

MINUTES
CITY PLANNING COMMISSION

Minutes of the City Planning Commission meeting held January 14, 2021 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 David Denham.

MEMBERS PRESENT: David Denham
 Ron Jarvis
 Paula Bowen
 Neil Springborn*
 Dave Davison
 Darren Medders
 Deborah Jones
 John Jones

MEMBERS ABSENT: None

ALSO PRESENT: Charlotte Brown, Planning and Subdivision Administrator
 Cindy Augustine, Planning and Subdivision Administrator
 Greg Gibson, Assistant City Attorney
 John Ratliff, City Attorney
 Tammy Anderson, Recording Secretary

*entered meeting at 1:35 p.m.

Gibson introduced the new City Attorney, John Ratliff.

ELECTION OF CHAIRMAN AND VICE-CHAIRMAN.

MOTION by D. Jones, SECOND by Medders, to renominate the current Chairman and Vice-Chairman. AYES: Jarvis, Davison, Bowen, D. Jones, J. Jones, Medders. NAYS: None. ABSTAIN: Denham. MOTION CARRIED 6 – 0 - 1.

CONSIDER APPROVING THE MINUTES OF THE DECEMBER 10, 2020, MEETING.

MOTION by Jarvis, SECOND by Davison, to approve the minutes of the December 10, 2020 meeting. AYES: Jarvis, Davison, Denham, Bowen, D. Jones, J. Jones, Medders. NAYS: None. MOTION CARRIED 7 - 0.

HOLD A PUBLIC HEARING AND CONSIDER A USE PERMITTED ON REVIEW FOR THE OPERATION OF A MEDICAL MARIJUANA PROCESSING FACILITY IN CONJUNCTION WITH A MEDICAL MARIJUANA DISPENSARY IN C-5 GENERAL COMMERCIAL DISTRICT ON PROPERTY LOCATED AT 2617 NW CACHE ROAD.

1. This request is for Lot 1G, Block 15, Morford Hills, Replat of Lot 1, Block 15, Part 4 of Morford Hills, which are located at the north side of NW Cache Road approximately one block west of NW 26th Street. The property is zoned C-5 General Commercial District, and the applicant proposes to operate a medical marijuana processing facility in conjunction with a medical marijuana dispensary in the existing building.
2. The zoning of the surrounding area is:
 - North - R-1
 - South - C-5
 - East - C-5
 - West - C-5
3. The land use of the surrounding area is:
 - North - Single Family Dwellings
 - South - Hotel and restaurant
 - East - Shopping Center and restaurants
 - West - Medical Marijuana Dispensary and restaurant
4. Notice of public hearing was mailed on December 22, 2020, to 29 property owners within 300 feet of the requested area, and proper notice was published in *The Lawton Constitution* on December 29, 2020. No calls or letters either for or against the request have been received.
5. The current use of this property is a commercial center. This suite is currently being remodeled into a medical marijuana dispensary. The previous use of this space was a bakery. Other uses within this center are a medical marijuana dispensary and a restaurant. The applicant proposes to use one suite of the existing building. There is ample parking available for the proposed business. The proposed use is consistent with approvals of other medical marijuana facilities.
6. The R-1 Single-Family Dwelling District to the north of the property is approximately 240 feet away from the building and separated by a parking lot and a patio to the rear of the building. Odor has been a concern in regard to the processing portion of the medical marijuana business. The applicant has stated that the processing will be done with the use of volatile chemicals. The applicant is planning on infusing edibles into baked goods and gummies. The floor plan submitted shows that the processing portion of the suite will be approximately 905 square feet while the dispensary associated with it will be approximately 1,074 square feet. A building permit for the dispensary only was issued on November 19, 2020.

Commissioner Davison inquired about the parking in front of this building. He said it doesn't seem ample.

Commissioner D. Jones asked if there will be a back door to provide entry from the rear parking lot. She said this may alleviate some of Commissioner Davison's concerns.

Brown said she's not sure.

Commissioner Davison said there's parking to the east of the facility.

Commissioner D. Jones said that's correct, but that parking lot has a different owner.

Chairman Denham declared the public hearing open.

Ryan Busse, owner of Bakery & Company, said additional parking has been added to the west side of Chef India. He said the tenant of Chef India is the owner of the dispensary. He said currently there is no access to the facility from the rear of the building because you'd have to walk through the kitchen. However, Busse said they're willing to make changes to accommodate a back entrance.

Chairman Denham asked how many parking spots are in front of the building.

Busse said approximately 12 with two handicap spots. He said they really haven't had a problem with parking.

Commissioner D. Jones asked Mr. Busse if he is the applicant for Spark Cannabis.

Busse said no – he is the applicant for Bakery and Company. He said they are trying to infuse a few items before opening the Bakery up again.

Chairman Denham asked if they will also remain a regular Bakery.

Busse said yes – they will sell both regular baked goods and baked goods infused with cannabis.

Commissioner Davison inquired about the number of employees.

Busse said they had six employees prior to closing. He said they'd like to have 10-12 employees when they reopen. The employees will park in the back of the building.

Denham asked if the infused edibles will be segregated from the regular baked goods.

Busse said yes.

Davison asked if they have security.

Busse said he's going to get with OMMA to see what their requirements are. He does plan to have security at the building.

Commissioner Bowen asked Busse how he will dispose of chemicals.

Busse said OMMA provides a means of chemical disposal.

Houston Morford said this property is owned by Morford Land and Leasing. Mr. Morford said he and his brother have been 25% owners of Morford Land and Leasing for the past 25 years. Mr. Morford said the estate is currently in probate.

Mr. Morford said his attorney has been corresponding with Bakery and Company. He said when the building was originally leased it was leased to be a bakery only. Mr. Morford said this change is new to them, and they are still discussing usage issues.

Commissioner D. Jones asked if they're dealing with a legal issue.

Mr. Morford said it's in the process of getting resolved.

Chairman Denham said the Planning Commission will make a recommendation on this item, but City Council will have the final say.

Commissioner D. Jones asked how much time would be needed to resolve the issue. She said this item could be tabled if needed.

Mr. Morford said the issue could probably be resolved in a 30-minute conversation with the property owner. He said they are in support of the UPOR assuming the usage issue get resolved.

MOTION by Medders, SECOND by J. Jones, to recommend to the City Council approval of a Use Permitted on Review for the operation of a medical marijuana processing facility in conjunction with a medical marijuana dispensary in C-5 General Commercial District on property located at 2617 NW Cache Road, contingent upon achievement of an agreement between the land owner and lessee and with the exclusion of use of volatile chemicals. AYES: Jarvis, Davison, Bowen, Medders, Springborn, Denham, D. Jones, J. Jones. NAYS: None. MOTION CARRIED 8 – 0.

HOLD A PUBLIC HEARING AND CONSIDER A USE PERMITTED ON REVIEW FOR THE OPERATION OF A MEDICAL MARIJUANA GROWING FACILITY IN CONJUNCTION WITH A MEDICAL MARIJUANA DISPENSARY IN C-5 GENERAL COMMERCIAL DISTRICT ON PROPERTY LOCATED AT 417 SW 11TH STREET.

1. This request is for the North 75 feet of Lots 19-22, Block 13, Butler Addition, which are located approximately half a block north of the northwest corner of SW 11th Street SW E Avenue. The property is zoned C-5 General Commercial District, and the applicant proposes to operate a medical marijuana growing

- facility in conjunction with a medical marijuana dispensary in the existing building.
2. The zoning of the surrounding area is:
 - North - C-5
 - South - C-5
 - East - C-5
 - West - R-4
 3. The land use of the surrounding area is:
 - North - Pawn Shop
 - South - Business Offices
 - East - Auto Repair Shop
 - West - Vacant lots
 4. Notice of public hearing was mailed on December 22, 2020, to 22 property owners within 300 feet of the requested area, and proper notice was published in *The Lawton Constitution* on December 29, 2020. No calls or letters either for or against the request have been received.
 5. The current use of this property is a commercial center. This suite is currently vacant. Other uses within this center are two insurance agencies and a wholesale shop for glasses. The applicant proposes to use one suite of the existing building. There is ample parking available for the proposed business. The proposed use is consistent with approvals of other medical marijuana facilities.
 6. The medical marijuana dispensary associated with this proposed grow facility is in the adjacent suite to the north. A Certificate of Occupancy for the dispensary only was issued on March 21, 2019.

Brown said the dispensary has been operating in the northern part of the facility for a while now. The grow facility would be in a separate suite on the south side of the property.

Commissioner D. Jones asked if the Notice of Public Hearing included the portion of R-4 Zoning District.

Brown said she doesn't believe so. She said she doesn't remember seeing R-4 Zoning when she first started working on this application.

Chairman Denham declared the public hearing open.

Applicant Corbin Burgess said he would entertain questions from Commissioners.

Chairman Denham asked if any of the surrounding tenants have expressed concern about the grow facility.

Burgess said no.

Commissioner D. Jones asked if volatile chemicals would be used.

Burgess said no.

Chairman Denham declared the public hearing closed.

MOTION by Davison, SECOND by Medders, to recommend to the City Council approval of a Use Permitted on Review for the operation of a medical marijuana growing facility in conjunction with a medical marijuana dispensary in C-5 General Commercial District on property located at 417 SW 11th Street. AYES: Jarvis, Davison, Bowen, Springborn, Denham, Medders, D. Jones, J. Jones. NAYS: None. MOTION CARRIED 8 – 0.

HOLD A PUBLIC HEARING AND CONSIDER AN AMENDMENT TO CHAPTER 18, LAWTON CITY CODE, 2015, THAT AMENDS SECTION 18-9-1-908, BY AMENDING THE SIZE OF ELECTRONIC MESSAGE CENTER SIGNS WITHIN TWO HUNDRED FEET OF RESIDENTIAL AND AGRICULTURAL ZONING DISTRICTS.

The electronic message center signs on arterials are becoming more and more common within the community. With the current code, the electronic message center signs are limited to 25 square feet when located within 200 feet of any residential and agricultural zoning districts. The exception to the 25 square feet is that it is screened from the said districts by a building or other screening. It is becoming increasingly frequent for property owners to apply for a variance of the sign size limitation through the Board of Adjustments. The Board of Adjustments has approved eight such variances for a fairly small increase in size since January of 2019. The Board of Adjustments asked staff to look into increasing the sign size. Staff spoke to a couple of sign companies and were provided with the 64 square feet sign size as a reasonable size limitation. This sign size would have accommodated all but two of the variances. Current code requires all electronic message center signs to be dimmed to 0.3 foot candles above ambient light based on a formula of area size of the sign at a specific distance. This calculation for a 64 square feet sign size is 80 feet.

Notice of public hearing was published in *The Lawton Constitution* on December 30, 2020.

Brown said the Ez-Go at 27th and Gore and the Ez-Go at 34th and Cache had signs measuring 71 square feet signs installed.

Chairman Denham asked for clarification on light trespass restrictions.

Commissioner D. Jones said she understands the need for this code change, but she is concerned about the property owners that are directly abutting arterial parcel developments. She said she hopes the BOA will take into consideration that code has been liberalized to 64 feet. She hopes the BOA would look closely at any request for variance that is abutting a residential district.

Chairman Denham declared the public hearing open.

After speaking with Richard Rogalski about Chairman Denham's request for clarification on light trespass restrictions, Brown said the .01 is the trespass restriction for the adjacent property. She said the .03 is for 80 feet distance from the sign anywhere on the property.

Brown said the BOA has asked staff multiple times to review and make changes to this code.

Chairman Denham declared the public hearing closed.

MOTION by Medders, SECOND by Jarvis, to recommend to the City Council approval of an amendment to Chapter 18, Lawton City Code, 2015, that amends Section 18-9-1-908, by amending the size of electronic message center signs within two hundred feet of residential and agricultural zoning districts. AYES: Jarvis, Davison, Bowen, Medders, Springborn, Denham, D. Jones, J. Jones. NAYS: None. MOTION CARRIED 8 – 0.

DISCUSS PROPOSED REGULATIONS FOR A DRIVE-IN MOVIE THEATER AS AN ACCESSORY USE TO AN INDOOR THEATER AND PROVIDE DIRECTION TO STAFF.

At the City Planning Commission meeting held on November 12, 2020, the Commissioners directed staff to bring forward a code amendment that will permit limited drive-in movie theaters in the C-1 Local Commercial District. Under the current code, drive-in movie theaters are a use permitted on review in the C-5 General Commercial District; a theater, provided that it abuts a major street is a use permitted on review in the C-2 Planned Neighborhood Shopping Center District; an indoor theater is a permitted use in the C-3 Planned Community Shopping Center District; and an indoor and outdoor theater is a permitted use in the C-4 Tourist Commercial District. This proposed ordinance will list an indoor theater as a permitted as regulated in Article 7-34 of Lawton City Code. The ordinance will also amend the definition of a drive-in movie theater to allow for drive-in movie theaters as an accessory use to an indoor theater. This accessory use will require a permit that will be regulated by Chapter 7 of Lawton City Code and the License & Permit Division. This permit will be an annual permit and shall set regulations on operating the drive-in movie theater as an accessory use to an indoor theater when located within the city limits.

The attached exhibits are the proposed Ordinance for the Chapter 18 changes and the proposed Ordinance that will create the Article 7-34 in order to regulate the drive-in movie theater as an accessory use to an indoor theater.

Commissioner D. Jones commended staff for incorporating many safeguards for the adjacent residential neighborhoods.

Brown said the final draft of the code change will be brought back to the Commission in February.

Chairman Denham requested the owner of the Vaska Theater be notified of the February meeting.

Brown said staff will notify him of the upcoming public hearing and will send a draft of the code change so it may be read before the meeting.

CONSIDER APPOINTING A MEMBER TO SERVE ON THE BUILDING MATERIAL REVIEW COMMITTEE.

Brown said this committee hasn't met in approximately seven years. Chairman Denham was the last Commissioner to serve on this Committee.

Commissioner Medders volunteered to serve on this Committee.

MOTION by D. Jones, SECOND by Jones, to appoint Commissioner Medders to serve on the Building Material Review Committee. AYES: UNANIMOUS NAYS: None.

MOTION CARRIED 8 – 0.

CONSIDER APPOINTING A MEMBER TO SERVE ON THE HISTORICAL PRESERVATION COMMITTEE.

Commissioner Denham and Commissioner D. Jones have previously served on this Committee. Commissioner Denham asked if there are any Commissioners who wish to take his place.

Brown said although this Committee has not met in quite some time, there is likely to be a meeting soon. She said Cindy Augustine has been working on WPA Parks and will have information to present to the Committee.

Commissioner J. Jones said he would be willing to serve on this Committee.

Augustine said Commissioner J. Jones has already been serving on this Committee as a real estate broker. Augustine said the Committee needs both a City Planning Commission representative and a public representative.

Denham asked if Commissioner D. Jones could remain on the Committee as the City Planning Commission representative and seek out another representative for the public.

Brown said yes.

Commissioner D. Jones suggested staff look at the membership in the ordinance to see how many vacancies the Committee has and to see if any changes need to be made to the ordinance.

Brown said the last time this Committee met was in 2015.

COMMISSIONERS' REPORTS OR COMMENTS

Chairman Denham thanked the Commissioners for their service and dedication.

Commissioner Springborn, Commissioner D. Jones, and Commissioner J. Jones commended Health Department staff for their efficient work in scheduling and administering the COVID-19 vaccine.

Commissioner Springborn said he recently had to call 9-11 due to his wife falling, and he commended the Lawton Fire Department for their professional and timely services.

SECRETARY'S REPORT

Brown said Travis Estep is no longer with Planning. She said the Land Use Plan will likely be brought before the Commission later than anticipated.

AUDIENCE PARTICIPATION

None.

ADJOURNMENT

**MOTION by Davison, SECOND by Medders, to adjourn. AYES: UNANIMOUS
NAYS: None.**

MOTION CARRIED 8 – 0.

Meeting adjourned at 2:28 p.m.

David Denham, Chairman
City Planning Commission