

PLANNING COMMISSION
Rescheduled Regular Meeting Minutes
Monday, June 10, 2019
4:00 p.m.

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

MEMBERS PRESENT: Paul Shindel, Chairman 10-1
Patty Dixon 10-1
Tom Askew 9-2
Keri Fothergill 8-3

MEMBERS ABSENT: Harold Neal, Vice-Chairman 8-3
Jason Mikles, Secretary 5-6
Joe Shelton 9-2

STAFF PRESENT: Elizabeth Gray, City Manager
Mike Tinker, Assistant 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 a rescheduled regular session on Monday, June 10, 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 2:15 p.m., June 5, 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, no response; Mr. Shelton, no response; Mr. Shindel, here; Mr. Neal, no response; Mr. Askew, here; Ms. Fothergill, here.

Mr. Mikles, Mr. Shelton and Mr. Neal were noted as absent.

3. Minutes of May 13, 2019

Commissioners considered approval of the minutes from the May 13, 2019 meeting.

Ms. Fothergill made a motion that the minutes of May 13, 2019 be approved as presented. Mr. Askew seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms.

Dixon, aye; Mr. Shindel, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 4-0-0.

4. SSCPA-4

City Planner Brad Bates presented the staff report. The applicant is requesting a change to the Sand Springs Comprehensive Plan from RE (Residential Estate) to CS (Commercial Shopping). The property is legally known as Lot 13, Block 1, Country Club Acres Third Subdivision and commonly known as 2702 N. State Hwy 97, in Section 23, Township 20 North, Range 11 East, Osage County, Oklahoma.

The Sand Springs Comprehensive Plan was last amended in 2017. No change was made to any Osage County designations at that time. Country Club Acres Third was platted in 1981 and designated all lots to be zoned residential except for Lots 1, 2, and 13, Block 1 which could be considered for commercial uses.

Chairman Shindel opened the Public Hearing.

Harry Nichols, 10033 Pond Dr., was against changing the Comprehensive Plan.

Charles Arnold, 9885 Pond Dr., felt there was no reason for this lot to be commercial and does not want any more driveways on his street.

Robert Hunt, 2619 Timberlane Ridge, stated he does not live near this lot but has friends that do. He is concerned that his friends will not be able to sit on their front porch with a commercial lot next to them.

Earl Shockley, 9441 W. Country Rd., stated the other commercial properties in this area have a buffer between them and a residence.

Tony Luce, 9830 Pond Dr., stated he was concerned about his property values.

Wayne Sanders, 9979 Shell Creek Rd., stated he moved to this area to get away from the city and the existing commercial property in this area is an eyesore.

Pam Marrs, 8899 Legacy Dr., stated that residents do not need another store up north and was concerned about what jurisdiction would police this area.

Police Chief Mike Carter spoke and stated that his department would patrol the area if a business were put on this lot.

Maria Dawson, stated she has purchased a one-acre lot in this area and is against this change.

Tim Owen, 9807 Pond Dr., stated he was concerned about access and road conditions.

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Nick Neal, 9670 E. Pond Dr., stated he was concerned with traffic and the safety of his children.

Jennifer Neal, 9670 E. Pond Dr., stated there is already too much foot traffic in the area. Highway 97 has no shoulders so she is concerned about safety as well.

Hunter Wilson, 9750 Pond Dr., stated he has concerns about the traffic.

Mark Wilson, 9750 Pond Dr., submitted a Petition with names of those who are against the development. He believes this project would be detrimental to his property values and is concerned about his safety.

JoAnn Blevins, 5602 N. Walnut, stated she is concerned with traffic and the bicyclists on Wednesday.

Phillip Cyr, 2515 Timberlane Ridge Rd., stated he was in opposition to this request.

Leann Gross, 2955 Timberlane Ridge Rd., stated she moved to the area for the seclusion. She also said she has dealt with commercial real estate and doesn't believe this lot would be a good fit for commercial use.

Imogene Perkins stated she is the property owner of the lot in question and lives on Pond Dr. She explained the history of her ownership of the property.

Patricia Owen, 9807 Pond Dr., questioned the size of the lot and stated she was approached a year ago by the developer who wanted to buy 10' of her property because the subject property was not large enough (1 acre) for a septic system. Chairman Shindel stated the subject lot is just slightly over an acre. Ms. Owen stated she wanted to know why the property was now large enough for a septic.

Jennifer Robinson, 2647 N. Briarcliff, stated she doesn't want the traffic generated by Dollar General.

Mike Mantle, 6846 S. Canton, Tulsa, stated he is the developer for Dollar General. He said Dollar General has done considerable research before purchasing this property. Mr. Mantle stated he wanted to address Ms. Owens' concerns about the size of the subject property and the septic. He stated the original plan was for a larger store which would require more acreage. They have now scaled down the store to 7500 sf, full masonry, full landscaping with a landscape barrier and a privacy fence.

Discussion was held among the Planning Commission regarding the Comprehensive Plan and the process.

Chairman Shindel closed the Public Hearing.

At this time, Chairman Shindel called for a motion.

Ms. Dixon made a motion that there be no change to the Comprehensive Plan. Ms. Fothergill seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, aye; Mr. Shindel, nay; Mr. Askew, nay; Ms. Fothergill, aye. The vote was 2-2-0 and the motion did not carry.

Mr. Askew then made a motion to amend the Comprehensive Plan as proposed. Chairman Shindel seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, nay; Mr. Shindel, aye; Mr. Askew, aye; Ms. Fothergill, nay. The vote was 2-2-0 and the motion did not carry.

City Planner Bates consulted with City Attorney David Weatherford by phone and stated that this item would be forwarded to City Council with no recommendation from the Planning Commission.

5. SSZ-492

This matter is related to the previous application. Discussion was held regarding how to approach this matter based on the last decision. City Planner Bates stated that this item needs to be considered separately from the last item.

Mr. Askew made a motion to approve rezoning from RE to CS. Mr. Shindel seconded the motion.

With no further discussion, Chairman Shindel called for the vote recorded as follows: Ms. Dixon, nay; Mr. Shindel, aye; Mr. Askew, aye; Ms. Fothergill, nay. The vote was 2-2-0 and the motion did not carry.

This item will be forwarded to City Council with no recommendation from the Planning Commission.

Chairman Shindel stated that item 7 on the Agenda would be considered before item 6.

6. SSZ-493

City Planner Bates presented the staff report. The applicant is proposing to rezone this property (the former Kmart site) from CS to CG. The CG designation allows for a few, select light industrial uses. A CG designation will permit medical marijuana processing.

Nathan Cross, attorney for applicant, was present and went over the benefits packet submitted. Mr. Cross stated that his client's proposal needs a significant amount of floor space in order to operate and the shipping and receiving docks in the rear of the building

are beneficial to this applicant. The security plan was also included in the application packet.

Ms. Dixon made a motion to recommend approval to City Council the rezoning of SSZ-493 from CS to CG. Mr. Askew seconded the motion.

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

7. SUP-48

City Planner Bates presented the staff report. The Planning Commission is being asked to conduct the Public Hearing for a Specific Use Permit to allow a medical marijuana growing and processing facility at 1200 E. Charles Page Blvd.

The Commission discussed the business and security plan as submitted.

Chairman Shindel opened the Public Hearing at 6:09 p.m. There were no speakers and the Public Hearing was closed at 6:10 p.m.

The Commission then proceeded to the Findings of Fact and Conclusions of Law.

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. Shindel, aye; Mr. Askew, aye; Ms. Fothergill, aye. The motion carried 4-0-0.

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

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

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

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

Ms. Dixon made a motion to approve the safeguards as outlined in the staff report. Ms. Fothergill seconded the motion.

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

Ms. Dixon made a motion that all procedural requirements have been met and recommended approval of SUP-48 to City Council. Ms. Fothergill seconded the motion.

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

8. Director's Report

City Planner Bates thanked Commissioners for their time and commitment.

9. Adjournment

There being no other items, the meeting was adjourned at the noted time of 6:20 p.m.

7.15.19
Date of Approval



Jason Mikles, Secretary