

MINUTES
CITY PLANNING COMMISSION

Minutes of the City Planning Commission meeting held December 12, 2019 in the City Council Auditorium, City Hall, 212 SW 9th Street, Lawton, Oklahoma.

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

The meeting was called to order at 1:30 p.m. by Chairman Pat Henry.

MEMBERS PRESENT: Pat Henry
David Denham
Charles Hargrove
Deborah Jones
Ron Jarvis
Paula Bowen
Dave Davison
John Jones

MEMBERS ABSENT: Neil Springborn

ALSO PRESENT: Richard Rogalski, Secretary
Debbie Dollarhite, Assistant Secretary
Kelea Fisher, Deputy City Attorney
Tammy Anderson, Recording Secretary

OLD BUISNESS

JUDY GAITHER
UPOR for medical marijuana growing facility in C-5
304 SW Lee Boulevard

On November 14, 2019, the City Planning Commission opened the public hearing on this request for a Use Permitted on Review for the operation of a medical marijuana growing facility in conjunction with a medical marijuana dispensary on property located at 304 SW Lee Boulevard. At that meeting the adjacent property owner objected to the proposed use due to concerns of the odor and possibly water seeping into his building. There were questions raised as to whether the building was attached to the adjacent building. The Commission voted to continue the public hearing to December 12, 2019, and requested a City inspector verify if the buildings are attached or separate.

An inspection was performed, and it was determined that the buildings are separate. The building used by the Dive Shop has a tilt-up concrete wall, and the building proposed to

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be used as the medical marijuana growing facility has a cinder block wall. There is an approximately 1 ½ inch separation between the buildings. There is a metal façade to hide the gap between the buildings.

Chairman Henry declared the public hearing open.

Tony Gaither stressed that the buildings are separate, and he said they have an ionizer and carbon filters to mitigate potential odor. He said drainage should not be an issue because their plants are grown organically and not hydroponically. He said they will not be using any chemicals.

Commissioner Denham asked Mr. Gaither if he came to a resolution with the owner of Dive Pros.

Mr. Gaither said the owner of Dive Pros visited their facility and advised his only request was that the wall be painted.

Mackey asked if staff has heard anything from the owner of Dive Pros.

Rogalski said no.

Commissioner asked if the dispensary will be anywhere near the grow facility.

Mr. Gaither said the dispensary and grow facility would be in two different rooms separated by a wall. He said they have to follow guidelines set by the OMMA. According to these guidelines, there cannot be access from the dispensary to the grow facility.

Commissioner D. Jones asked Kyle Stevens, City of Lawton Inspector, if the City has received any complaints about odors emitted from grow facilities.

Stevens said they have not received any formal complaints.

Commissioner J. Jones asked if there is any sort of fire danger involved with the facility that would warrant clearance from a fire marshal.

Stevens said the City has a compliance checklist that must be fulfilled upon inspection of the facility.

Chairman Henry declared the public hearing closed.

MOTION by Denham, SECOND by Hargrove, to recommend approval to the City Council of a Use Permitted on Review for the operation of a medical marijuana grow facility in conjunction with a medical marijuana dispensary at 304 SW Lee Boulevard. AYES: Hargrove, Henry, Jarvis, Bowen, D. Jones, Denham, Davison, J. Jones. NAYS: None. MOTION CARRIED 8 - 0.

NEW BUSINESS

CITY NATIONAL BANK
C-1 TO C-4
3420 East Gore Boulevard

1. This request is for Lot 3, Block 1, Independence Place which measures approximately 225 feet by 225 feet and is located at the northeast corner of NE 34th Street and East Gore Boulevard.
2. The zoning of the surrounding area is:
 - North - R-4 High Density Apartment District
 - South - R-3 Multiple-Family Dwelling District
 - East - R-4 and C-1
 - West - C-4
3. The land use of the surrounding area is:
 - North - apartments
 - South - apartments
 - East - Family Dollar Store
 - West - vacant land
4. Currently the requested area is vacant land. The property owner, City National Bank, desires to construct a sign at this time to advertise City National Bank and in the future install an automated teller machine. The sign would be considered a billboard since it would be advertising “a business, commodity, service, or entertainment not conducted, sold or offered on the premises where the sign is located.” Billboards are permitted uses in C-4, I-1, I-2, I-3, and I-4 zoning districts. However, Section 18-9-1-907 prohibits billboards from being located within 200 feet of any residential district. The property owner would need to obtain a variance from the Board of Adjustment allowing the billboard to be located within 200 feet of residential districts before the City Council could approve the site plan submitted with this rezoning request. The property owner can apply to the Board of Adjustment and a decision made by the Board of Adjustment prior to the rezoning request being considered by the City Council.

Chairman Henry declared the public hearing open.

Councilman Jay Burk said this area is in his ward, and he is concerned that light coming from the billboard would negatively impact the nearby apartment complex and neighborhood across the street. He said he'd much rather see an ATM be placed at this location than a billboard.

Rogalski said the billboard would be illuminated, but light trespassing shouldn't be significant because they aren't using LED lighting. He said the lighting would be similar to that of the Family Dollar sign that's adjacent to the proposed billboard location. Commissioner Davison asked Burk if there would be any concerns with placing an ATM at this location.

Councilman Burk said it shouldn't be a problem if the lighting was minimum.

Commissioner D. Jones asked if the applicant could go to the Board of Adjustments at a later date to request this billboard be converted to LED lighting if the property is rezoned to C-4.

Rogalski said that could potentially happen.

Commissioner D. Jones said when she served on the Sign Committee, there was a concern regarding spot zoning for billboards. She said approving the rezoning could set a bad precedent.

Commissioner J. Jones said he, too, remembers the results of the Sign Committee. He said it was his impression that the desire of the Sign Committee, along with the Planning Commission, was to keep billboards signs on the outskirts of the City. Commissioner J. Jones asked if the property could be rezoned C-3 with a UPOR for a billboard to control future use of the property.

Rogalski said whatever is on the binding site plan is what has to be built on the property, but rezoning the property to C-4 does open the possibility of more billboards being built in the future.

Commissioner D. Jones said it would be fairer to the residents in the area if the applicant included all the things they plan to do on this site.

Chairman Henry declared the public hearing closed.

Mackey announced that he is an attorney for City National Bank, so he cannot speak for or against the proposal.

Rogalski announced that his wife works for City National Bank, so he cannot speak for or against the proposal.

MOTION by D. Jones, SECOND by Davison, to not recommend to the City Council denial of the change of zoning from C-1 to C-4 zoning classification at property located at 3420 E Gore Boulevard. AYES: Hargrove, Henry, Jarvis, J. Jones, Bowen, D. Jones, Denham, Davison. NAYS: None. MOTION CARRIED 8 - 0.

STEVE SNELL
UPOR for medical marijuana growing and processing facility in C-5
3140 NW Cache Road

1. This request is for a tract of land which measures approximately 466 feet by 176 feet located at 3140 NW Cache Road. The current use is a medical marijuana dispensary.

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The applicant desires to expand the business to include the growing and processing of medical marijuana. Section 18-6-12-624 lists medical marijuana growing and/or processing facility associated with a medical marijuana dispensary when located within the same enclosed building as a Use Permitted on Review.

2. The zoning of the surrounding area is:
 - North - C-5 and R-1 Single-Family Dwelling District
 - South - R-1
 - East - C-5
 - West - C-5 and R-4 High Density Apartment District
3. The land use of the surrounding area is:
 - North - vacant commercial building and single-family residential (across Cache Road)
 - South - single-family residential
 - East - hotel
 - West - vacant and apartments
4. Notice of public hearing was mailed on November 21, 2019, to 29 property owners within 300 feet of the requested area. No calls or letters either for or against the request have been received.
5. Staff has reviewed the site plan and found the requirements of Chapter 18 of the Lawton City Code are met.

Rogalski said this building was formerly Hog Pin Bowling alley. He said there is ample parking for the facility.

Chairman Henry declared the public hearing open.

Jay Burk said this property is owned by Steve Snell, and Steve is his business partner in the dispensary and grow facility. He said the dispensary at the front of the building has been open for about 7 months. He said there will be four different suites – the grow facility, the office, the processing facility and the dispensary. Burk said the adjacent property owners are aware of the desired use of the building and they are okay with it.

Chairman Henry asked what takes place in the processing portion of the business.

Mr. Burk said it depends on what type of processing you're trying to do. Typically, you take the THC out of the plant and use it as a chemical to smoke as a vape or make edibles. These items would be sold in the dispensary.

Mackey asked Mr. Burk what they've done about the banking problem.

Mr. Burk said there are some banks in Oklahoma that will take money from the business, but you cannot write checks for payroll from the account. Mr. Burk said currently all the finances are handled with cash.

MOTION by D. Jones, SECOND by Hargrove, to recommend to the City Council approval of a Use Permitted on Review for the operation of a medical marijuana

growing and processing facility in conjunction with a medical marijuana dispensary on property located at 3140 NW Cache Road . AYES: Hargrove, Henry, Jarvis, Bowen, D. Jones, Denham, J. Jones. NAYS: None. MOTION CARRIED 7 - 0.

CONSIDER APPROVING THE 2020 MEETING SCHEDULE FOR LAWTON CITY OF LAWTON PLANNING COMMISSION.

State law requires filing of the Notice of Meeting schedule for regular meetings of public bodies no later than December 15th of each year. The City Planning Commission By-Laws state that the regular meetings of the Commission shall be held on the Thursday following each regularly scheduled meeting of the Lawton City Council at 1:30 p.m. in the Lawton City Hall Auditorium.

The schedule shows the meeting dates to be the Thursday following the City Council meetings with the exceptions of only one meeting in November and one meeting in December. The Thursday after the second Council meeting in November is Thanksgiving Day, and historically, the CPC has chosen to only meet once during the month of December.

MOTION by Denham, SECOND by D. Jones, to approve the meeting schedule.
AYES: Hargrove, Henry, Jarvis, Bowen, D. Jones, Denham, J. Jones. NAYS: None.
MOTION CARRIED 7 - 0.

COMMISSIONERS' REPORTS OR COMMENTS

Rogalski thanked Chairman Henry for the luncheon and for another year of service to the community. He said it's always a pleasure to work with this body.

Chairman Henry said she really enjoyed the luncheon. She said the Commission is comprised of a great group of people who she considers her friends.

SECRETARY'S REPORT

None.

AUDIENCE PARTICIPATION

None.

Meeting adjourned at 2:09 p.m.

David Denham, Vice-Chairman
City Planning Commission

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