

CITY PLANNING COMMISSION
CITY HALL AUDITORIUM
September 28, 2023

Minutes of the City Planning Commission meeting held September 28, 2023, in the City Council Auditorium, City Hall, 212 SW 9th Street, Lawton, Oklahoma.

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

The meeting was called to order at 1:31 p.m. by David Denham.

ROLL CALL

MEMBERS PRESENT:

Darren Medders
David Denham
John Jones
Deborah Jones
Michael Logan
Joan Jester
Ron Jarvis
Neil Springborn
Allan Smith

MEMBERS ABSENT: None

ALSO PRESENT:

Madison Aust, Recording Secretary
Charlotte Brown Director Community Services/Planning
Kameron Good, Senior Planner
Christina Ryans-Huffer, Planning Administrative Assistant II
Tyler Pobiedzinski, Planner I
Brett Hogan, U-Haul
Chris Boyd, CDBL Inc
Elana Spangler, Citizen

2. Verify posting of meeting.

The meeting was posted on September 21, 2023, at 12:02 pm by Kobe Humble.

3. Establish Quorum.

9 (nine) of 9 (nine).

UNFINISHED BUSINESS

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

Good stated good afternoon, Commission. Kameron Good with the Planning Department. We had previously brought this in front of you, you had requested some additional information regarding to the 3 (three) high schools for the Lawton Public Schools. In the background on page 2 (two), we have provided that information. I'll run through it just real quick, with MacArthur High School they have a total of 70 (seventy) classrooms, 487 Parking spaces, only 260 parking passes issued, with 127 faculty members. The parking spaces required for classrooms only would be 70 classroom times 8 would be 560 total parking spaces. As is they still don't meet the parking spaces requirements as is according to our code. Same thing with Eisenhower and same thing with Lawton High, they don't have the total number of parking spaces for their required number of spaces. So, Eisenhower has 90 classrooms, 392 parking spaces, 225 total parking permits issued for their students, only 130 for faculty. Lawton High is 92 classrooms, 323 parking spaces, 190 parking passes issued, with 119 faculty members. Just a little bit more information that you requested, Chickasha Sports Complex, we reached out to them, they did not have a parking set standard when they built the complex, that was kind of a City project, so they kind of did what they wanted to. We went ahead, and counted the parking spaces and their sports fields, they had 17 Baseball and Softball fields, 10 Soccer and Football Fields with about 408 parking spaces so, roughly about 15 parking spaces per field. I went ahead and threw in some additional information from other cities of what codes look like with the consensus being about 1 (one) required parking space per 4 (four) patrons based on the occupant calculations. The goal for this is to set the parking requirements for the sports fields and to determine whether or not these should be considered accessory uses to the existing schools. If it's considered an accessory use the total parking spaces is already figured in for the school itself and then all the sports field would just be an accessory, they wouldn't add to the total number of parking spaces.

Denham stated very good. Any questions of Kameron?

Smith stated so I wasn't here last week, so just to kind of clarify, say on the student parking issued 190, faculty 119, if you combine those two together or is the faculty 119 out of the 190? I was using Lawton High as the example.

Denham stated there is 309 total used and they have 323.

Smith stated that's all I needed.

Denham stated and this was actually goes back to June, not last week. So, it's been a while since we've discussed these items. So, what we're looking at is either establishing, I thought I was tracking when you said, establishing the number of spots for stadiums, sports fields, etcetera but if we are only worrying about the Lawton Public Schools, then we could just go ahead and

recommend that it's an accessory use. Obviously my first thing is we need to go back and amending City Code, that says you need 8 (eight) spots per classroom, when you obviously don't.

Good stated this is an open discussion with the parking requirements. What brought this to attention was the fact that LPS is planning on building a new locker room for each of the high schools and that's what brought the parking requirements questions up. We have the calculations needed for the locker room itself, we have the calculations needed for the school but we don't have the parking calculations set for the sports fields and so we don't know what total number of parking spaces is required. Now that would be null and void if all those things were accessory uses. That is open for discussion, but we still need to set a parking standard for these sports fields, with the sports complex going to be built in the future and any other private or public facilities but we do need a parking standard for those.

Denham stated okay.

D. Jones asked let me make sure I understand, the existing high schools do not meet our existing parking standard? Well, that's one issue, you know is to reexamine that for new, for future.

Good stated that is correct. As is they're non-conforming.

D. Jones stated non-conforming.

Good stated correct.

D. Jones asked you're recommending that what we add be an accessory use but you're recommending additional parking for those?

Brown stated no, we're not recommending additional parking, that these buildings that they're going to build on site, won't require additional parking because they're supposed to be used during the school day or after school hours for students that are already there.

Denham asked if we can make these accessory, for accessory use, then there would be no additional parking requirements?

Brown stated correct.

Denham asked and this primarily is just for the high schools. How are we, because I don't think that 1 (one) per 4 (four) classrooms on the elementary schools, they're even in compliance either. I think with anything else we need to look at the Code that says we need 2 (two) spots or 8 (eight) spots per classroom. That's obviously excessive.

Brown stated I just ran, really quick, the numbers, MacArthur comes closest, at about 7 (seven) per class room right now but both Eisenhower and Lawton High are about 4 (four) per class room and remember these were set back when it was just 10th, 11th, and 12th grades. You could drive at any time, now they've added 9th grade and I believe LPS doesn't allow you to leave until you're a Junior or Senior to even have parking permits. So, they've even limited the amount of students that can park on campus.

Good stated I also added in the background information another City for example for their kindergartens, day schools, and their lower classification of schools 1.5 spaces per employee at full capacity with a 1 (one) paved off street loading and unloading area and that is what another city did for their kindergarten and elementary schools. It was based on their faculty because obviously the younger kids aren't driving to school.

D. Jones asked if they're in nonconforming at his point and we add an accessory use?

Good stated it would have to be brought up to compliance and if they can prove a hardship, they could ask for a variance to lower the parking requirements.

Denham asked and that goes through the Board of Adjustments?

D. Jones stated it appears; I don't have a BOA ordinance. Do they have a section on Non-Conformity?

Brown stated they do. They have an allowance on non-conforming properties for rebuilding and stuff like that but on the they can make a variance to the parking based off of 4 (four) questions.

D. Jones stated yes if they answer the conformity.

Brown stated yes.

D. Jones stated I see what you are saying. I'm trying to get just a little parking to get them up to what they need.

Brown stated yes.

D. Jones stated and it's not going to be much because you said Eisenhower was the closet, it might be 7 (seven) or 8 (eight) spaces. Then the staff can look at, David what you and I were talking about, which is the Code. We need to start looking at the School Codes, because things have changed over the years and that would be, obviously elementary through high school. You all need a little time on that. I also wanted to say this was very good research. It was very thorough. Could we consider because they're in non-conformity, now I wish I had Greg here, that as an interim we just bring them up, Charlotte to where they need to be and that might be 3 (three) or 4 (four) spaces at these Sports Complexes because it's kind of a special, unusual situation. That way they can get started without Board of Adjustments or any of this nonsense. If they add to any of these Non-conformities, they have to come up to this existing Code.

Brown stated okay, yes.

J. Jones asked let me ask one question on the classroom size, in the high schools I believe over half the class rooms are people of the non-driving age. So, can we not lower the number per classroom? And consider the classroom number of people of driving age. Wouldn't that be something to consider?

Good stated the only concern that we had with bringing that information to you is the number of driving aged students fluctuates every year and now.

D. Jones stated it doesn't have anything to do with these additional sports centers. They're going to get there one way or another. The parents are going to get there, the audience is going to get there, plus we got faculty, we've got all of these other issues. You know I prefer you look at the whole thing and we try to move on with these schools right now because I live near Tomlinson, the building's going up as we speak.

Smith asked say we're talking about building new football stadium, a new locker room, we've already got the existing, I think they're just redoing those so I mean, maybe the locker room, it may be adding on some square footage, but they have an existing locker room.

Good stated yes, so this would be a new locker room and Chris might be able to touch on this a little bit more, but this is for Lawton High School, the proposed location is just north, in the grass area. Chris, do you want to touch on that all and where these are going to be built. They do have existing facilities to an extent, this is a new one that is proposed.

Boyd stated I'm Chris Boyd, I'm with CDBL. We are building the Eisenhower and Lawton High facilities. Ryan Herring is building the MacArthur facility. These are buildings that have 6 (six) locker rooms in them, and a concession stand. What they are is, they are for girls most and it depends on what the school is but like, my daughter plays tennis at Eisenhower she changes in the bathroom because they don't have a locker room. So, we're going to build these facilities, girls' tennis will have a locker room to go to. In the future, these facilities may be added on to and have an indoor practice facility for when it's raining, they can practice inside. But it's nothing to do with, they're not adding anything. They're not adding any fields, they're not adding anything to the fields. These are just support for those kids that use those fields.

Denham stated thank you Chris. What I see here is that all three high schools aren't using the amount of parking that they have. Which is less than what Code requires. So, we're saying okay let's add more spots for this even though you're not using the spots we're needing, and this is all for kids that are already on campus. We're not creating any extra demand for cars to come to these deals.

Good stated I added in the background for another City their elementary school and middle school asks for 2 (two) parking spaces per classroom and their high schools 1 (one) per 4 (four) students. Whereas we're asking for 8 (eight) per classroom.

Denham stated I just see where classrooms have anything, I mean and again we added 9th graders, maybe there is a 9th grader old enough to drive these days, but you know that's going to be zero.

Brown stated we'll put it into a little more perspective. When I went to Eisenhower, twenty-one years ago, we were parked up all the way on the road behind because there were so many of us driving and now you've added another 400 students, but they've narrowed it down to where you've only got a portion, a smaller portion actually driving and being able to park on campus.

D. Jones stated with the larger enrollment, you have more classrooms, more teachers, more support.

Brown stated we didn't have 90 classrooms when I graduated from Eisenhower. They added a whole other building on the east side. That was not there 21 years ago.

Denham stated some of these classrooms, frankly, have 5 kids in them. I mean you've got your yearbook, and whatever but you have classes and whatnot are going to be more. Maybe that's just not the way to calculate this because I don't see how Eisenhower having 300 more students dropped a class from 6A to 5A, that tells me they have fewer students.

Good stated you also don't have; we haven't seen an issue with their parking lots overflowing.

Denham stated you even have the bands practicing in the empty spots.

Good stated Chris and I discussed it. You see the parking lots half empty during the school days.

D. Jones stated during the school days they are, when they have tournaments you know at these places, they're overflowed. They're in the neighborhood. I don't have, I'm not hung up on any answer. It's somewhere in the middle and think maybe the staff needs some time to look at the whole issue and you may reduce it, you may increase it, but you need to look at the whole issue for all of its uses not just how many students, or how many classrooms or you know what I mean. Give yourself some time to do it. Now, if we want to leave it like it is, it's fine with me, you know, except you do need to do the study because these schools are evolving all the time. So, you need some guidance if you will, how to handle accessory uses added, new schools, new types of schools, that kind of thing.

Brown stated they also have all the virtual students, that they didn't have even 5 (five) years ago. That lowered the number of students on property.

Denham stated I can see doing something for thinking right now but the proposed sports complex, that's something that needs to be addressed. These others I see no reason why we just can't make; I don't even understand how a locker room wouldn't be an accessory use. It's not like we're a YMCA where public is coming to utilize or anything along those lines. That really doesn't even affect LPS's situation at the current time, but we can proceed with using this research to do the work for future development on proposed.

D. Jones stated normally David when you figure parking you discount non-useable areas. Often, you'll discount hallways, restrooms, locker rooms because it's like Kameron's research, it's the seats that are the way you calculate it for the people and so you do give discounts of that kind.

Denham asked maybe 1 (one) for every 4 (four) seats in their auditorium. (inaudible)

Good stated parking calculations are different across the board depending on their use, according to our Code. You know some things are based on the gross floor area. For the schools we have it set for the classrooms and I think what you're saying is you would like us to bring back maybe a change of Code how to allow the accessory use is at these schools and not add the additional parking on top of it.

Denham stated that's me personally. I don't know for, what the Commission agrees to or not.

Smith stated I agree on that also.

Good stated and then just to give another prospective, if you have a use of a property and there's a main use and they want to add an accessory use to that building, you're still calculating off the whole use of that building. You know I think that plays right into this. The whole use of the property is the school. The kids are already going to the school.

Smith stated yes, just because you're adding a building, you're not adding any more kids. Those kids were there anyway. They're parked somewhere anyway.

Denham stated but again for future, if we get an arena, if as this sports complex gets developed. There probably needs to be some kind of standard for them. So, this research not being done in vain, bring that back.

Good asked so bring a Code change back that shows the parking for the sports facilities and arenas as if it was a private entity. As well as the Code change that would allow accessory uses to not add to the public schools?

Denham asked is everybody agreeable to that guidance?

Springborn asked is there any reason why you don't include Cameron on this study?

D. Jones stated you should not include Cameron. It's owned by the Board of Regents, and you do not have any jurisdiction, the City over Cameron unless it's negotiated. It's owned by the State of Oklahoma Board of Regents.

Springborn stated okay. My feeling is about graduation, which is the biggest mess you ever saw.

Good stated I think we as staff we have clear direction moving forward to bring you a Code change back.

Denham stated perfect. Thank you.

Brown stated so, I think in my mind, we'll bring back for the Sports Authority and Arenas as a stand-alone but we're not going to limit accessory uses just to LPS. We're going to make it, if you add an accessory use to your facility, regardless, your parking is already calculated with your primary use and not limit is to LPS.

Denham stated now currently.

Brown stated if they're not increasing the intensity, we'll add that in there. If they are not increasing the intensity of the property and use, then it would not be considered an additional parking.

D. Jones stated thank you.

Denham stated I know recently I believe the City has turned over operations of the East Side and West Side Ball Parks to the Sports Authority.

Brown stated yes.

Denham asked were those all built with Code for parking spots for any of that stuff.

Brown stated probably not. We can find out though and bring that back.

Denham stated it might be curious to see how many fields, how many parking spots and how it complies with this thing too, while you're continuing your research.

Good stated with what we're proposing.

Denham stated yes.

D. Jones asked maybe we should make a recommendation that the City meets its own Code in the Building Permit process. Wouldn't that be novel.

Denham stated I was saying that without saying that.

D. Jones stated well, I'm going to say it.

Smith stated it's kind of like Chickasha, he just said they kind of did what they want. Just roll with it.

D. Jones stated yes.

Brown stated Chickasha literally told us, we don't know. We don't know what was done.

D. Jones stated I suspect LPS did the same thing.

Smith stated good job Kameron.

Denham stated and COL. Okay, very good. Thank you and we look forward to seeing the progress. Be careful what we wish for, right?

BUSINESS

5. Hold a public hearing and consider a request to amend the binding site plan for property located at 1050 NW 38th Street, Lawton, OK 73505.

Denham stated Kameron you're taking this one too.

Good stated yes, sir. This is located at the southwest corner of 38th Street and Cache Road. We have a fancy slide show by Tyler Pobiedzinski created. We got a location map here for Cache Road and 38th Street, this is the old K-Mart facility that was remodeled for the U-Haul. Here is the aerial shot of that. This is the original site plan that was approved with their re-zoning of the property. As you can see, they had a proposed building, in their southeast corner, which is under construction currently. They have proposed buildings all along the east side for additional storage facilities. Now their new proposed site plan added some more of those storage units along the east side and then also ones on the north side and shows the existing building that is being built right now. And so those are the changes to the site plan as previously submitted and what is currently submitted. So just some additional storage unit buildings in the already built parking lot. Now back to a little bit of parking requirements for this, their parking requirements

is 100 percent based on office space, which is located in this building over here. They have ample number of parking spaces, so proposing these new buildings would not hinder that in any way.

Denham asked in the bio here, what is the piece that was removed on the, I believe it said on the eastside, northside possibly? The shunting lanes? The proposed U-Haul equipment shunting to the east of the former K-Mart has been removed, what was that?

Good stated in the north portion of this where they are proposing buildings, this was a U-Haul equipment storage, with trailers and such. This is where they proposed storing those originally and as you can see, they proposed to add the buildings and lower that in the binding site plan. U-Haul is here if you do have any questions specifically for them, just to run through little things we did notice 26 property owners within 300 feet of this for amending of the binding site plan on September 5, 2023, and posted in the paper on September 10th and we received no calls against or for this.

Medders asked soon the previous slide on the site plan we did approve, those 3 (three) buildings, what is the exterior supposed to be on those?

Good asked the exterior finish?

Medders stated correct. Isn't it supposed to be our typical stuff?

Good stated so according to City Code they are required at least, like the metal finish is not acceptable. They have to have at least a wainscotting of acceptable material. The buildings are built currently, and they are going through the permitting process because they started without the permit. They are submitting those permits and they wanted to get the binding site plan process started. The finish is at least a wainscotting of acceptable materials, brick, stone, or there are several listed.

D. Jones asked is that on the east side which is adjacent to the Residential zone or is it on another side?

Good stated all 4 (four) sides are supposed to, the street facing sides, but by code all 4 (four) sides are required at least that's wainscotting.

D. Jones stated okay thank you.

Denham stated that includes the 2-story building too. They will eventually have some type of wainscotting or.

Good stated that's required yes.

Smith asked it that still 3 (three) feet?

Good stated now, it is lower than street level, it is lower than 38th Street, so they could go to the Building Material Review Committee and to request to leave it as metal panel but that would be up to the Building Material Review Committee and if they wanted to submit for that request but as of right now, they are required to at least have that accepted material.

Brown stated Code says any building to be located in any zoning district other than residential, industrial, or agricultural with a gross floor area in excess of 400 square feet shall have those exterior finished walls facing the streets or abutting residential districts or any residential neighborhood constructed of approved materials. So, that would be that entire east side would be required.

Good stated and the street side on the north as well for the ones up on Cache Road, the street facing south. Thank you for the clarification.

Darren asked yall received calls on it not looking because I've received calls.

Good responded yes, we have received calls, so this was started prior to issuing of the permit. They believed their square footage of the individual units was below 200 needed for a permit. We issued a Stop Work Order because we based it on the total square footage of all those units not just the one tiny individual unit and so the Stop Work Order was issued. Now during that time that the buildings were not finished, the buildings started falling over due to Oklahoma winds and weather and that's when we did receive complaints on the look of these facilities being that way. Now they have submitted for the permits, and they are working on that process as amending the Binding Site plan as well.

Smith asked but the big building is already permitted.

Good stated correct.

Smith stated that's the one I have gotten calls on.

Good stated and it's not going to be a Top Golf according to the Lawton Grapevine.

Denham stated that was going to be my next question. Maybe you ought to reconsider, you know we apparently got a huge demand for it. Any other questions before I open for the public hearing? Alright at this time I'll go ahead and declare the public hearing open. Anybody who would like to speak for or against this item please approach the microphone. Give us your name, we'll get you to sign in at some point.

Hogan stated Brett Hogan and I'm one of the property owners and developers. I'm only here if you have any questions.

Denham stated welcome back Mr. Hogan you've come along way.

Hogan stated Kameron and I have worked through this, and Raymond and I think this is resolvable and we just need the approval we'll be good to go.

Denham asked any question for Mr. Hogan? Thank you, sir. Anyone else? Seeing no one approach I go ahead and close the public hearing. What is the wished of the Commission?

D. Jones asked may I ask a question? This is to amend a binding site plan, is there anything to prohibit that the Planning Commission from recommending to the City Council the amendment of the Binding Site plan and a mandatory exterior treatment as provided by the Code?

Brown stated I don't think that would be a problem. You've placed conditions on Binding Site plans.

D. Jones stated I don't either. I just want to make sure; would that help Darren some of the concerns?

Medders stated I think it would. I received a few calls on it. It doesn't look as good as their other facility, and it doesn't meet the Codes, so it's got to be fixed up to Code.

D. Jones asked is everyone amenable to that? Is that a condition?

Denham asked Kameron it is basically what you're working with them already so it agreeable to them as well? I assume. They understand based upon the permitting requirements.

Good stated I don't want to speak for them, but I believe it is the understanding they're aware as what the City Code requires. Now, you're only wanting them to meet that requirement, correct? You're not wanting them to do the full facing of the street facing side, you're not wanting anything additional correct? You're just wanting them to meet what the City standard is?

D. Jones stated what the City standard is, now that's subject to appeal to the Council because it's a Binding Site plan.

Good stated that would be required no matter what, whether you put that condition on that or not. They're going to have to meet that but.

D. Jones stated I just want a clear understanding with the applicant, that we need to do something else out there and so Commissioners can reassure property owners and I don't want to get appealed.

Denham stated we don't want to make it more restrictive. I don't believe that's where we're at, we just want them to meet Code, you're going to make sure they meet Code, but we can add that to the motion.

Brown stated and Council did approve the fee for the Building Material Review Committee so if they wanted to appeal it. The exterior, a normal exterior would go through the Building Material Review Committee and if they upheld the requirement to meet City Code then their appeal would come back through you, as City Planning Commission.

D. Jones asked wouldn't it go to Council?

Brown stated yes.

D. Jones stated as a Binding Site plan and of course Council could delete it.

Brown stated yes.

D. Jones stated I kind of think the Appeals Board falls out.

Brown started I kind of do too, at this point this going to go to City Council with the Planning Commission's recommendation and staff recommendation, then City Council has the final say.

D. Jones stated then the residents could contact their City Council Member and say we want this condition.

Brown stated yes.

Denham asked Mr. Hogan are you in agreement with that?

Hogan stated yes after talking to Kameron, if we can just get our binding site plan situated, him and I and Raymond will work out the rest of the details. We can make it comply. It's just some conversation came up, you know when you started talking about wainscoting and stuff of that nature, we're like my big building we're currently under construction on, it's already permitted and been presented and now I'm sitting here is this thing correct but from what Kameron is saying we're correct on it. We just need to go back and visit the outside smaller buildings there.

D. Jones stated no, I don't think it was.

Good stated it's under construction.

D. Jones stated I understand it under construction, but it didn't meet the Code at the time of permitting. It did not have that treatment on the east side.

Denham stated my understanding is that it's there below road level.

D. Jones stated I understand.

Denham stated so that's, it's a requirement to put something there, that nobody is going to see.

Brown stated we'll pull the plans and verify that it meets Code and any changes that need to be done, we'll address those at that time.

D. Jones stated my point was that Council will be the final deciding on the Binding Site plan and site plan conditions if Council think it's unreasonable, they can delete it, but I think it's much better for the applicant to meet Code, we had some hiccups in the permitting and the site plan.

Denham stated I understand. So, make sure, I'm assuming you'll probably make the motions, so we add what we've been discussing. Alright we're gonna go ahead and entertain a motion.

D. Jones stated I move that we make a recommendation to the City Council for an amendment to the Binding Site plan for the property located at 1050 NW 38th Street, Lawton, Ok 73505 including a condition of adding an exterior treatment to all buildings on the site, that meets the existing Code.

Denham asked any further discussion.

Motion by D. Jones, Second by Medders, to recommend to the City Council for an amendment to the Binding Site plan for the property located at 1050 NW 38th Street, Lawton, Ok 73505 including a condition of adding an exterior treatment to all building on the site, that meets the existing Code. **Aye:** Denham, J. Jones, Jarvis, Jester, D. Jones, Smith, Medders, Logan, Springborn **Nay:** None **Motion Passed.**

Denham stated I hope by the time this project is complete, we can no longer refer to it as the Old K-Mart, you can be the New U-Haul.

6. Commissioner's Reports or Comments.

None.

7. Secretary's Report.

Brown stated I don't have anything.

Good stated Charlotte I was just going to update them on some of the Code changes that we took to Council. We recently took a Code change for the PF for the Daycare and Churches and the PF going from the Uses Permitted on Review to Uses Permitted Council did pass that on Tuesday, and they also passed the change to add the Building Material Review Committee fee and also the appeal fee. So, if the Building Material Review Committee they appeal their decision, it would come to the City Planning Commission and all that was, was to add that language in there and add the fee. Both of those went to Council on Tuesday and both of those were accepted.

8. Comments from the Public.

None.

9. Adjournment.

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

Spangler stated public safety issues and non-profit availability for help.