

The City of Muskogee encourages participation from all its citizens in public meetings. If participation is not possible due to a disability, notify the Planning Department, in writing, at least forty-eight hours prior to the scheduled meeting and necessary accommodations will be made (ADA 28 CFR/36).

AGENDA
CITY OF MUSKOGEE PLANNING AND ZONING COMMISSION
November 20, 2017

Members of the City of Muskogee Planning and Zoning Commission are hereby requested to attend a Regular Meeting to be held on November 20, 2017, at 9:00 a.m. in the Council Chambers, 3rd Floor of the Municipal Building, Muskogee, Oklahoma, for the purpose of discussing the following items:

1. Roll Call.
2. Approval of the Minutes of the November 6, 2017 City of Muskogee Planning and Zoning Commission meeting.
3. Hold a Public Hearing and take action on the approval of an Ordinance rezoning the property located at 3123 Gibson Street, more particularly described in the Ordinance, from "C-2" General Commercial District to "R-1" Single-Family Residential, and if approved authorize staff to revise the Official Zoning Map of the City to reflect said change, or take other necessary action. (Gary D. Garvin)

THE NORTH 360 FEET OF THE WEST 140 FEET OF THE NE1/4 OF SECTION 30,
TOWNSHIP 15 NORTH, RANGE 19 EAST OF THE INDIAN BASE AND MERIDIAN,
according to the official plat thereof, Muskogee County, State of Oklahoma.

Adjournment

Planning Commission

2.

Meeting Date: 11/20/2017

Initiator: Gary Garvin, Planning Director

Information

AGENDA ITEM TITLE:

Approval of the Minutes of the November 6, 2017 City of Muskogee Planning and Zoning Commission meeting.

LEGAL DESCRIPTION:

BACKGROUND:

See Attached Minutes.

RECOMMENDED STAFF ACTION:

Approve the minutes.

Fiscal Impact

Attachments

COMP&ZC Minutes

MINUTES
City of Muskogee Planning and Zoning Commission
November 6, 2017

Members of the City of Muskogee Planning and Zoning Commission were called to order at a Regular Scheduled Meeting on Monday, November 6, 2017 at 9:00 a.m., in the Council Chambers, 3rd Floor of the Municipal Building, 229 W. Okmulgee Ave., Muskogee, Oklahoma.

Present: Commissioner Jack Bethany; Chairman Mark Luttrull; Commissioner Shirley Hilton;
Commissioner Patrick Cale; Commissioner Stella Derrick

Absent: Commissioner Lathon Archie III; Commissioner Justin Walker

Staff Gary D. Garvin, Director of Planning and Economic Development

Present:
Tish Callahan, Assistant City Planner
Susan Ross, Office Administrator

1 Roll Call.

2 Chairman Mark Luttrull called for Approval of the Minutes of the October 2, 2017 Planning and Zoning Commission meeting.

Motion was made by Commissioner Jack Bethany, seconded by Commissioner Patrick Cale

AYE: Commissioner Jack Bethany, Chairman Mark Luttrull, Commissioner Patrick Cale, Commissioner Shirley Hilton, Commissioner Stella Derrick
Carried - Unanimously

3 Gary D. Garvin, Planning Director, presented the staff report to consider approval of the request from George Collins Sr. to consolidate Lots 20, 21, and part of Lot 22, Block "V" of the McKellop's Amended Addition, City of Muskogee, into two (2) tracts. The Lot consolidation is being requested to allow two (2) new single-family dwellings to be located on the new tracts. The new Tract 1 will consist of 7,515 square feet and Tract 2 will consist of 7,270 square feet. The properties comply with all of the area regulations within the Zoning Ordinance and staff recommends approval.

Motion was made by Commissioner Jack Bethany, seconded by Commissioner Patrick Cale

AYE: Commissioner Jack Bethany, Chairman Mark Luttrull, Commissioner Patrick Cale, Commissioner Shirley Hilton, Commissioner Stella Derrick

Carried - Unanimously

- 4 Gary D. Garvin, Director of Planning, presented the staff report to consider approval of the request from Macedonia Baptist Church to consolidate Lots 9 thru 14, Block 1 of the Pickens Addition, into one tract. The Lot Consolidation is being requested to allow a new church to be located on the property. The new Tract 1 will consist of 39,600 square feet. The properties comply with all of the area regulations within the Zoning Ordinance and staff recommends approval.

Motion was made by Commissioner Stella Derrick, seconded by Commissioner Shirley Hilton

AYE: Commissioner Jack Bethany, Chairman Mark Luttrull, Commissioner Patrick Cale, Commissioner Shirley Hilton, Commissioner Stella Derrick

Carried - Unanimously

- 5 Gary D. Garvin, Director of Planning presented the staff report to consider approval of a Preliminary and Final Plat of Janie's Addition, consisting of one (1) lot on 4.33 acres, located on the south side of Gibson Street, west of Civitan Park. The applicant, Anthony Glen Cox, has indicated the property is being platted into one (1) lot on 4.33 acres to allow the property to be developed residentially. The applicant is proposing to build a new single-family dwelling on the property. Subdivision Review Committee reviewed the Preliminary and Final Plats, and recommended approval with conditions, and all conditions have been complied with. Staff recommends approval.

Motion was made by Commissioner Patrick Cale, seconded by Commissioner Jack Bethany

AYE: Commissioner Jack Bethany, Chairman Mark Luttrull, Commissioner Patrick Cale, Commissioner Shirley Hilton, Commissioner Stella Derrick

Carried - Unanimously

- 6 Gary D. Garvin, Director of Planning, presented to staff the request to hold a Public Hearing and take action on the approval of an Ordinance rezoning the property located at 4421 Denison Street, more particularly described in the Ordinance, from "R-1" Single-Family Residential District to "C-1" Local Commercial District, and if approved authorize staff to revise the Official Zoning Map of the City to reflect said change. The applicant, Casandra Logan, is requesting to rezone the property at 4421 Denison Street from "R-1" Single-Family Residential District to "C-1" Local Commercial District to allow a Day Care Center (8 or more persons) to be located on the property. Mr. Garvin stated that according to the Land Use Map, the area is classified as single-family residential. and that the request to rezone to "C-1" Local Commercial would not comply with the Comprehensive Plan and Land Use Map adopted by the City of Muskogee. Mr. Garvin also stated that allowing a commercial zoning within a residential area would be considered spot zoning and staff does not recommend approval.

Notices were sent to the property owners within 300 feet radius as required , and

published in the paper (20) days prior to the Public hearing. Chairman, Mark Luttrell opened the meeting as a public hearing.

Resident James Ritchey, 4410 Denison Street, addressed the Planning and Zoning Commission about his concerns of rezoning the property. Mr. Ritchey stated that he has a petition from 21 residents who are against the rezoning. Mr. Ritchey also stated that rezoning the residence would demoralize the quiet neighborhood and it would lead to potential problems if approved. Residents had concerns about what future commercial business could move into the area if the applicant decided to move.

Chairman Mark Luttrell received and read the petition to the Planning and Zoning Commission.

Demtria Thomas, friend of the applicant, addressed the Planning and Zoning Commission. She stated that the zoning regulations had changed and that Large Day Care Centers used to fall under "R-4" Multi Family District and she would like to see the zoning regulation changed to allow for more large Home Day Care Centers. Ms. Thomas stated that the applicant is wanting to keep 12 children total, and that it would not increase traffic.

Gary Garvin stated that the Zoning Ordinances were updated in 2014 and that Large Home Day Care Centers were changed to "C-1" Local Commercial District and that if the applicant moved the residence could be used for whatever the "C1" Local Commercial zoning ordinance allows for.

Commissioner, Stella Derrick, addressed the board and the applicant and stated that she should try to find a commercial property to put in her large day care center. She also stated that she had gone through the rezoning process for her business and was denied. She addressed the applicant and told her that the zoning denial is not personal but just part of the zoning rules and regulations sought by the City of Muskogee.

Commissioner, Patrick Cale, addressed the board and applicant and commended the applicant for her entrepreneurship qualities but stated that spot zoning is not usually approved by the Planning Commission and the City Council. Mr. Cale suggested looking for a commercial building to open a large day care center.

Applicant Casandra Logan addressed the board and stated that other homes in the area had been zoned for large day cares.

After some discussion, Chairman Mark Luttrull closed the public hearing at 9:35.

Motion was made by Commissioner Patrick Cale, seconded by Commissioner Jack Bethany, to deny rezoning the property located at 4421 Denison Street.

AYE: Commissioner Jack Bethany, Commissioner Patrick Cale, Commissioner Shirley Hilton-Flanary, Chairman Mark Luttrell

ABSTAIN: Commissioner Stella Derrick

Gary D. Garvin, Director of Planning, presented to staff a request to hold a Public Hearing and take action on the approval of an Ordinance rezoning the property located at 318 S. Cherokee Street, more particularly described in the Ordinance, from "R-1" Single-Family Residential District to "I-1" Light Industrial District, and if approved authorize staff to revise the Official Zoning Map of the City to reflect said change. Mr. Garvin stated that the applicant, City of Muskogee (Public Works) is requesting to rezone the property at 318 S. Cherokee Street from "R-1" Single-Family District to "I-1" Light Industrial District to allow a new Public Works (Maintenance Headquarters) building to be located on the property. According to the Land Use Map, the Cherokee Street corridor (running parallel to the railroad) is classified as Light Industrial. The request to rezone to "I-1" Light Industrial complies with the Comprehensive Plan and Land Use Map adopted by the City of Muskogee. Notices have been sent to the property owners within a 300 foot radius, as required, and published in the paper twenty (20) days prior to the Public Hearing. Staff recommends approval of the Ordinance to rezone the property from "R-1" Single-Family Residential District to "I-1" Light Industrial District and to also authorize staff to revise the Official Zoning Map of the City to reflect said change.

Motion was made by Commissioner Jack Bethany, seconded by Commissioner Stella Derrick

AYE: Commissioner Jack Bethany, Chairman Mark Luttrull, Commissioner Patrick Cale, Commissioner Shirley Hilton, Commissioner Stella Derrick

Carried - Unanimously

There being no further business to come before the City of Muskogee Planning and Zoning Commission, Chairman Mark Luttrull adjourned the meeting at 9:38 a.m.

Planning Commission**3.****Meeting Date:** 11/20/2017**Initiator:** Susan Ross, Office Adm 1

Information**AGENDA ITEM TITLE:**

Hold a Public Hearing and take action on the approval of an Ordinance rezoning the property located at 3123 Gibson Street, more particularly described in the Ordinance, from "C-2" General Commercial District to "R-1" Single-Family Residential, and if approved authorize staff to revise the Official Zoning Map of the City to reflect said change, or take other necessary action. (Gary D. Garvin)

LEGAL DESCRIPTION:

THE NORTH 360 FEET OF THE WEST 140 FEET OF THE NE1/4 OF SECTION 30, TOWNSHIP 15 NORTH, RANGE 19 EAST OF THE INDIAN BASE AND MERIDIAN, according to the official plat thereof, Muskogee County, State of Oklahoma.

BACKGROUND:

The applicant, Anthony Cox, is requesting the property located at 3123 Gibson Street to be rezoned from "C-2" General Commercial District to "R-1" Single-Family Residential District to allow a new single-family dwelling to be located on the property.

The Comprehensive Plan/Land Use Map, adopted by the City of Muskogee, indicates single-family residential within this area. Therefore, the request to rezone to "R-1" Single-Family complies with the Comprehensive Plan and Land Use Map.

Notices have been sent to the property owners within 300 foot radius, as required, and published in the paper twenty (20) days prior to the Public Hearing. A Public Hearing will be held on the following days:

November 20, 2017 at 9:00 a.m.: City of Muskogee Planning & Zoning Commission

November 21, 2017 at 4:00 p.m.: Public Works Committee

November 27, 2017 at 7:00 p.m. Muskogee City Council Meeting

RECOMMENDED STAFF ACTION:

Approve the Ordinance rezoning the property located at 3123 Gibson Street from "C-2" General Commercial District to "R-1" Single-Family Residential, and authorize staff to revise the Official Zoning Map of the City to reflect said change.

Fiscal Impact**Attachments**

Cox Ordinance

Site Plan/Notice-Cox

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF MUSKOGEE AS PROVIDED BY CHAPTER 90, SECTION 01-03, OF THE MUSKOGEE CITY CODE, SEPTEMBER 2014, BY RE-ZONING THE NORTH 360 FEET OF THE WEST 140 FEET OF THE NE1/4 OF SECTION 30, TOWNSHIP 15 NORTH, RANGE 19 EAST OF THE INDIAN BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF, MUSKOGEE COUNTY, STATE OF OKLAHOMA. CONTAINING 50,400 SQUARE FEET, MORE OR LESS; AND PROVIDING FOR SEVERABILITY. (Anthony Cox, Applicant)

FROM “C-2” GENERAL COMMERCIAL DISTRICT

TO

“R-1” SINGLE-FAMILY RESIDENTIAL DISTRICT

WHEREAS, the City of Muskogee Planning and Zoning Commission, in a meeting held November 20, 2017, did recommend the approval of the rezoning of the property set out above in the title of the Ordinance, and did authorize the director of the Commission to advise the Council of the City of Muskogee of this recommendation,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA,

Section 1. THAT, the official zoning map of the City of Muskogee as provided by Chapter 90, Section 01-03, of the Muskogee City Code, September 2014, is hereby amended by changing the District Classification by rezoning; THE NORTH 360 FEET OF THE WEST 140 FEET OF THE NE1/4 OF SECTION 30, TOWNSHIP 15 NORTH, RANGE 19 EAST OF THE INDAIN BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF, MUSKOGEE COUNTY, STATE OF OKLAHOMA. CONTAINING 50,400 SQUARE FEET, MORE OR LESS; FROM “C-2” GENERAL COMMERCIAL DISTRICT TO “R-1” SINGLE-FAMILY RESIDENTIAL DISTRICT.

AND that this change be so ordered and declared by the City Council.

Section 2. THAT, the City Clerk is authorized and directed to show such change on the zoning map record.

Section 3: REPEALER. All other ordinances or parts of ordinances in direct conflict herewith are repealed to the extent of the conflict only.

Section 4: SEVERABILITY. Should any part, section, subsection, sentence, provision, clause, or phrase hereof be held invalid, void, or unconstitutional for any reason, such holding shall not render invalid, void, or unconstitutional any other section, subsection, sentence, provision, clause, or phrase of this Ordinance, and the same are deemed severable for this purpose.

Ordinance No. _____

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY
OF MUSKOGEE, OKLAHOMA, THIS 27TH DAY OF NOVEMBER, 2017.

JOHN R. COBURN, MAYOR

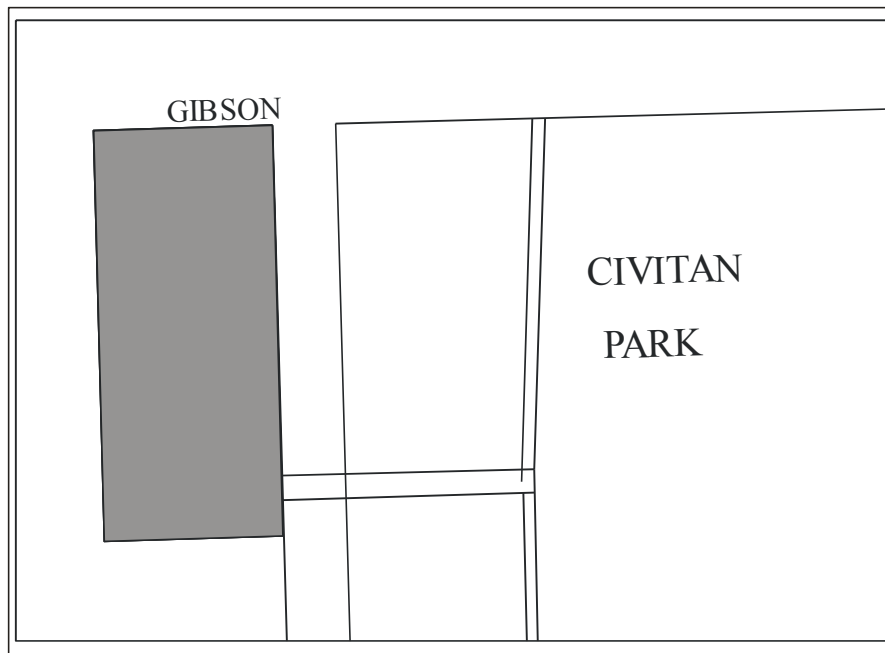
ATTEST:

TAMMY L. TRACY, CITY CLERK
(SEAL)

APPROVED as to form and legality this ____ day of _____, 2017.

ROY D. TUCKER, CITY ATTORNEY

Public Hearing Notice



Proposal: To rezone property located at 3123 Gibson St, from “C-2” General Commercial District to “R-1” Single Family Residential District. The property is more particularly described as:

The North 360 feet of the West 140 feet of the NE1/4 of Section 30, Township 15 North, Range 19 East of the Indian Base and Meridian, Muskogee County, Oklahoma.

Applicant: Anthony Cox

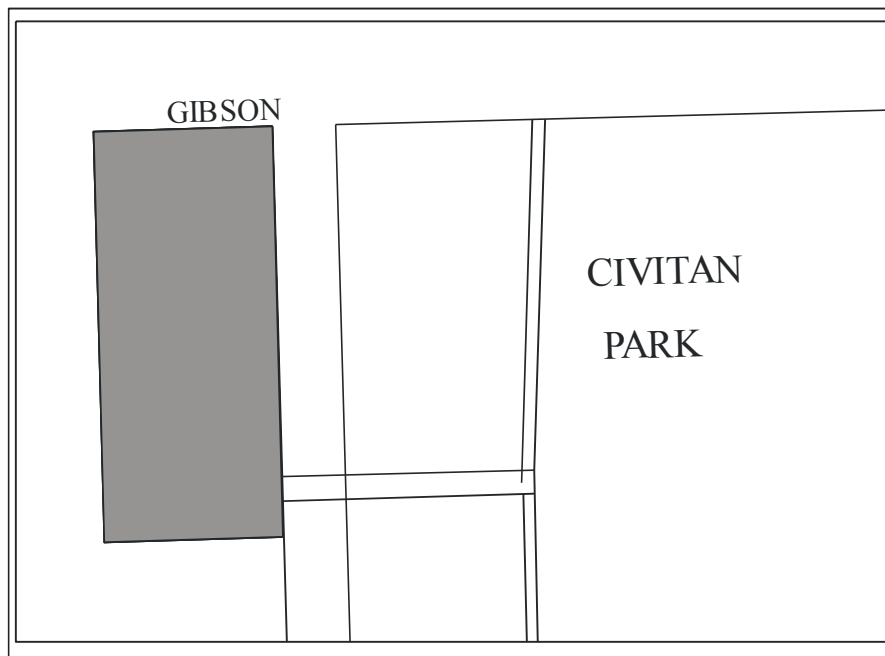
This notice is provided to property owners within 300 feet of the above site to inform them of the following public hearings regarding the above proposal:

November 20, 2017 at 9:00 a.m.: City of Muskogee Planning & Zoning Commission

November 21, 2017 at 4:00 p.m.: City of Muskogee Public Works Committee

November 27, 2017 at 7:00 p.m.: City Council

All of the public hearings will be held in the Council Chambers, 3rd Floor of the City Municipal Building, 3rd Street and Okmulgee, Muskogee, Oklahoma. The purpose of the public hearing is to discuss the above proposal. You are welcome to attend the meeting and express your opinion. If you have questions about the proposal, or need additional information prior to the public hearing, please contact the Planning Department at 918.684-6232.



(Anthon Cox, Applicant)

PUBLIC NOTICE

Notice is hereby given that on November 20, 2017, at 9:00 a.m., in the Council Chambers of the Municipal Building, Muskogee, Oklahoma, a public hearing will be conducted by the City of Muskogee Planning & Zoning Commission, on November 21, 2017, at 4:00 p.m., by the Public Works Committee, and on November 27, 2017, at 7:00 p.m., by the City Council to consider an application to rezone property located at 3123 Gibson Street, from “C-2” *General Commercial* District to “R-1” Single Family Residential District. The property is more particularly described as:

The North 360 feet of the West 140 feet of the NE1/4 of Section 30, Township 15 North, Range 19 East of the Indian Base and Meridian, Muskogee County, Oklahoma.

And for taking any other actions as authorized by law, of which all interested persons will take notice.

Mark Luttrull, Chairman
City of Muskogee Planning & Zoning Commission