

MINUTES
CITY PLANNING COMMISSION

Minutes of the City Planning Commission meeting February 13, 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 Chairman David Denham.

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

MEMBERS ABSENT: John Jones (excused)

ALSO PRESENT: Richard Rogalski, Secretary
 Debbie Dollarhite, Assistant Secretary
 Greg Gibson, Assistant City Attorney
 Tammy Anderson, Recording Secretary
 John Mackey, Legal Counsel

APPROVAL OF MINUTES OF THE JANUARY 30, 2020 MEETING.

MOTION by Jarvis, SECOND by Springborn, to approve the minutes of the January 30, 2020 meeting. AYES: Springborn, Denham, Jarvis, Medders, D. Jones, Davison, Bowen. NAYS: None. MOTION CARRIED 7 - 0.

DAVID VANHOOZER
UPOR for medical marijuana growing facility in C-5
201 SW Lee Boulevard

1. This request is for Lots 13 – 16, Block 20, Beal Addition, which are located at the northwest corner of SW 2nd Street and Lee Boulevard. 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 - R-4 High Density Apartment District and C-5

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- South - C-5
 - East - I-3 Light Industrial District
 - West - C-5
3. The land use of the surrounding area is:
 - North - tire shop and single-family residential
 - South - commercial center and automotive body shop
 - East - restaurant
 - West - used car lot
 4. Notice of public hearing was mailed on January 24, 2020, to 25 property owners within 300 feet of the requested area, and proper notice was published in *The Lawton Constitution* on January 29, 2020. No calls or letters either for or against the request have been received.
 5. The current use of this property is a used car lot. The applicant proposes to use the existing building. There is ample parking available for the proposed business. In December 2019 a Use Permitted on Review was approved for a medical marijuana growing facility in conjunction with a dispensary on property located at 304 SW Lee Boulevard.

Dollarhite said the applicant is not proposing to operate a medical marijuana facility, but he has been approached by people who are interested in purchasing the property. The applicant wishes to obtain a UPOR before marketing the property.

Commissioner D. Jones said she cannot tell from the site plan how much of the property will be designated for marijuana growing and how much will be designated for the dispensary. She said she would also like to know the anticipated number of employees and what security measures will be taken.

Dollarhite said staff does not have that information at this time because the applicant is not the person who will be operating the medical marijuana facility.

Commissioner Springborn noted that there use to be a gas station on this property, but he's unsure if that has any bearing.

Chairman Denham declared the public hearing open.

Rod Harris said he owns the property at 215 SW Summit Avenue, and he has had difficulty renting out this property. He is concerned that the smell coming from a medical marijuana facility will make it even more difficult for him to rent out his property.

Chairman Denham said the Oklahoma Medical Marijuana Association (OMMA) has regulations to help with any potential odor issues.

Mr. Harris said he's been within 300 feet of other medical marijuana growing facilities and has been able to smell an odor.

Applicant David VanHoozer said he's been approached by out-of-state buyers who are looking for property, and many of these potential buyers don't want to purchase the property without the proper zoning and/or Use Permitted on Review. Mr. VanHoozer said he likes his car lot and isn't sure he wants to sell it. However, if he comes across a good offer, he would entertain selling the property. Mr. VanHoozer said there's a medical marijuana facility both across and down the street from his property, so the smell can't get any worse. He said he's not sure if the buyer would want have a grow facility, but with a UPOR they'd at least have the option.

Mackey asked if staff has previously approved a UPOR prior to knowing what business will occupy the property.

Rogalski said no. However, Rogalski said if there were any qualms about issuing a UPOR then staff would not be recommending approval. He noted this building has ample parking.

Commissioner D. Jones asked if the Land Use Plan prohibits speculative zoning as a principle.

Rogalski said the Land Use Plan only talks about spot zoning. He said while this may be a speculative UPOR, it is listed in C-5 zoning classification as a Use Permitted on Review.

Commissioner D. Jones said she is concerned that too many UPORs for medical marijuana facilities are being granted without properly addressing issues such as security, odor, stormwater discharge, etc. She said in this particular case, there's not even an applicant to address these issues with.

Chairman Denham inquired about the ramifications of approving this UPOR. He asked if this property could be used as a car lot if plans for a medical marijuana facility fall through.

Rogalski said the UPOR simply allows an additional use to the property, but every use that's already permitted in C-5 zoning specifications would still be allowed. Thus, a car lot would still be permitted. Rogalski said if the UPOR is not acted on within five years then the approval would be null and void.

Commissioner Medders asked if the new occupant(s) of the property will have to obtain approval via a building permit.

Rogalski said a building permit would be required if the internal structure of the building is altered. He said the City does not enforce State health codes, but the Oklahoma Medical Marijuana Authority has their own requirements that must also be fulfilled.

Krystal Deak, realtor for property located at 201 SW Lee Boulevard, said she has been trying to get a fast food restaurant at this location, but she's not had success. Ms. Deak

said many fast food restaurants are building double drive-thru lanes and they require at least 2 acres of land. She said the property at 201 SW Lee Boulevard is only .78 acres. Ms. Deak said they're trying to make the property more marketable.

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 on property located at 201 SW Lee Boulevard. AYES: Jarvis, Medders, Denham, Davison, Springborn. NAYS: Bowen, D. Jones.

MOTION CARRIED 5 - 2.

COMMISSIONERS' REPORTS OR COMMENTS

None.

SECRETARY'S REPORT

None.

AUDIENCE PARTICIPATION

None.

Meeting adjourned at 1:51 p.m.

David Denham, Chairman
City Planning Commission

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