquor license for that one address with only one plat. It's not divided.

So, to me, I still have that I still have not received anything saying that it is not other than we recommend that our private documents show otherwise, but they have not provided that I've asked for it and so it's in. I'm in a situation and I don't feel like I've lost it still. I'm just here to make sure that I'm complying as best I can and it's just not right that a citizen is someone who does Commercial all day, every day. That I'm having to be subjected to this and I'm just and I've been very patient. I've gone through all the hoops. I've gone through a lot of money and I don't I know it's not your money and you're trying to follow the guidelines but it's my money and it's my Community and the quality of life, and I understand there's things that we need down there. I think these other Commissioners would agree.

Lam stated I understand your frustration.

Denham stated thank you, Jason. Yes, this is. I mean we've got a non-brick brick building down on 2nd Street that didn't wasn't conforming, but by gosh it's there they didn't dig it up or tear it down again City mistake but we got precedent obviously so. We can send it to LURA we're adding weeks, months to his deal. The tenant walks, potential tenant

walks. So, I mean it's always something, but we got somebody trying to invest money down there and improve it all, and this is nitpicking so.

Jones asked have you received a site plan?

James responded no ma'am we haven't received a site plan. Only thing we received was the inquiry from the designer, Stacy Sharp.

Wells stated plus the roof. We've done comply.

James responded Roof Permit doesn't, I mean we.

Wells stated yes, but I'm just saying that's one thing.

James replied Planning doesn't see a Roof Permit.

Wells stated It's one piece, yeah.

Jones stated that is different from a binding site there, I'm not trying to argue I'm just trying to make sure we're clear on the steps.

Wells responded off course. And we would. Of course, follow that and we would all. That's what we were doing. We were going through those phases to comply. That's exactly what we're doing, we would never proceed without doing that. And that's what we have. We have a contractor, we have a designer in place, we have everybody in place, contract signed for the asphalt. I've already paid down cash. Everything was done and we were bringing Kameron involved to make sure we were good on fire suppression and then that's when this was thrown just days ago and go here. So, this will get resolved, you'll be OK.

Denham asked further questions or discussion?

Smith stated I'll make a motion to approve.

Denham asked what is the like use? Similar use.

Smith asked what was that number you had when you? The kind of like use is #21, Sit down. alcohol permitted.

Denham stated and then just as the food expands and what have you, then it'll be up to ABLE to decide.

Wells responded that's what. That's what he wants. But we can't guarantee it I don't want to. If we want to continue like we are. But he wants to do food. That's his whole thing in food kitchen. That's his plan. We can't put ourselves in a different classification go backwards and not know, and he doesn't deliver. We want to continue as status quo and

improve it. Can you add full food. (Inaudible) Seventy eight percent is the plan, but we have to start somewhere.

Denham stated so I have a I have a motion from Smith, second by Logan with the similar in use as Item 21 one in the Code. Is there further discussion?

Jones stated an amendment.

Denham stated you can you can submit an amended motion, yes.

Jones stated I would like to amend that motion to be that it is like a # 21 in nature provided that because I want to get some clarity here, that this building is subject to all of the codes with regarding to a Bar or Tavern use and that the site plan must be submitted with the Building Code and there shall not be occupancy until you've inspected it.

James responded and if he does enough remodeling to the building that tips the scales to require a Building Permit that they would be required to go through the Building Permit process and do that. But I mean Planning wouldn't see it until it's determined by the Building Official whether a permit would be required for such modifications.

Denham asked well, what about a site plan?

Jones asked I can't make it a condition? I can't make it a condition to the and the owner is here, he's agreeing.

James responded Yeah, I don't. I don't know if that's something that the Planning Commission could do, but.

Wells stated and we would obviously exceed probably the expectations because we I want something that we're proud of. I want something that I'm proud of to be associated with.

Jones responded I have no doubt about that. What I'm trying to be careful of is how this motion is interpreted for future uses and using that for a lot.

Wells stated yes. And that's one thing I didn't like being bunched in with this and I didn't think, but I am. I am and I'm willing to do this and because I want to protect it, I want to be protected too, because I don't want something that adjacent to me that would be negative.

Jones responded I know you are. I know you are. And I know it's difficult. Well, I would like to make that amendment and the owner is willing to do it. I think it protects us in the future when we're making this decision that this owner was fully aware of what permits future with regard to the use permit and on not in use permit or on review, but binding

site plan approval of the building permit the occupancy permit all of those things and I think it'll be a great asset.

Wells stated thank you.

James stated I do want to also mention any exterior changes and when it comes to permitting any signage that would have to go through a DLARC. OK.

Wells responded that is for the designer to do.

Denham stated it definitely needs a new sign.

Lam stated I just want to be real clear. So, Miss Jones, when you make your amendment to that motion, there's a chance that you fall outside of the category of the Urban Renewal Plan, which you're slotting this under. You're adding stuff that is not necessarily required. You specifically said and like to bars or taverns, which is not listed in this mixed-use review. So, I want to make sure you're clear on that, that there's a, there's an opportunity there for that to be taken outside of this Urban Renewal Plan. If you move forward with your motion.

Jones responded my your, my motion reads like that because if we approve this, it does not go to LURA. They do not have an opportunity to review it. And I think it falls on us because we do the interpretation of what's like and not like to make sure that this isn't a precedent for somebody to not do something. I have full confidence in Mr. Wells. So, there's nothing really to do with him. But I see parking as a real issue. That's just between you.

Wells responded thank you.

Denham stated well, the problem with the what you're bringing up is because there are no bars and taverns any longer in this Urban Renewal deal that was stricken down in fact, 19, 20 and 21 were just recently amended. Maybe two or three years ago, so working towards I believe the Urban Renewal Plan is up for review or modification in the very near future, so hopefully this is something that gets added in to a category for the Downtown Urban Renewal area, but.

Jones stated then it can stand on its own, whatever that it's like or not like. And so, he's come with all of his evidence to make that case. And he's done. I don't think there's any prohibition from this Commission setting standards when deciding that question of like or not like considered, that are preventive standards from someone misinterpreting what they have to do.

Lam responded except he specifically told you that he can't guarantee that his sales will be more than fifty percent for food.

Wells stated but we're talking about design, correct, not food sales. Different thing, correct.

Jones stated we're talking design. We're not talking to about use. That's a good point.

Denham asked does everybody understand the amendment to the motion? Because it's kind of sketchy.

Smith responded I don't really. I don't. I don't get. So you're just saying he has to have a plan and then get a permit?

Jones asked he can occupy the, Christy, correct me. He can occupy the building for the use that we decide is like and if so the arbitrator of whether he needs a building permit or not, is the Supervisor of Building Permits?

James responded Yes, the IBC Code that the City has adopted has a list of what determines whether a building permit is required or not, along with City Code.

Wells stated the renovations will be extent, lots of money and we're not going to disrupt, but we're going to be getting a building permit. Just in case.

Jones stated this would assure that we get a site plan and a Building Permit and would give us a benchmark, not. From Mr. Wells, but for future. We had this same discussion and dilemma over that car wash. I you know, nobody wants to go through that again. I'm just trying to encourage us to set some kind of parameters on this so that if somebody else just buys the building, when Mr. Wells did it, how did he do it? I'm not getting a billing permit. I'm just, you know, it's been used for, you know what?

Denham responded I understand that and it's the binding site plan who approves the binding site plan, just the Permitting Department. So, we're not approving a binding site plan. Council 's not approving a binding site plan.

Wells asked the normal process correct?

Smith stated once you leave here, it's normal process.

Wells responded it's a normal process. That we will do anyways.

Smith responded OK. That's I think that's where me and David are coming from so.

Wells stated yes. If that's the case, I'm that's.

Denham responded why is that needing an extra amendment is what I guess is what I'm getting at.

Jones stated if he doesn't need a permit. Then he moves into the building. He doesn't. He may not meet the Parking Code. He may not meet. I don't know what all Codes or he might decide to sell it. I mean, if I'd been through this hassle, that's probably what I'd do. But anyway, I'm trying to get us. I'm not. I'm going to say this off the record. This this particular not when Mr. Wells

Denham responded that's on the record, DJ?

Jones stated honestly has had some issues in the past under previous ownership with regard to parking specifically with the Hilton Garden Inn. I'm just trying to get where we avoid some of those things and then have to go into the archives and we find we don't have any history of it. We just, we don't know.

Smith responded I'm fine with the permit and the site plan I.

James stated per City Code, unless the building is being added to, I can't do. I can't require additional parking that's in City Code.

Jones responded if we're making a determination of whether it's like or not like and we're using the phrase in 21, Restaurant or, you know, bar sales less 51 percent. Tell me why I can't ask for a condition that in this case based upon what Mr. Wells has given us, and what he's agreed to do to make sure that we do have those normal things that are done in our Urban Renewal area, set aside the non-conforming issue completely. So that next time say but Mr. Wells did everything under a condition. I don't understand why I can't set that condition.

James responded I mean, I think City Code already requires that if he does anything that requires a permit, he has to get a permit. As far as the parking goes, the City Code says if you're not enlarging the building, I can't require additional parking. I can make him bring what he has up to Compliance as far as stripping the spacing and stuff like that, but I can't require an additional parking lot expansion if he's not expanding the building that's in City Code that's already there. So that would be everyone would fall under that same rule.

Wells asked can I say something? And if there was a need for parking, I'm not going to not get it because that would hurt my customer base. And I already aware of that potential.

Jones stated it's going to limit you again.

Wells stated well and I already have that I have that taken care. Well, not because it's telling me to, but because I know there may be a need for it for my customers.

Jones responded my problem is, well, way back when I used to attend Planning Commission and caused all this trouble. My problem is a Building Official allowing Non-conformities to change and not requiring a building permit. Now he's voluntarily said I'm

going through the building permitting, but the next person may not. And then we have the squabble over parking. We have the squabble over the common entry. We have the squabble over who's encroaching on the building and the other areas, and I just.

Smith responded but City Code has already determined the number of parking spots by the building size.

Jones stated but it will be. It will be by the building size. If you get a permit, it'll be 1 to 100.

Smith responded but I think we're all.

Denham stated if that's the case, we're good.

Smith responded we're in agreeance with you. That. hey, get a permit and a site plan. So, we can have that for reference on the next one. Jason 's willing to do that he's going to do it anyway, so I don't. I don't have a problem with that.

Jones stated I don't either. But you said you couldn't understand the amendment.

Smith responded but now we kept going further into parking and all this other stuff.

Denham stated that's all handled. That's all handled by the City Permits and Licensing. So that's beyond our scope. So, is there a second to the amendment to Miss Jones motion?

Smith asked the amendment is just to a permit and a site plan?

Denham stated yes.

Smith responded I second the amendment.

Denham responded so orders that we have a second to that. So that kills the first, the original amendment.

Lam stated you'll vote first on the amended motion and then get your vote on that. That may not need a vote on a second.

Denham stated OK, Christy, we are going to vote on the amended motion by Jones, seconded by Smith, for a similar use Item #21 to be also utilizing the Building Permit process and binding site plan. Any further discussion please? Call the roll.

Motion by Jones. Second by Smith that a proposed bar to be located at 201 NW Arlington Avenue in the old Hoffman's Pub and Grill building is a similar use in character to Item #21 (Eating Establishments: Sitdown, Alcohol Permitted) Mixed-Use District of the D-6 Urban Renewal Plan and utilizing the Building Permit process and Binding Site Plan **Aye:** Jones, Smith, Logan, Denham, Jester **Nay:** Jarvis **Motion Passed**
5-1

Denham stated all right. The amended motion passes five to one, thus killing the original motion. So that takes care of that item.

Commissioner's Reports or Comments

Denham stated thank you all for your dedication to this item and hopefully we'll have something to be proud of some day.

Secretary's Report

James stated Council did approve the latest Lawton Marketplace plat, the piece along Cache Road where Chick-Fil-a is going and they also approved the Use-Permit On Review for the MIGHT Facility on 1501 SW I Avenue for the homeless shelter and assistance facility Phase 1.

Audience Participation

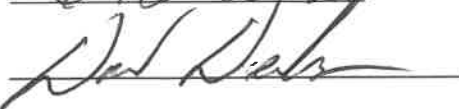
None

Adjournment

Motion by Logan. Second by Smith to adjourn the meeting **Aye:** Smith, Logan, Denham, Jarvis, Jester, Jones **Nay:** None **Motion Passed 6-0**

With no further business the meeting was adjourned at 2:21 pm.

These meeting minutes were approved by the CPC members at their meeting on

6-12-2025


David Denham

Chairman

City Planning Commission