

CITY PLANNING COMMISSION

WAYNE GILLEY AUDITORIUM

July 25, 2024

Minutes of the City Planning Commission meeting held July 25, 2024, 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
Melissa Busse
Ron Jarvis
Joan Jester
Deborah Jones
Michael Logan

MEMBERS ABSENT:

Allan Smith (excused)
Darren Medders (excused)
Neil Springborn (excused)

ALSO PRESENT:

Christina Ryans-Huffer, Recording Secretary
Christine James, Planning Director
Kameron Good, Senior Planner
John Andrews, City Attorney
Robert Burns, Planner I
Cindy Augustine, Real Property Coordinator
Dewayne Burk, Deputy City Manager
Kim McConnell, The Lawton Constitution
David Locke
Delman Bloom
Willie Northington
Rhonda Bell-Todd
Deborah Bell
James Davis
Chris Nelms

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

CONSENT AGENDA

The following items are considered to be routine by the City Planning Commission and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

2. **Consider approving the minutes from the regular scheduled meeting from June 27, 2024.**
3. **Consider approving the minutes from the special scheduled meeting from July 2, 2024.**

**Motion by Jones, Second by Logan to approve all items on the consent agenda
Aye: Busse, Jarvis, Jester, Jones, Logan, Denham Nay: None **Motion Passed 6-0****

OLD BUSINESS

None

NEW BUSINESS

4. **Hold a public hearing and consider a request from Deborah Bell on behalf of Win-Wal Properties LLC for an amendment to the 2030 Land Use Plan from Residential/Low Density to Residential/High Density and a change of zoning from the R-1 Single-Family Dwelling District to the R-3 Multiple-Family District zoning classification for an assisted living home to be located at 801-809 NW Pershing Dr, Lawton, OK, 73507 and take appropriate action as deemed necessary.**

Good stated we have a rezoning request for property located off of Northwest Pershing Drive. It is this triangle shaped property addressed as 801-809 NW Pershing. The request is to go from R-1 Single-Family Dwelling to R-3 Multi-Family Dwelling District. The proposed use for the property is an assisted living home. As you can see the current zoning for this is R-1 Single-Family Dwelling District. The surrounding zonings to the north, south, east and west are R-1 Single-Family Dwelling. The proposed is R-3 Multi-Family Dwelling District. The existing site plan is shown here, there is no proposed changes on the site plan, there's just going to be interior remodeling for this project. There was a petition turned in for this to the City Clerk's Office not in favor of this. This was provided to all of you in your packets. There was 12 properties that had the property owner's signatures against it and 8 signatures from non-property owners. This map depicts the 36 signatures total. The difference in numbers is due to duplicate signatures, like husband and

wife. The Land Use is Residential Low Density, there would be an amendment to change that to Residential High Density. This was mailed to 50 property owners within 300 feet on July 3rd and posted in The Lawton Constitution on July 12th. We have received a petition and another phone call today against this. We do have the property owner here for questions.

Denham asked any questions of Kameron before I open the Public Hearing? Seeing none, I will declare the Public Hearing open, anyone wanting to speak for or against this item please come to the podium and state your name and address.

Locke stated good afternoon ladies and gentlemen and Commission, I live at 806 NW Pershing Drive. My wife and I have lived in Lawton for over 35 years, raised kids and graduated from Lawton schools. We feel that this will definitely have a negative impact on the character of the neighborhood. The added traffic, utility use and flow of people, which we have to deal with already because Pershing is just a drag strip between Ferris and Cache Road. This is just going to make it worse. We are concerned about property value and the (inaudible) in the neighborhood, which is the main reason we moved there and many of the people that signed the petition said the same thing. We strongly oppose it even if the go through with the projected plan with what they want to build and if that doesn't work then something else can come in. Once it's zoned R-3 it's sky is the limit. I am directly across the street; it would be looking directly into our bedroom windows and right into the front door of my house. I understand something needs to be done with the property if they can build and remodel and stay within the current zoning that it is under, level one, I'm fine with that but increasing the capacity of how many people they can put in that small space it's just going to make everything worse. The crime is going to be worse. The traffic is going to be worse. The noise is going to be worse. The whole character of the neighborhood will suffer.

Bloom stated my name is Delman Bloom, I live at 1717 Ash. I live right up the street from this area. I'm a Real Estate Broker. I take care of my property. We don't need apartments on that street. There is already enough street walkers, we don't need anymore. I don't think it would be a very good idea. A multi-plex apartment, low income, people visiting isn't good for our neighborhood. The property value will go down. There will be more crime.

Northington stated I live at 1740 NW Ash. I have been there for over 32 years. I agree with everything the others has stated. We don't need any more traffic.

Bell-Todd stated My name is Rhonda Bell-Todd, I am the owners sister. The property is going to be for senior citizens. It will be their home not apartments. It will be for seniors that are handicapped, elderly, it will be an assisted living home. She is just changing the interior of the building to accept patients.

Denham asked how many units are you looking at?

Bell-Todd responded she has to have less than 19 (nineteen). 19 to 20 patients no more. We are both CNAs. We have a nurse already to start. It's not going to be an apartment

building. It's not going to have riff raff just family members coming to visit their sick elderly parents.

Denham asked what was the prior use of this building?

Bell-Todd responded it was a computer store, a doctor's office, it had several different things.

Bell stated I wasn't going to speak until I heard everyone's opinion whether to let the place open or not. I'm just trying to help out the seniors and help people who wants family members stay out of commercial buildings to an assisted living building which is more like a home setting for elderly to get more proper care instead of being left there. So, it wouldn't be a lot of traffic because the time set is a certain base hour. They have a time to come visit and a time that visiting hours are over. There will not be a lot of traffic. It wouldn't be, it wouldn't bring property values down. It might be going to bring the value up. They would see their family members being taken care of and you're invested in their family. The crime was already there before I tried to start the assisted living facility. We are trying to help the elderly in a home-based setting.

James stated Mr. Chairman I just want to clarify this would be a binding site plan. The binding site plan would list this as an assisted living and even if it does get re-zoned to R-3 it would be limited to the assisted living because of the binding site plan.

Jones asked are the elderly going to your facility as clinic and then leaving? This is more a kin to a nursing home perhaps?

Bell responded we are doing less people than a nursing home in order to give them the proper care that they need.

Jones asked but they're in residence?

Bell stated yes.

Denham asked how many units?

Bell stated not units but rooms.

Jones asked how many employee?

Bell responded 1 nurse and 2 employees.

Davis stated crime is everywhere. This is to help families. Sometimes families need help taking care of their loved ones.

Northington asked what about security?

Locke asked does the applicant own the building? There is no way 18 people is going to fit in there.

Denham stated this is presented with a binding site plan. The only thing that can go on the property is according to what that site plan says it will be.

Good stated the amendment to the binding site plan process is if there was any change that was requested to this we would have to go through the same process as the Re-Zoning or Use Permitted On Review. There would be 2 notices sent, 2 Public hearings for any change to the proposed use. All the property owners that got noticed for this would get noticed again and Council would have ultimate say on that.

Locke stated there is many other places in the City they could go that is right on the front door step of residential homes. I still say it will increase traffic and I believe there will be an increase in criminal activity and destroy the character of the neighborhood.

Denham asked and the building is currently vacant?

Locke stated it's been vacant for many years.

Bell-Todd responded she owns the building. They purchased it January 31, 2024.

Denham asked and Security when you become operational?

Bell-Todd responded we could possibly get a Security Guard but we are not responsible for the crime that is already there.

Denham stated they're just making sure your residents are protected. Your business hours I know is 24/7 but most assisted living places have certain visiting hours. What are those operating hours?

Bell-Todd responded operating hours for visits will be from 8:00 to 7:00. Staff will be 24 hours.

Denham asked are residents free to come and go?

Bell-Todd responded only for Doctor appointments. We will arrange the transportation to take them and pick them up.

Denham asked how do you select your clientele?

Bell-Todd responded from working at other facilities we have patients that wanted us to take care of them.

Bloom stated I believe City Code will not allow what they are talking about, house that many people, a kitchen, plus parking and they didn't say anything about security. The park is right down the street & I know the Home-less sleep at that park.

Denham stated it would have to meet all Building Codes, that's another step down the road.

Bloom stated that looks like a big area but you start getting the measurements you're not going to have much space.

Nelms stated hello I'm Chris Nelms. I live across the street from this property and I bought my house 24 years ago. I bought it because it's quiet and I really would like it to stay that way. If that is a 24 hour operation, I'm sure there is going to be ambulances with assisted living. They are going to be getting calls through the night so we will be having ambulances running up and down. I think there's going to be other effects. Somebody is got to deliver food, so there is going to be trucks coming in and out doing deliveries. Like my neighbors stated I think there is other places better suited for something like that.

Denham asked anyone else that would like to speak for or against this item? Seeing none I will go ahead and close the Public hearing.

Jones stated I move that we recommend to the City Council for an amendment to the 2030 Land Use Plan from Residential/Low Density to Residential/High Density and a change of zoning from the R-1 Single-Family Dwelling District to the R-3 Multiple-Family District zoning classification for an assisted living home to be located at 801-809 NW Pershing Drive, Lawton, OK, 73507 based upon there are 21 existing parking spaces on the site plan. There appears to be adequate space for maneuvering for deliveries. It is a residential activity. We want to keep residential activities next to residential activities. We don't want to turn them into commercial uses which do generate an odor and noise and traffic. This particular use does not seem to create noise, odor, the lighting will be regulated based upon the City Code. As the owner said she'll try to be responsible for any crime on her premises but she is not responsible for the crime in the neighborhood and finally this applicant has to meet all the Oklahoma Department of Health regulations and the City Code regulations dealing with assisted living.

Denham stated we have a motion. Is there a second? Motion dies without a second. Is there another motion?

Jarvis stated I'll make a motion to deny the request.

Denham stated we have a motion for denial. Is there a second? Ladies and Gentlemen, Council has advised that we send the Council that CPC does not make a motion on this item. Ladies and Gentlemen I am absolutely shocked this has never happened in my over 20 years on this Commission, that we've not been able to come up with a pro or con motion.

Andrews responded what I would recommend is watch the agendas because it will move to City Council. We will do notices and everything and it will go to the City Council and they will not get a recommendation from CPC.

Denham stated you will be re-notified when this item goes to Council.

Andrews stated watch for that because they probably will have a Public hearing at that point as well. You'll want to be here to make those arguments as well because it's totally different people.

Denham stated it will be like this. It will be like today.

Andrews responded you'll make the same arguments just a different set of people.

Denham stated they are the final authority, regardless if we did make a motion, they could have accepted the recommendation, they could reverse the recommendation but in this instance this Body has chosen not to make a recommendation, for that I apologize for your time and I do appreciate you all coming and presenting your case, both pro and con.

No recommendation was made by the City Planning Commission to the City Council.

5. Consider approving offsite improvement construction plans for an extension to SW Gilbert Gibson Rd, water line, and sanitary sewer to serve Fisher 59 and future development within the Airport Industrial area, subject to the conditions listed.

Good stated this area is located in the Airport Industrial area. This is just north of the Highway off of SW 11th. The proposed improvements would be an extension of SW Gilbert Gibson Road, along with an extension of approximately 2,900 linear feet of 12-inch sanitary sewer line and approximately 1,683 linear feet of 12-inch water line to serve this area for future development and to serve Fisher 59's building. So, Fisher 59 as you can see on this aerial is already existing. They're proposing on building a brand new facility to the west of this on SW Gilbert Gibson Road. Here is a proposed site plan of their warehouse. The road will be extended to the west along with a temporary turnaround. The Public Utility lines will extend to the west from the existing one and loop all the way back down to Rex Maderia Road. That is why there is an excessive linear footage of that, it is also to serve future development as well. There is the condition that they obtain their ODEQ Permit which they have submitted paperwork and have had the signatures on that. So, they just now have to get it approved by ODEQ and then there is a condition from Public Utilities that they get PI testing done for the road construction.

Denham asked is there any further questions or discussion for Kameron?

Jones asked is this an existing plat or do they intend to plat after the off-site improvements?

Good responded the PepsiCo and those areas are platted. The buildings that are existing are platted but this tract of land is larger than 10 acres and is leaving larger than 10 acres. So, it didn't require a plat at this time.

Jones stated I would recommend the Commission consider requiring platting after the off-site infrastructure improvement is dedicated. We need to get everything platted and not have the mess we had at Lawton Industrial Park and if they need to re-plat or they need some adjustments then that's perfectly fine. The plat is so important.

Motion by Jones. Second by Logan to recommend to the City Council to approve the offsite improvement construction plans for an extension to SW Gilbert Gibson Rd, water line, and sanitary sewer to serve Fisher 59 and future development within the Airport Industrial area with the conditions listed from Public Utilities and a condition of Platting **Aye:** Jester, Jones, Logan, Denham, Busse, Jarvis **Nay:** None **Motion Passed 6-0**

6. **Commissioner's Reports or Comments.**
7. **Secretary's Report.**
8. **Audience Participation.**
9. **Adjournment.**

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

With no further business the meeting was adjourned.