



MINUTES
CITY OF COWETA PLANNING COMMISSION
REGULAR MEETING 6:30 PM MONDAY, AUGUST 27, 2018.
COWETA CITY HALL 310 S. BROADWAY, COWETA, OK 74429

1. Call To Order

Commissioner Carter Mathews called the Regular Meeting to order at 6:32 p.m.

2. Pledge of Allegiance

3. Roll Call

Carter Mathews	Present
Kathleen Robinson	Absent
Jessica Morris	Present
Joanna Jones	Present
Melanie Lander	Present

Commissioner Carter Mathews requested that the roll be called and a quorum was declared to be present.

4. Discussion and Consideration of the Minutes of the Regular Meeting of July 23, 2018.

Motion was made by Commissioner Melanie Lander and a second by Commissioner Joanna Jones to approve the Minutes of the Planning Commission Regular Meeting of July 23, 2018 meeting. The motion was approved by a vote of 4-0.

Carter Mathews	Yes – to approve
Kathleen Robinson	Absent
Jessica Morris	Yes – to approve
Joanna Jones	Yes – to approve
Melanie Lander	Yes – to approve

5. Public Hearing Items

- A. Discuss and consider possible action, including approval, approval with conditions, or denial of a Text Amendment to amend language of the Coweta Zoning Code of the City of Coweta with regard to amending: Chapter 4, Section 440 Uses Permitted by Specific Use Permit by adding Section 440 (e) Marijuana Growing Facility-Personal Medical Use; Chapter 11, Section 1140 Uses Permitted by Specific Use Permit by adding Section 1140 (x) Marijuana Retail Establishments; Chapter 13, Section 1340 Uses Permitted by Specific Use Permit by adding Section 1340 (a) Marijuana Processing Facility and Marijuana Growing Facility-Commercial; and Chapter 23 Section 2300 Definitions,

adding the definition of Marijuana, Marijuana Growing Facility, Marijuana Retail Establishments, Marijuana Processing Facility.

Public hearing was opened.

City Planner, Tom E Young Jr., presented the Staff Report, and summarized the request for a text amendment of the Coweta Zoning Code of the City of Coweta, as described above.

There was no one present in opposition to the request. Citizen Sean Jenkins was in attendance to discuss his desire to use a parcel of his land to grow medical marijuana as he has 2 special-needs children that benefit from its use. He is partnering with Citizen Ray Jennings, who was also in attendance. Mr. Jennings is a member of the OMMA Food Safety Standards Board and is a stage 4 cancer survivor. He informed the commissioners that both he and Mr. Jenkins will obey every law and ordinance because they know the benefits of medical marijuana and how it can aid those suffering from specific medical conditions.

Floor was opened for questions.

Commissioner Melanie Lander expressed concern that the State legislature was currently on their second draft of the medical marijuana statutes and some of the wording had changed. The Ordinance 809 text amendment that was drafted by the City does not reflect those changes. As it is, the City ordinance is stricter than the State statute. She said the current State statute took effect on 08/25/2018 and will be in effect until 09/14/2019 unless the legislature meets and makes changes to it.

The commissioners discussed specific parts of the ordinance that they felt needed to be changed. For example, number two under section 440 (e) states "Growing marijuana for personal medical use shall be limited to the interior of a single family private residence." Per Melanie, that wording has changed and personal medical use growers are no longer restricted to indoor growing only. Commissioner Jessica Morris expressed concern about being too lax with outdoor growing restrictions and suggested the wording include "outdoor growing is limited to the backyard in an enclosed structure." Discussion ensued. In the end, the Commissioners were able to agree on language changes to Section 440 (e) by adding, "or as otherwise provided by state statute" to the end of number two.

Commissioner Melanie Lander pointed out the wording in several places under Section 1140 and 1340 where it said that a marijuana retail establishment and processing and growing facility must be at least 1000 feet from a church. That provision is no longer present in the State statute. She suggested striking the word "church" and any church-related wording from Sections 1140 and 1340.

There was also a discussion regarding Sections 1140 and 1340 and what appeared to be contradictory statements in point numbers one and four of each section. These points discuss use conditions of a marijuana retail establishment and processing and growing facility that is located near an R (residential) district. Point number one of Section 1140 states that when a marijuana retail establishment abuts a residential district, it must be screened from that district by the erection of a fence. Point number four states that a marijuana retail establishment is "strictly prohibited within one thousand (1,000) feet of an R district..." The same statements exist in Section 1340, numbers one and four, only they apply to marijuana processing and growing facilities. The commissioners discussed this and ultimately decided to strike point number one of both Sections 1140 and 1340 and leave the rest of it the same with the aforementioned language changes.

Commissioner Carter Mathews pointed out a few spelling and grammatical errors throughout the document that needed to be fixed and those errors were noted.

City Planner, Tom E Young Jr., reported that any text amendment agreed upon now can always be changed later if circumstances warrant the change. Commissioner Jessica Morris favors approving an ordinance that is more restrictive right now rather than one that is not restrictive enough, and change it later, if need be. All of the changes suggested from this meeting will be given to the City Attorney to review and approve before being sent to City Council.

Staff recommends approval of the text amendment with language changes.

A motion was made by Jessica Morris and seconded by Melanie Lander to approve the Text Amendment with language changes to amend language of the Coweta Zoning Code of the City of Coweta, as described above. The matter was approved by a vote of 4-0, as follows:

Carter Mathews	Yes – to approve
Kathleen Robinson	Absent
Jessica Morris	Yes – to approve
Joanna Jones	Yes – to approve
Melanie Lander	Yes – to approve

- B. Discuss and consider possible action, including approval, approval with conditions, or denial of a Text Amendment to amend language of the Coweta City Code of Ordinances with regard to Part 12, Chapter 8, Section 12-803 of the Code of Ordinances of the City of Coweta, Specific Use List; and Chapter 26, Section 2603 of the Zoning Code of the City of Coweta, Specific Use List; is hereby amended by adding Marijuana Growing Facility-Personal Medical Use, Marijuana Growing Facility-Commercial, Marijuana Processing Facility, Marijuana Retail Establishments as a use allowed in RS-1, RS-2, RS-3 Residential Single Family, CG Commercial General, and IL Light Industrial zoning districts by Specific Use permit as granted by the City Council.

Public hearing was opened.

City Planner, Tom E. Young Jr., presented the Staff Report, and summarized the request for a Text Amendment to amend language of the Coweta City Code of Ordinances with regard to the Specific Use List, as described above.

There was no one present in opposition to the request.

The floor was open for questions.

Commissioner Melanie Lander expressed concern that Ordinance 810, which requires those citizens growing marijuana for personal medical use to have a Specific Use permit granted by the City Council, may violate HIPAA laws as applying for a permit would require them to disclose personal medical information. Melanie noted that when a citizen picks up a prescription for narcotics at a local pharmacy, the police department and city council are not notified, so why should it be required for medical marijuana? She is concerned about possible legal problems in the future regarding this issue.

City Planner, Tom E. Young Jr., argued that the police department needs to know who is growing medical marijuana as a safety measure, both for the grower and for the surrounding community.

City Engineer, Chip Cohrs, stated that this issue will also need to be taken to the City Attorney to review.

Staff recommends approval of the text amendment but only with approval of the City Attorney.

A motion was made by Jessica Morris and seconded by Joanna Jones to approve the Text Amendment with approval of the City Attorney to amend language of the Coweta Zoning Code of the City of Coweta, as described above. The matter was approved by a vote of 3-0, as follows:

Carter Mathews	Yes – to approve
Kathleen Robinson	Absent
Jessica Morris	Yes – to approve
Joanna Jones	Yes – to approve
Melanie Lander	No – to approve

6. New Business

NONE

7. Adjournment

Motion by Commissioner Joanna Jones, seconded by Commissioner Carter Mathews, to adjourn the meeting. The motion was approved 4-0, by the following vote:

Carter Mathews	Yes – to approve
Kathleen Robinson	Absent
Jessica Morris	Yes – to approve
Joanna Jones	Yes – to approve
Melanie Lander	Yes – to approve

The meeting adjourned at 7:42 p.m.

Approved:



Chairman



Date



Secretary