

MINUTES
DOWNTOWN LAWTON ARCHITECTURAL REVIEW COMMITTEE

Minutes of the Downtown Lawton Architectural Review Committee meeting held December 20, 2022 in the 2nd Floor Conference Room, City Hall, 212 SW 9th Street, Lawton, Oklahoma.

The meeting was called to order at 2:00 p.m. by Chairman Ernest Sheppard.

Notice of the meeting and agenda were posted on the City Hall bulletin board as required by State law.

ROLL CALL

MEMBERS PRESENT: Jesse Cross
 John Purcell, Jr.
 Ernest Sheppard

MEMBERS ABSENT: Joe Abshere
 Jacob Brox

OTHERS PRESENT: Charlotte Brown, Community Services/Planning Director
 Greg Gibson, Assistant City Attorney
 Kameron Good, City Planner
 Cindy Augustine, City Attorney Office
 Denise Ezell, Recording Secretary

2. Verify posting of meeting according to The Open Meeting Act (Title 25, Okla. Statutes 301-314).

Posted on December 13, 2022 at 10:32 a.m. by Tammy Branstetter.

3. Establish Quorum.

There are three (3) of the five (5) members present.

4. Approval of Minutes.

Motion by Purcell, Second by Cross, to approve the minutes of November 22, 2022 as written. **Aye:** Cross, Purcell, Sheppard. **Nay:** None. Motion Passed.

BUSINESS

5. Consider rescinding DLARC Resolution No.15-1, a resolution empowering the director of planning of the City of Lawton to administratively review, approve, and issue a

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certificate of architectural conformance for projects within the downtown Lawton overlay district which was originally passed and adopted on June 16, 2015.

Sheppard asked I believe everyone is aware of what is going on here. Do we need an explanation? Greg, are you satisfied with the language?

Gibson stated yes, I recall when you gave the power administratively.

Purcell stated we are just pulling it back.

Gibson stated correct.

Sheppard asked does that language satisfy that requirement.

Gibson stated yes.

Sheppard stated okay, I need a motion.

Purcell stated I'm not sure what the motion should state. Are we approving a new resolution to bring it back or just resending the old resolution?

Brown stated just resending.

Motion by Purcell, Second by Cross, to resend Resolution No. 15-1.

Burk asked may I speak.

Sheppard stated yes.

Burk asked why are we resending this resolution.

Sheppard stated because we are not satisfied with some of the results that we have seen with the administrative approval.

Burk stated okay.

Purcell stated we are bringing it back in-house, so it comes to use instead of one (1) person to make the decision, which didn't work out real well.

Sheppard asked does that answer your question.

Burk stated okay, I have a pretty good understanding.

Sheppard stated we have a motion and second. Is there any further discussion? Seeing none please call the roll.

Aye: Purcell, Sheppard, Cross. **Nay:** None. **Motion Passed.**

6. Hear a complaint filed against the Architectural Facade of property located at 308 NW 2nd St, discuss, and take action if necessary.

Brown stated this is Mr. McKenzie. He called the office because he is not happy with the Architectural Certification of Performance that was issued for 308 NW 2nd Street. We invited him to come and voice his concerns to the board.

Sheppard stated Les we will be happy to let you talk in a moment.

McKinzie stated that is fine.

Sheppard asked the result of this conversation would be what.

Brown stated you can take action as you deem necessary. You can let the Certification of Architectural Conformance stand or you can resend it. If you resend, we will notify the property owner that they would need to meet the requirements of the 2nd Street corridor and resubmit. This was approved administratively by the Director of the Board.

Purcell asked is this the one that caused us to resend the resolution.

Brown stated yes, this is one that was approved by the Director.

Good stated that is why you have all the exhibits from the approval of that certificate.

Sheppard stated as I understand it the work completed on that building was not approved by the city prior to that.

Good stated the building permit was approved by the Planning Department for interior work only with the understanding that the exterior work could not be done until it had DLARC's approval. They started the work anyway. A stop work order was issued and placed on the site when they were about 90 to 95% done with the exterior work. We received a phone call about it not matching and that was when we issued the stop work order. They applied and it was administratively approved.

Sheppard stated okay, we have a pretty good background of what is going on. Mr. McKenzie would you like to address us.

McKenzie stated yes sir. One of the big issues, and it is not just my issue, is the way the parking is designed. They are parking over the sidewalk. When you pull up to the stop sign to go north on 2nd Street you have to pull out so far to see around the vehicles. I was about hit in the southbound lane trying to go northbound. That is one (1) issue. When you do get into the southbound lane the vehicles back into on coming traffic. That is another issue. I'm not certain about the parking there. I don't think there is as much parking there as there is. In the past there has been very little parking. I'm not understanding why we are parking like that now.

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Sheppard stated okay.

McKenzie stated also, when I did my construction, we had to take down our security fence. They have a security fence and we had to take ours down. I don't understand that.

Sheppard stated okay, any other concerns.

McKenzie stated like she said the color, they don't have any vegetation and no brick on the building to match the other buildings.

Sheppard stated okay, was the parking addressed in the permit issued by the city.

Brown stated yes, we have been out there since Mr. McKenzie called. Code Enforcement went out and spoke with the tenant to let her know that they couldn't be blocking the sidewalk. This used to be the old laundry mat and now is an office building. They are only using half of the space for office use. Currently they have the correct number of required parking spaces needed.

McKenzie stated I might disagree with that. Before they had to lease parking from dad because they only had three (3) legal parking spots.

Brown stated it was CO and I believe the parking size was verified. We will go back and look at that again.

Sheppard asked if the parking is being permitted why are they parking on the sidewalk.

Brown stated there is not a lot of space between the building and the sidewalk. You could pull a small SUV in there. I have seen a small SUV parked right up against the door. It was not blocking the sidewalk, but if you get a bigger vehicle in there it would block the sidewalk. We had a conversation with them that they cannot allow their people to block the sidewalk.

Sheppard stated okay, if they are parked legally and not on the sidewalk is there a sight hazard.

Brown stated I don't believe so. We will get with the traffic engineer to get a clear definition of what the sight triangle is for that corner.

McKenzie stated I thought it was a requirement you could not park on any easement. Is that correct? That was the way it was for me. You could not park on any easement at all.

Brown stated you can with a revocable permit. They do not have a revocable permit for their parking. If memory serves me correctly, the majority of their parking is off to the side of their building. There are a few spaces in the front, but the majority is on the side street. It is not on the utility easement.

Purcell asked is it the front or rear end that is parking over the sidewalk.

Brown stated the rear end of the vehicle.

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Purcell stated if it were the front end, we might could force them to put up stop blocks.

Brown stated they are pulling straight in off 2nd Street into the building.

McKenzie stated they have stop blocks by the sidewalk. This is what you are looking at when you try to go north there.

Purcell stated I guess I don't understand. In that picture how are they parking over the sidewalk.

McKenzie stated the stop block is next to the sidewalk and the front of the vehicle is over the sidewalk.

Purcell asked could we force them to move the stop block back so the vehicle doesn't extend over the sidewalk.

Brown stated he is talking about the sidewalk closer to 2nd Street. The public sidewalk.

Purcell asked isn't that what is in that picture.

McKenzie stated yes sir.

Brown stated the block will be up closer to the building. You are talking about the parking space on the side.

McKenzie stated yes ma'am.

Brown stated there is existing parking in the front of the building.

McKenzie stated this is sitting at the stop sign. You see you have to get into the southbound lane to see around the vehicles. I'll show you another one.

Purcell stated if they were forced to move the yellow parking stop back it wouldn't extend over the sidewalk. Is that correct?

Brown stated correct and they could shift those back for the space on the side.

Purcell stated that is out on 2nd Street. They just need to move those back.

Cross asked is there enough turning radius behind that.

Purcell stated I don't know.

Brown stated I'm not 100% sure. I would have to pull the plans and see what it shows.

Purcell stated that would be their problem. We just need to tell them to move the blocks back.

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Brown stated yes.

Purcell stated if they can't turn, and people aren't happy, that is the business owner's problem.

Brown stated correct.

Sheppard stated so, part of the problem is these parking spaces were already existing and permitted in the past.

McKenzie stated they never were existing.

Brown stated the ones on the front side of the building were.

Purcell stated that is what that picture was.

Brown stated that is the north side of the building.

Sheppard stated that is the north side of the building. Kameron had a good picture of it.

Good stated this is a street view from google.

Sheppard asked the one where they are backing into oncoming traffic is from the existing parking.

Brown stated yes.

Cross asked is that the only one they are having problems with.

Brown stated I believe so. The backing up is from the ones on the east side of the building. Those back straight into 2nd Street. City standards for the parking blocks are two and a half (2 ½) feet from the sidewalk. We can verify that it meets the requirements. This gives enough hangover that it shouldn't be hanging over the sidewalk.

Cross asked are you going to send the traffic cops out to verify.

Brown stated we will send a building inspector out to measure that.

Good stated it doesn't have a parking block there.

Purcell stated yes.

Good stated the other two (2) do and this one doesn't.

Purcell stated that is part of the problem.

Good stated there are three (3) parking blocks there and the far one (1) doesn't have one.

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Purcell stated the last two (2) parking spaces don't have blocks.

Sheppard stated I don't believe there is a space there. They are parking on the sidewalk. That is not a designated space. See how they are on the sidewalk.

Purcell stated it looks like a designated space because there is a white line there without the block.

McKenzie stated okay, here is the one (1) she is talking about in front of the building with a full-size pickup parked there.

Good stated the full size and this is the sidewalk lines.

Purcell asked is that on 2nd Street.

McKenzie stated yes sir.

Sheppard stated I understand his concerns and they are valid. How do we solve the problem?

Brown stated we will address the parking blocks and parking on the sidewalk. This board has the authority to resend the Architectural Conformance Certificate. If you resend the certificate, we will notify the property owner that they are no longer in conformance, will have to meet the code requirements, and submit a new letter of conformance.

Sheppard asked does that deal with parking.

Brown stated no, we will have to address that as a separate issue.

Sheppard stated that is a city issue not a DLARC issue.

Brown stated yes.

Sheppard asked do you understand that Mr. McKenzie.

McKenzie stated yes sir.

Sheppard stated okay.

Purcell stated I'm concerned about making them go back. I know it wasn't us, but it was the city who said, I'm not talking about the parking, I'm talking about the city stating the building/architectural facade met the requirements even though they didn't. Now we are going back on that fact and telling them they have to do something different.

Sheppard stated I don't have any (can't understand) for that.

Burk asked can they not appeal to the Board of Adjustment.

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Brown stated no, if the board resends it the appeal would be before CPC. Appeals no longer go to the Board of Adjustment from DLARC.

Purcell asked it would go to the Planning Commission.

Brown stated yes.

Purcell stated for the appeal and that is the final.

Brown stated yes.

Purcell asked not Council or court.

Brown stated no.

Purcell stated then all we are doing is passing the problem off to CPC.

Sheppard stated I'm a bit confused. I can't remember if appeals for LURA or DLARC go to Planning.

Brown stated appeals for DLARC used to go to the Board of Adjustment and we moved them to City Planning Commission.

Sheppard stated right.

Purcell stated as we did with LURA. We did both correct.

Brown stated no, just DLARC.

Sheppard stated so this appeal would go to Planning.

Brown stated LURA doesn't make a lot of decisions that would require an appeal.

Purcell stated so, all we are doing is passing the problem to the Planning Commission.

Sheppard stated yes, that is all we can do. There is not anything else we can do but consider these people proceeded without city approval.

Good stated they were about 90% done with the exterior of the facade before the stop work order was issued.

Sheppard stated right, so I don't have a problem with it.

Good stated the one (1) they submitted with the building permit was a completely different elevation than what was submitted to DLARC.

Brown stated we did site the contractor for not sticking to his plans.

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Sheppard stated I would be in favor of doing everything that we can do to resend this. Our authority doesn't extend to the parking, but it does extend to the facade and the outside of the building.

Good stated to include the fence.

Sheppard asked what is the deal with the fence?

Brown stated they have a wood stockade fence that wasn't a part of the renderings that were approved administratively. It was a 6' stockade fence on the north side of the building.

Good stated on the west side of the parking lot extending north bound from the building there is a 6-foot stockade wood fence. That was part of the architectural approval.

Purcell asked does that meet the approval of DLARC. Is that in compliance with what DLARC says.

Brown stated not typically. We typically do the wrought iron and brick.

Purcell stated I agree then. if they didn't do what they were supposed to from the beginning I don't have a problem with it. Would the motion be to resend the Certificate of Conformance?

Brown stated yes.

Motion by Purcell, **Second** by Purcell, to resend the Certificate of Conformance for the property located at 308 NW 2nd Street.

Sheppard asked is that as strong as we can mustard in this decision.

Brown stated I believe so.

Sheppard stated okay.

Good stated they would have to bring it back to you with a new approval.

Sheppard stated right.

McKenzie asked has the business got a Certificate of Occupancy yet.

Brown stated yes.

Sheppard stated roll call please.

Aye: Sheppard, Cross, Purcell. **Nay:** None. **Motion Passed.**

Purcell asked what happens if they don't.

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Brown stated the city can move forward and revoke the Certificate of Occupancy.

Purcell stated okay, you know we have had this problem before elsewhere when they were supposed to do something somewhere and they never did, and it is still not done. That gets in my craw.

Burk stated is there a timeline in the policy (Can't understand)

Brown stated no, there isn't.

Burk asked there is no timeline.

Brown stated no.

Burk asked would it be appropriate for this board to make a recommendation on a time.

Brown stated yes, it would.

Sheppard asked what is an appropriate time.

Brown stated unfortunately with the holidays I would probably say thirty (30) days.

Sheppard asked thirty (30) days to respond or to make corrections.

Brown stated thirty (30) days to make corrections.

Cross stated they are not going to make those corrections in thirty (30) days.

Purcell stated they are not going to make that. That is unreasonable with the holidays.

Brown stated initially my thoughts was fourteen (14) days.

Sheppard stated how about thirty (30) days to initiate action.

Brown stated okay.

Gibson asked would that include appealing to CPC.

Brown stated yes.

Sheppard asked so can we amend our motion. How do we do that Greg.

Gibson stated that is a tricky question.

Motion by Cross, Second by Purcell, to allow them thirty (30) days to respond to the recension.

Sheppard stated we have a motion and a second. What if we don't hear from them within

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thirty (30) days.

Good asked is there a time limit on making the corrections.

Purcell stated why don't we just do this and see if they do anything. If they don't do anything it is a mute-point, isn't it?

Brown stated yes.

Purcell stated then we can revoke the Certificate of Occupancy.

Brown stated yes, we will revoke it.

Burk stated they are going to end up appealing it to the CPC. Then maybe CPC can put a time limit on it.

Gibson stated let CPC handle the timeline. I'll be in that meeting also.

Sheppard stated okay.

Brown stated if it goes to CPC, we will put something in the AIC that states they need to determine a timeline.

Sheppard stated if they respond you can let them know what we expect.

Brown stated okay.

Sheppard stated okay, roll call please.

Aye: Purcell, Sheppard, Cross. **Nay:** None. **Motion Passed.**

Purcell asked what is the next step for the parking issues. Is that the Traffic Commission? I have seen parking spaces that are designated for small cars only.

Brown stated if they don't meet city standards the Board of Adjustment has the ability to vary the size, width, and length of the parking space. They could post of their own accord that only a certain size vehicle was allowed to park there. They could handle that as the property owner.

Good stated if they choose not to they would still be able to park there.

Brown stated we can have code enforcement continue to drive by. They have notified them once and Jim is paying attention since it has been brought to their attention. PD could write a ticket if they drive by and see somebody over the sidewalks.

Purcell asked would the ticket go to driver of the vehicle.

Brown stated yes, not the property owner.

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Purcell stated as long as it is posted.

Brown stated yes.

Sheppard stated I can't get the PD to respond to a loud noise on a car, so I don't know how they are going to write a ticket for this.

Good stated they would probably just make them move the vehicle.

Purcell stated we have someone in here that could have a talk with someone.

McKenzie asked how often will they go down there. If you get one person that is probably all it will take.

Sheppard stated maybe it will take an accident with somebody backing out.

Brown stated unfortunately.

Sheppard asked are there any other comments from staff on this item.

7. Reports.

Sheppard asked are there any comments in general.

Good stated congratulations to Charlotte Brown for her new position.

Sheppard stated yes, we are glad to have you. You are to.

Burk stated absolutely.

Brown stated so starting Monday Maddie will be our Admin Assistant III in planning. She currently works in license and permits and we invited her up to get a feel of the meeting.

Sheppard stated Maddie it is good to have you. That is great.

8. Adjournment.

There being no further business the meeting adjourned at 1:55 p.m.

Motion by Cross, **Second** by Purcell, to adjourn. **Aye:** Sheppard, Cross, Purcell. **Nay:** None. **Motion Passed.**