

PLANNING COMMISSION

Regular Meeting Minutes

Monday, January 14, 2019

4:00 p.m.

Sand Springs Municipal Building, 100 E. Broadway
City Council Chambers, Room 203

MEMBERS PRESENT: Paul Shindel, Chairman 6-0
Harold Neal, Vice-Chairman 5-1
Jason Mikles, Secretary 3-3
Joe Shelton 5-1
Patty Dixon 5-1
Tom Askew 4-2
Keri Fothergill 4-2

MEMBERS ABSENT: None

STAFF PRESENT: Elizabeth Gray, City Manager
Brad Bates, City Planner/Asst. Director-Community Dev.
Mike Carter, Police Chief
Cynthia Webster, Recording Secretary

The Sand Springs Planning Commission met in regular session on Monday, January 14, 2019 in the Sand Springs Municipal Building, Room 203, pursuant to the agenda filed with the City Clerk's office, posted on the display board located in the first floor lobby of the Sand Springs Municipal Building, 100 E. Broadway, Sand Springs, Oklahoma, and posted on the City of Sand Springs website at www.sandspringsok.org at 9:45 a.m., January 9, 2019 by Cynthia Webster.

1. Call to Order

Chairman Shindel called the meeting to order at the noted time of 4:00 p.m.

2. Roll Call

Chairman Shindel called for an individual roll call with members replying in the following manner: Ms. Dixon, here; Mr. Mikles, here; Mr. Shelton, here; Mr. Shindel, here; Mr. Neal, here; Mr. Askew, here; Ms. Fothergill, here.

3. Minutes of December 10, 2018

Commissioners considered approval of the minutes from the December 10, 2018 meeting.

Mr. Neal made a motion that the minutes of December 10, 2018 be approved as presented. Mr. Shelton seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Mikles, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew,

aye; Ms. Fothergill, aye. The motion carried 7-0-0.

4. SUP-35

City Planner Brad Bates presented the staff report. The Planning Commission is being asked to conduct a public hearing and complete the Findings of Fact and Conclusions of Law for a Specific Use Permit to allow a medical marijuana dispensary at 3417 S. 113th W. Ave., #A2. Staff went over the application and noted the safeguards that applicant was proposing to put in place.

Chairman Shindel opened the public hearing at 4:07 p.m.

Applicant Tyler Goins was present and stated that he had filed a Trade Name Report with the Oklahoma Secretary of State to operate the business under the name "Nature's Apothecary" as opposed to the original name of "Nature's Candy".

Valecia Dirck, 3417 S. 113th W. Ave., stated she was also on this Agenda for a Specific Use Permit to operate a growing facility and dispensary. She believes there should be a spacing requirement between dispensaries and cited recent trends and statistics.

Jeff Hogan, 1329 S. Cedar, Cleveland, OK, stated he was a disabled vet and would appreciate having a dispensary closer than Tulsa.

Phil Nollan, 1220 N. Renaissance, stated he was speaking on behalf of his mother-in-law, Claudine Cox, who owns the strip center where this business will be located. Mr. Nollan said he had spoken to the other tenants and no one had any major concerns regarding this business.

Chairman Shindel closed the public hearing at 4:24 p.m., and stated that the Planning Commission would now complete the Findings of Fact and Conclusions of Law.

Mr. Neal made a motion that the project will have a minimal effect on the adjacent property. Ms. Dixon seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Mikles, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 7-0-0.

Mr. Askew made a motion that the community welfare will not be adversely affected by the project. Mr. Neal seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Mikles, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 7-0-0.

Mr. Askew made a motion that the project will not have an impact on public facilities. Mr.

Neal seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Mikles, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 7-0-0.

Mr. Askew made a motion to approve the safeguards as outlined by staff with the additional safeguard of subsection (d), that the business will only operate under the name of Nature's Apothecary. Ms. Dixon seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Mikles, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 7-0-0.

Mr. Neal made a motion that all procedural requirements have been met and recommended approval of SUP-35 to City Council. Mr. Mikles seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Mikles, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 7-0-0.

5. SUP-36

City Planner Brad Bates presented the staff report. The Planning Commission is being asked to conduct a public hearing and complete the Findings of Fact and Conclusions of Law for a Specific Use Permit to allow a medical marijuana cultivation facility at 3417 S. 113th W. Ave., #B3. Staff went over the application and noted the safeguards that applicant was proposing to put in place.

Chairman Shindel opened the public hearing at 4:38 p.m.

Applicant, Valecia Dirck, was present for questions.

Phil Nollan, 1220 N. Renaissance, spoke again on behalf of his mother-in-law, Claudine Cox, who owns the strip center where this business will be located. Mr. Nollan said he has spoken to the other tenants and no one had any major concerns regarding this business, other than to make sure that any odors would be contained.

Robert Grube, 3417 S. 113th W. Ave., went over the type of ventilation system that this business will be installing.

Maria Whiteside, 15775 W. Weaver Rd., asked about the number of plants the business would be cultivating. The applicant stated she would have approximately 100 plants.

Chairman Shindel closed the public hearing at 5:00 p.m., and stated that the Planning Commission would now complete the Findings of Fact and Conclusions of Law.

Mr. Shelton made a motion that the project will have a minimal effect on the adjacent property. Mr. Neal seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Mikles, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 7-0-0.

Mr. Askew made a motion that the community welfare will not be adversely affected by the project. Mr. Mikles seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Mikles, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 7-0-0.

Mr. Askew made a motion that the project will not have an impact on public facilities. Mr. Shelton seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Mikles, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 7-0-0.

Mr. Askew made a motion to approve the safeguards as outlined in the staff report. Mr. Neal seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Mikles, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 7-0-0.

Mr. Shelton made a motion that all procedural requirements have been met and recommended approval of SUP-36 to City Council. Ms. Dixon seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Mikles, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 7-0-0.

6. SUP-37

City Planner Brad Bates presented the staff report. The Planning Commission is being asked to conduct a public hearing and complete the Findings of Fact and Conclusions of Law for a Specific Use Permit to allow a medical marijuana dispensary at 3417 S. 113th W. Ave., #B2. Staff went over the application and noted the safeguards that applicant was proposing to put in place.

Chairman Shindel opened the public hearing at 5:09 p.m.

Applicant, Valecia Dirck, was present for questions.

There being no speakers, Chairman Shindel closed the public hearing at 5:10 p.m.

Ms. Dixon made a motion that the project will have a minimal effect on the adjacent property. Ms. Fothergill seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Mikles, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 7-0-0.

Ms. Dixon made a motion that the community welfare will not be adversely affected by the project. Mr. Mikles seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Mikles, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 7-0-0.

Mr. Shelton made a motion that the project will not have an impact on public facilities. Mr. Neal seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Mikles, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 7-0-0.

Mr. Neal made a motion to approve the safeguards as outlined in the staff report. Mr. Shelton seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Mikles, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 7-0-0.

Ms. Dixon made a motion that all procedural requirements have been met and recommended approval of SUP-37 to City Council. Mr. Shelton seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Mikles, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 7-0-0.

7. SUP-38

City Planner Brad Bates presented the staff report. The Planning Commission is being asked to conduct a public hearing and complete the Findings of Fact and Conclusions of Law for a Specific Use Permit to allow a medical marijuana dispensary at 1126 E. Charles Page Blvd, Ste., 100. Staff went over the application and noted the safeguards that applicant was proposing to put in place.

Chairman Shindel opened the public hearing at 5:17 p.m.

Applicant, Matthew Harris, was present for questions.

Sonya Wright, 15101 W. Weaver Rd., asked about the proximity of the dispensary in relation to the movie theater and felt that teens would find it appealing.

City Planner Bates said that only medical marijuana card holders will be able to purchase from a dispensary. Most of the layouts of the dispensaries include a reception room where an individual is carded before they can proceed to a showroom. The only spacing requirement is that the dispensary be 1000' from a public or private school entrance.

Chairman Shindel closed the public hearing at 5:26 p.m.

Ms. Dixon made a motion that the project will have a minimal effect on the adjacent property. Mr. Neal seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Mikles, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 7-0-0.

Ms. Dixon made a motion that the community welfare will not be adversely affected by the project. Mr. Neal seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Mikles, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 7-0-0.

Mr. Shelton made a motion that the project will not have an impact on public facilities. Ms. Dixon seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Mikles, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 7-0-0.

Mr. Neal made a motion to approve the safeguards as outlined in the staff report. Mr. Shelton seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Mikles, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 7-0-0.

Mr. Shelton made a motion that all procedural requirements have been met and recommended approval of SUP-38 to City Council. Mr. Mikles seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Mikles, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Neal, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 7-0-0.

8. SUP-39

City Planner Brad Bates presented the staff report. The Planning Commission is being asked to conduct a public hearing and complete the Findings of Fact and Conclusions of Law for a Specific Use Permit to allow a medical marijuana cultivation facility at 15208 W. Weaver Rd. Staff went over the application and noted the safeguards that applicant was proposing to put in place. City Planner Bates stated that the grow facility would be in an interior room in an existing building which will need to be brought up to code.

Chairman Shindel opened the public hearing at 5:37 p.m.

Applicant David Dietrich was present for questions. He stated the room would be 192 sf within an existing building and realistically he will probably only cultivate about 36 plants at one time.

Sonya Wright, 15101 W. Weaver Rd., stated concerns with water pressure, crime and property values.

Cina Foster, 14914 W. Weaver Rd, expressed concerns with water pressure.

Charlie McCray, 4809 S. 149th W. Ave., expressed concerns with water pressure, crime and property values.

John Mulligan, 4921 S. 149th W. Ave., stated that the water line is only a 1½" line to serve 28 homes.

Tammy Jackson, 15164 W. Weaver Rd., expressed concerns with water pressure, crime and pollution.

John Mulligan spoke again on water pressure.

Sonya Wright spoke again on water pressure and lighting.

David Dietrich stated that he is considering a rain catchment system.

Kenneth Mills, 15221 W. Weaver Rd., expressed concerns with water pressure, crime, traffic and property values.

Jeff Herring, 15308 W. Weaver Rd., expressed concerns with security.

Maria Whiteside, 15775 W. Weaver Rd., expressed concerns with water pressure, crime and property values.

Kenneth Mills spoke again about crime and police response time.

Danny Lynchard, 15088 W. Weaver Rd., stated that although he likes the applicants, the people in the area do not want medical marijuana grown there.

Jennie McCray, 4809 S. 149th W. Ave., stated she is a student at Charles Page High School and there was talk at school about the graffiti.

Harold Lewis, 4707 S. 149th W. Ave., stated he agrees with previous speakers' comments.

Jim Howard, 5025 S. 129th W. Ave., stated he has nothing against the applicants but the neighbors do not want this in their neighborhood.

Chairman Shindel closed the public hearing at 6:35 p.m.

Mr. Neal asked Police Chief Mike Carter to address response times. Chief Carter stated that Weaver Road is a very safe area, a tightknit community, and the police department doesn't get many calls for that area. Chief Carter said the police will respond as quickly as possible but since it is an outlying area, the response time will be longer than somewhere in the city proper.

Mr. Askew made a motion that the project will have a minimal effect on the adjacent property. Ms. Fothergill seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, nay; Mr. Mikles, aye; Mr. Shelton, nay; Mr. Shindel, aye; Mr. Neal, nay; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 4-3-0.

Ms. Dixon made a motion that the community welfare will be adversely affected by the project. Mr. Shelton seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Mikles, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Askew, nay; Ms. Fothergill, aye. The motion carried 6-1-0.

Mr. Askew made a motion that the project will not have an impact on public facilities. Mr. Mikles seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Mikles, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 7-0-0.

City Planner Bates stated that in regards to the safeguards on item #4, he would also recommend adding the following language to subsection (b) "or any future superseding

Rules or Regulations approved by the State of Oklahoma”.

Chairman Shindel asked applicant if desired to amend the fence height from 8' to 6' as alluded to in his previous testimony. Applicant indicated he would.

Mr. Askew made a motion to approve the safeguards as outlined in the staff report plus adding the additional language to item 4(b) and amending the height of the fence to “no less than 6 feet.” Mr. Shelton seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, nay; Mr. Mikles, aye; Mr. Shelton, aye; Mr. Shindel, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 6-1-0.

Ms. Dixon made a motion that all procedural requirements have been met and recommended denial of SUP-39 to City Council. Mr. Neal seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Mikles, aye; Mr. Shelton, aye; Mr. Shindel, nay; Mr. Neal, aye; Mr. Askew, nay; Ms. Fothergill, nay. The motion carried 4-3-0.

City Planner Bates discussed the appeals process.

City Planner Bates asked Chairman Shindel to consider recessing the Planning Commission meeting at this time in order to allow the Board of Adjustment the opportunity to hear its case which was scheduled to begin at 6:00 p.m.

The Planning Commission meeting recessed at 6:55 p.m.

The Planning Commission meeting reconvened at 7:10 p.m. It is noted for the record that Mr. Askew had to leave the meeting due to a prior commitment.

9. SUP-40

City Planner Brad Bates presented the staff report. The Planning Commission is being asked to conduct an initial hearing and determine notification requirements for a Specific Use Permit to allow a medical marijuana cultivation facility at 200 E. Morrow Rd. Staff discussed the typical notification requirements.

Mr. Neal made a motion to approve Staff's recommendation of one sign posted at the subject location; mail notification to property owners within a 300' radius twenty days before the public hearing; legal notification published two weeks prior to the hearing date and a Public Hearing set for February 18, 2019. Mr. Shelton seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Mikles, aye; Mr. Shelton, aye; Mr. Shindel, aye; Ms. Fothergill, aye. The motion carried 6-0-0.

10. SUP-41

City Planner Brad Bates presented the staff report. The Planning Commission is being asked to conduct an initial hearing and determine notification requirements for a Specific Use Permit to allow a medical marijuana processing facility at 200 E. Morrow Rd. Staff discussed the typical notification requirements.

Mr. Shelton made a motion to approve Staff's recommendation of one sign posted at the subject location; mail notification to property owners within a 300' radius twenty days before the public hearing; legal notification published two weeks prior to the hearing date and a Public Hearing set for February 18, 2019. Mr. Mikles seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Mikles, aye; Mr. Shelton, aye; Mr. Shindel, aye; Ms. Fothergill, aye. The motion carried 6-0-0.

11. SUP-42

City Planner Brad Bates presented the staff report. The Planning Commission is being asked to conduct an initial hearing and determine notification requirements for a Specific Use Permit to allow a medical marijuana dispensary at 200 E. Morrow Rd. Staff discussed the typical notification requirements.

Mr. Neal made a motion to approve Staff's recommendation of one sign posted at the subject location; mail notification to property owners within a 300' radius twenty days before the public hearing; legal notification published two weeks prior to the hearing date and a Public Hearing set for February 18, 2019. Mr. Shelton seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Mikles, aye; Mr. Shelton, aye; Mr. Shindel, aye; Ms. Fothergill, aye. The motion carried 6-0-0.

12. SUP-43

City Planner Brad Bates presented the staff report. The Planning Commission is being asked to conduct an initial hearing and determine notification requirements for a Specific Use Permit to allow a medical marijuana dispensary at 3418 S. Hwy 97, #B. Staff discussed the typical notification requirements.

Mr. Mikles made a motion to approve Staff's recommendation of one sign posted at the subject location; mail notification to property owners within a 300' radius twenty days before the public hearing; legal notification published two weeks prior to the hearing date and a Public Hearing set for February 18, 2019. Mr. Shelton seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Mikles, aye; Mr. Shelton, aye; Mr. Shindel, aye; Ms. Fothergill, aye. The

motion carried 6-0-0.

13. SUP-44

City Planner Brad Bates presented the staff report. The Planning Commission is being asked to conduct an initial hearing and determine notification requirements for a Specific Use Permit to allow a medical marijuana dispensary at 1104 W. Wekiwa Rd. Staff discussed the typical notification requirements.

Mr. Shelton made a motion to approve Staff's recommendation of one sign posted at the subject location; mail notification to property owners within a 300' radius twenty days before the public hearing; legal notification published two weeks prior to the hearing date and a Public Hearing set for February 18, 2019. Mr. Mikles seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Mikles, aye; Mr. Shelton, aye; Mr. Shindel, aye; Ms. Fothergill, aye. The motion carried 6-0-0.


14. Director's Report

There was no director's report given at this time.

15. Adjournment

There being no other items, the meeting was adjourned at the noted time of 7:22 p.m.

2-18-19
Date of Approval



Jason Mikles, Secretary
Paul Shindel, Chairman