

MINUTES
CITY PLANNING COMMISSION

Minutes of the City Planning Commission meeting held January 16, 2020 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 Vice-Chairman David Denham.

MEMBERS PRESENT: David Denham
 Deborah Jones
 Ron Jarvis
 Paula Bowen
 John Jones
 Neil Springborn

MEMBERS ABSENT: Charles Hargrove
 Dave Davison

ALSO PRESENT: Richard Rogalski, Secretary
 Debbie Dollarhite, Assistant Secretary
 WR Moon Jr, Assistant City Attorney
 Tammy Anderson, Recording Secretary
 John Mackey, Legal Counsel

ELECTION OF CHAIRMAN AND VICE-CHAIRMAN.

MOTION by J. Jones, SECOND by Springborn, to elect David Denham as Chairman. AYES: D. Jones, Springborn, Jarvis, J. Jones, Bowen. NAYS: None. ABSTAIN: Denham. MOTION CARRIED 5 – 0 – 1.

MOTION by Springborn, SECOND by D. Jones, to appoint Commissioner J. Jones as Vice-Chairman. AYES: D. Jones, Springborn, Jarvis, Denham, Bowen. NAYS: None. ABSTAIN: J. Jones. MOTION CARRIED 5 – 0 – 1.

APPROVAL OF MINUTES OF THE NOVEMBER 14 AND DECEMBER 12, 2019 MEETINGS.

MOTION by Jarvis, SECOND by D. Jones, to approve the minutes of the November 14 and December 12, 2019 meetings. AYES: D. Jones, Springborn, Denham, Jarvis, J. Jones, Bowen. NAYS: None. MOTION CARRIED 6 - 0.

TRAVIS CRAIG
UPOR for medical marijuana growing facility in C-5
6105 NW Cache Road

1. This request is for Lot 1, Block 1, Cache Road Business Park. The applicant proposes to operate a medical marijuana growing facility in conjunction with a medical marijuana dispensary.
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 residential
 - South - commercial (Los Tres Amigos Restaurant)
 - East - commercial (Enterprise Rent-A-Car)
 - West - commercial (Chili's Grill and Bar)
4. Formerly this property was used as a dry cleaners.
5. Notice of public hearing was mailed to 25 property owners within 300 feet of the requested area on December 26, 2019. One call in opposition to the request has been received from a property owner within 300 feet of the request.
6. Staff has reviewed the request and found the request meets all other City Code requirements. The building sits approximately 182 feet from the rear property line that is adjacent to the single-family residential to the north.

Rogalski said it's important to note that a dispensary must be present in order to authorize a Use Permitted on Review for the medical marijuana growing facility.

Rogalski noted that State regulation requires a dispensary to be 1,000 feet away from a school (measured as a straight line). Rogalski said the proposed medical marijuana facility is right at 1,000 feet away from an elementary school.

Commissioner D. Jones asked if the 1,000 feet distance requirement is measured from the property line.

Rogalski said it's measured from the door of the elementary school to the medical marijuana facility itself, not the property line. Rogalski said the State obtains these measurements.

Commissioner J. Jones asked if there is a parking requirement for the facility.

Rogalski said there is a parking requirement and it has been fulfilled. He said the parking requirement for these types of facilities is low.

Commissioner D. Jones asked if this is the first request staff has received for a growing facility directly abutting single-family residential zoning. She said she has never been

comfortable with growing and processing facilities being directly adjacent to residential areas.

Rogalski said no – this is not the first request of this nature. A UPOR was approved by the Commission for a medical marijuana growing facility on property located at 304 SW Lee Boulevard, which abuts single-family residential use.

Commissioner Bowen asked if the State has come out to take measurements.

Rogalski said he's not certain that the State actually comes to the facility to take measurements. He said they probably have computer programming with the capability to take these types of measurements. Rogalski said if the applicant is unable to obtain State Certification due to these measurements (or other reasons), the UPOR for a growing facility would not be applicable.

Moon said the Oklahoma Medical Marijuana Authority (OMMA) welcomes reports of inaccurate measurements. If an inaccurate measurement is reported, OMMA will send someone out to follow-up on the discrepancy.

Chairman Denham declared the public hearing open.

Lester Lansford, 6116 NW Cheyenne Avenue, said he and his wife, Irene, have lived in the same home since 1984. He said they have concerns about the proposed medical marijuana facility. Mr. Lansford said he doesn't understand why the application for a UPOR is being entertained if the State has not yet taken the measurements between the facility and the nearby elementary school.

Rogalski said the applicant cannot get a license until the City signs off saying the zoning is applicable. Without a UPOR, zoning for a grow facility would not be applicable.

Mrs. Lansford said her family has been involved with Crosby Park Elementary School since her children were in school. She said she feels like the proposed facility would be an invasion of their neighborhood.

Travis Craig, applicant and owner of THC The Healing Clinic, said he is a disabled veteran and he is bringing medical marijuana to the community to help veterans and other citizens in need.

Mr. Craig said he had received a license for a dispensary for the building at 6105 NW Cache Road. He said the State has obtained measurements, and the building is further than 1,000 feet away from the elementary school.

Mr. Craig said the dispensary will be a very small portion of the building itself. He said they will have one employee for the dispensary and one employee for the grow facility. Employee parking will be on the back side of the building.

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Commissioner Springborn asked how supplies are obtained.

Mr. Craig said all supplies will be delivered by a truck to the back area of the building, where there is an overhead garage door.

Chairman Denham asked if the dispensary is currently open.

Mr. Craig said he transferred his dispensary operation to Medicine Park, and that location is currently open.

Chairman Denham asked which will open first – the grow facility or the dispensary.

Mr. Craig said the grow facility will start prior to the dispensary opening, but the grow facility and dispensary will be licensed at the same time.

Rogalski emphasized that the grow facility is a UPOR only when associated with a dispensary at the same location (i.e. they both have to open at the same time).

Mr. Craig said the dispensary will be there when the City comes out to issue a Certificate of Occupancy.

Commissioner J. Jones asked Mr. Craig if they are allowed to sell their products at locations other than their dispensary.

Mr. Craig said they are allowed to wholesale to other dispensaries because not all dispensaries have their own grow facility. However, the product cannot leave state lines.

Mackey asked Mr. Craig if he's made arrangements for banking since federal banks cannot be involved with these types of facilities.

Mr. Craig said yes – there are three banks in Oklahoma that are not FDIC insured.

Commissioner D. Jones asked what sort of barrier is being used to separate the business from the residential zoning behind it. She also asked if gravel is appropriate for the loading area.

Rogalski said they have sufficient concrete area for maneuvering. He said the zoning conditions would continue to prohibit parking on the gravel portion of the lot. Rogalski said a screen would be required between the business and the residential area behind it.

Commissioner Bowen asked Mr. Craig how he will handle drainage.

Mr. Craig said they have their own separate holding tanks that they will water and drain with. He said they recycle their water.

Commissioner Springborn asked if the grow facility emits odor.

Mr. Craig said they will have carbon filters inside their facility to mitigate odor.

Mr. Craig said the dispensary will be small, as are most dispensaries. He said they will only service 3-4 people at a time, which is why the parking requirement is so low. Craig said customers must be 18 years of age. If you're a minor, you must be a card holder who is accompanied by a parent or legal guardian. He said they will have a sliding glass window at the front of the dispensary where they will check IDs before granting access to the dispensary.

Chairman Denham declared the public hearing closed.

MOTION by Jarvis, SECOND by Bowen, 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 on property located at 6105 NW Cache Road. AYES: Jarvis, J. Jones, Denham, Bowen Springborn. NAYS: D. Jones. MOTION CARRIED 5 - 1.

Commissioner J. Jones said he is bothered by the way the City Ordinance regarding medical marijuana facilities is written. He said the ordinance seems to have limited restrictions on where a medical marijuana grow facility and/or dispensary can be placed.

Commissioner J. Jones said it's obvious that the product generated from the proposed grow facility at 6105 NW Cache Road will be wholesaled and that the dispensary is moot. He said that growing facilities should be used to fulfill the needs of the dispensary they're associated with.

Rogalski said medical marijuana facilities are a unique commercial use in that the public aspect of the business is very small.

Commissioner D. Jones said the law regarding medical marijuana was very poorly written, and Oklahoma currently knows very little about medical marijuana growing and regulation.

Commissioner J. Jones said medical marijuana growing and processing facilities should go in industrial zoning – not commercial.

Mackey said every attempt by other cities to be more restrictive than the State Statute has been thrown out by the courts.

Moon also noted that when large grow facilities are attached to small dispensaries, it circumvents part of the City's reasoning for passing the zoning ordinances, which is to capture more sales tax.

CONSIDER APPOINTING A MEMBER TO SERVE ON THE BOARD OF
ADJUSTMENT.

The Oklahoma State Statutes and the Lawton City Code provide that one member of the Board of Adjustment shall be a member of the City Planning Commission. Neil Springborn has been serving as the CPC representative since 2006, and his current term on the Board of Adjustment is expiring. The Commission may appoint Mr. Springborn to another three-year term.

Commissioner Springborn said he has no objection committing to another term. He says he enjoys being a member of the Board and serving the community.

MOTION by D. Jones, SECOND by J. Jones, to appoint Neil Springborn as the CPC representative on the Board of Adjustment. AYES: Jarvis, Bowen, D. Jones, Denham, J. Jones. NAYS: None. ABSTAIN: Springborn. MOTION CARRIED 5 – 0 – 1.

COMMISSIONERS' REPORTS OR COMMENTS

Commissioner D. Jones said she would like to recognize Mrs. Henry on a future agenda for her service and dedication.

Dollarhite said staff is working on this.

Denham said it would be nice for Mrs. Henry to also be honored at a City Council meeting.

Dollarhite said this is also underway.

SECRETARY'S REPORT

None.

AUDIENCE PARTICIPATION

None.

Meeting adjourned at 2:12 p.m.

David Denham, Chairman
City Planning Commission

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