

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
May 7, 2018

Members of the City of Muskogee Planning and Zoning Commission are hereby requested to attend a Regular Meeting to be held on May 7, 2018, 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 April 2, 2018 Planning and Zoning Commission meeting.
3. Hold a Public Hearing and take action on the approval of an Ordinance rezoning the property located on the northwest corner of 3rd and Kalamazoo, more particularly described in the Ordinance, from "C-2" General Commercial District to "R-1" Single-Family Residential District, 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)

LOT 10, BLOCK 75, in the MUSKOGEE ORIGINAL TOWNSHIP, CITY OF MUSKOGEE,
LOCATED IN THE NORTHEAST QUARTER (NE1/4) OF SECTION 34, TOWNSHIP 15
NORTH, RANGE 18 EAST, Muskogee County, State of Oklahoma

4. Hold a Public Hearing and take action on the approval of a resolution amending the Land Use Map regarding property located within part of Sections 2 and 3, T14N, R18E, more particularly described in the resolution from Industrial to Transitional Residential, and if approved authorize staff to revise the Land Use Map of the City to reflect said change. (Gary D. Garvin)

PART OF SECTIONS 2 AND 3, T14N, R18E, MORE PARTICULARLY DESCRIBED AS
BEGINNING AT THE NE CNR OF THE SE ¼ OF SECTION 3 THENCE S88D29'01"W A
DISTANCE OF 632.82' THENCE; S01D42'32"E A DISTANCE OF 2604.36' THENCE;
N42D18'32"E A DISTANCE OF 101.66' THENCE; N87D55'08"E A DISTANCE OF
121.19' THENCE; N32D51'10"E A DISTANCE OF 2556.10' THENCE; N58D24'17"W A
DISTANCE OF 755.73' THENCE; S 89D32'07"W A DISTANCE OF 384.42' TO POB

Adjournment

Planning Commission

2.

Meeting Date: 05/07/2018

Initiator: Gary Garvin, Planning Director

Information

AGENDA ITEM TITLE:

Approval of the Minutes of the April 2, 2018 Planning and Zoning Commission meeting.

LEGAL DESCRIPTION:

BACKGROUND:

See attached minutes.

RECOMMENDED STAFF ACTION:

Approve the minutes.

Fiscal Impact

Attachments

COMP&ZC Minutes 4/2/2018

MINUTES
City of Muskogee Planning and Zoning Commission
April 2, 2018

Members of the City of Muskogee Planning and Zoning Commission were called to order at a Regular Scheduled Meeting on Monday, April 2, 2018 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; Commissioner Shirley Hilton-Flanary; Commissioner Patrick Cale; Commissioner Stella Derrick

Absent: Commissioner Lathon Archie III; Commissioner Mark Luttrull; Commissioner Justin Walker

Staff Present: Gary D. Garvin, Director of Planning and Economic Development; Tish Callahan, Assistant City Planner; Susan Ross, Office Administrator

1 Roll Call.

2 Co-Chairman Jack Bethany called for approval of the Minutes of the March 5, 2018 Planning and Zoning Commission meeting.

Motion was made by Commissioner Patrick Cale, seconded by Commissioner Shirley Hilton-Flanary

AYE: Commissioner Jack Bethany, Commissioner Patrick Cale, Commissioner Shirley Hilton-Flanary, Commissioner Stella Derrick

Carried - Unanimously

3 Gary D, Garvin, Planning Director, presented the staff report on the request from Linda Brydges (Norman Thygesen, Agent) to consolidate Lots "A", "B", 16, 17, 18, and 19, Block 4 of the Amended plat of Blocks 1 to 8 inclusive of College Heights Addition, City of Muskogee, into two (2) tracts, or take other necessary action.

Mr. Garvin stated that the Lot Consolidation is being requested to allow an accessory building, currently located on the proposed Tract 1, to be part of the proposed Tract 2. The new Tract 1 will consist of 13,096 square feet, and Tract 2 will consist of 24,256 square feet. The properties comply with all of the area regulations within the Zoning Ordinance and staff recommends approval.

Motion was made by Commissioner Patrick Cale, seconded by Commissioner Shirley Hilton-Flanary

AYE: Commissioner Jack Bethany, Commissioner Patrick Cale, Commissioner Shirley Hilton-Flanary, Commissioner Stella Derrick

Carried - Unanimously

There being no further business to come before the City of Muskogee Planning and Zoning Commission, Co-Chairman Jack Bethany adjourned the meeting at 9:08 a.m.

Planning Commission

3.

Meeting Date: 05/07/2018

Initiator: Gary Garvin, Planning Director

Information

AGENDA ITEM TITLE:

Hold a Public Hearing and take action on the approval of an Ordinance rezoning the property located on the northwest corner of 3rd and Kalamazoo, more particularly described in the Ordinance, from "C-2" General Commercial District to "R-1" Single-Family Residential District, 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:

LOT 10, BLOCK 75, in the MUSKOGEE ORIGINAL TOWNSHIP, CITY OF MUSKOGEE, LOCATED IN THE NORTHEAST QUARTER (NE1/4) OF SECTION 34, TOWNSHIP 15 NORTH, RANGE 18 EAST, Muskogee County, State of Oklahoma

BACKGROUND:

The applicant, Deshuana "Willis" Dewberry, is requesting the property located on the northwest corner of South 3rd Street and Kalamazoo Avenue be rezoned from "C-2" General Commercial District to "R-1" Single-Family Residential District to allow the property to be developed residentially in the future (see attached site plan/notice).

According to the Land Use Map, the area west of Main Street and south of West Southside Boulevard is classified as residential. Therefore, the request to rezone to "R-1" Single-Family Residential complies with the Comprehensive Plan and Land Use Map adopted by the City of Muskogee.

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:

May 7, 2018 at 9:00 a.m.: City of Muskogee Planning & Zoning Commission

May 7, 2018 at 4:00 p.m.: Public Works Committee

May 14, 2018 at 7:00 p.m. Muskogee City Council Meeting

RECOMMENDED STAFF ACTION:

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

Fiscal Impact

Attachments

Ordinance - Rezoning from C-2 to R-1

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 LOT 10, BLOCK 75 IN THE MUSKOGEE ORIGINAL TOWNSHIP, CITY OF MUSKOGEE, LOCATED IN THE NORTHEAST QUARTER (NE1/4) OF SECTION 34, TOWNSHIP 15 NORTH, RANGE 18 EAST, MUSKOGEE COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE OFFICIAL PLAT THEREOF, MUSKOGEE COUNTY, OKLAHOMA, CONTAINING 13,800 SQUARE FEET, MORE OR LESS, AND PROVIDING FOR SEVERABILITY. **(DESHUANA DEWBERRY, 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 MAY 7, 2018, 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; LOT 10, BLOCK 75, IN THE MUSKOGEE ORIGINAL TOWNSHIP, CITY OF MUSKOGEE, LOCATED IN THE NORTHEAST QUARTER (NE1/4) OF SECTION 34, TOWNSHIP 15 NORTH, RANGE 18 EAST, MUSKOGEE COUNTY, STATE OF OKLAHOMA 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.

Ordinance No. _____

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.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, THIS 14TH DAY OF MAY, 2018.

JOHN R. COBURN, MAYOR

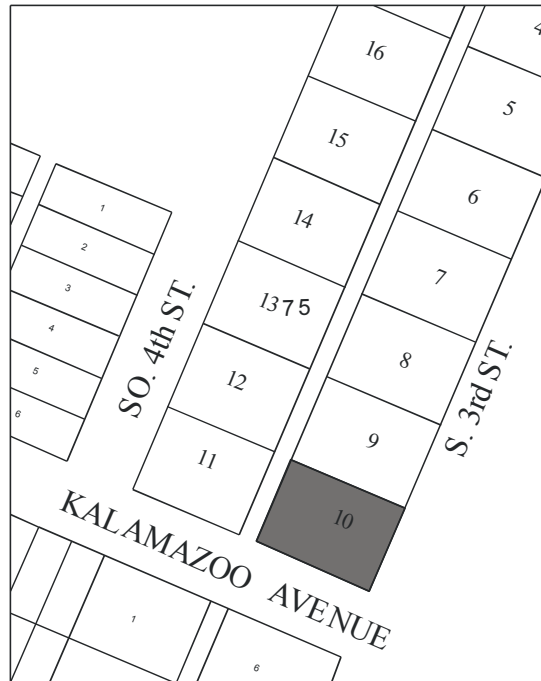
ATTEST:

TAMMY L. TRACY, CITY CLERK
(SEAL)

APPROVED as to form and legality this ____ day of _____, 2018.

ROY D. TUCKER, CITY ATTORNEY

Public Hearing Notice



Proposal: To rezone property located at 310 W Kalamazoo, from “C-2” General Commercial District to “R-1” Single-Family Residential District. The property is more particularly described as:

Lot 10 in Block 75 in the Muskogee Original Township, City of Muskogee, located in the Northeast Quarter (NE1/4) of Section 34, Township 15 North, Range 18 East, according to the official plat thereof, Muskogee County, Oklahoma. Containing 13,800 square feet, more or less.

Applicant: Deshuana Dewberry

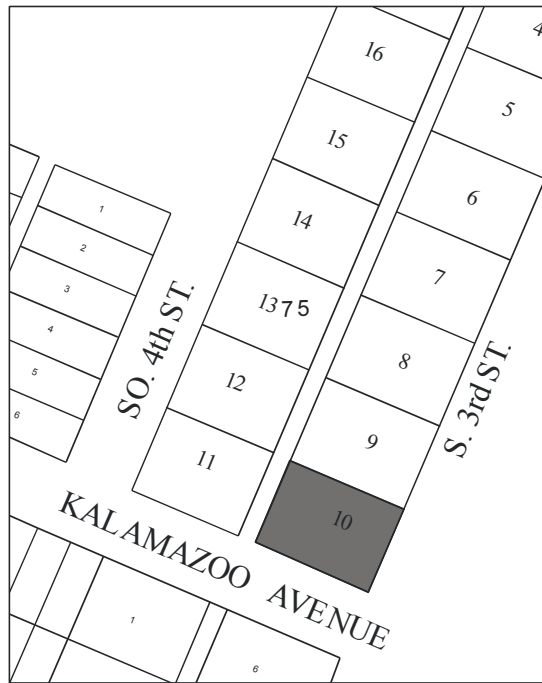
This notice is provided to property owners within 300 feet of the above site to inform them of the following public hearings regarding the above proposal:

May 7, 2018 at 9:00 a.m.: City of Muskogee Planning & Zoning Commission

May 7, 2018 at 5:30 p.m.: City of Muskogee Public Works Committee

May 14, 2018 at 5:30 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.



(Deshuana Dewberry, Applicant)

PUBLIC NOTICE

Notice is hereby given that on May 7, 2018, 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 May 7, 2018, at 5:30 p.m., by the Public Works Committee, and on May 14, 2018, at 5:30 p.m., by the City Council to consider an application to rezone property located at 310 W. Kalamazoo Street, from “C-2” *General Commercial* District to “R-1” Single-Family Residential District. The property is more particularly described as:

Lots 10 Block 75 in the Muskogee Original Township, City of Muskogee, located in the Northeast Quarter (NE1/4) of Section 34, Township 15 North, Range 18 East, according to the official plat thereof, Muskogee County, Oklahoma. Containing 13,800 square feet, more or less.

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

Planning Commission

4.

Meeting Date: 05/07/2018

Initiator: Gary Garvin, Planning Director

Information

AGENDA ITEM TITLE:

Hold a Public Hearing and take action on the approval of a resolution amending the Land Use Map regarding property located within part of Sections 2 and 3, T14N, R18E, more particularly described in the resolution from Industrial to Transitional Residential, and if approved authorize staff to revise the Land Use Map of the City to reflect said change. (Gary D. Garvin)

LEGAL DESCRIPTION:

PART OF SECTIONS 2 AND 3, T14N, R18E, MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE NE CNR OF THE SE ¼ OF SECTION 3 THENCE S88D29'01"W A DISTANCE OF 632.82' THENCE; S01D42'32"E A DISTANCE OF 2604.36' THENCE; N42D18'32"E A DISTANCE OF 101.66' THENCE; N87D55'08"E A DISTANCE OF 121.19' THENCE; N32D51'10"E A DISTANCE OF 2556.10' THENCE; N58D24'17"W A DISTANCE OF 755.73' THENCE; S 89D32'07"W A DISTANCE OF 384.42' TO POB

BACKGROUND:

Previously the City Council denied a request by Phillip and Penny Coppin to rezone the property located on South Cherokee Street, south of Cherokee Drive, from "C-1" Local Commercial to "I-1" Light Industrial to allow a rental business to be located on the property. The request complied with the Land Use Map adopted by the City of Muskogee on June 4, 2012. When the rezoning was denied (2/12/2018), City Council requested that staff review the Land Use Map and consider changing the classification. Property that complies with the Land Use Map should be approved or the Land Use Map amended.

Since the request to rezone by Mr. and Mrs. Coppin was denied, staff has reviewed the Land Use Map and based on the following information has determined that amending the Land Use Map is not recommended for this large industrial area.

The center of the industrial area is located at the intersection of two highways (Highway 64 and Highway 165). The large industrial area also contains two railroad tracks running parallel with each other through the middle of the area. The area classified as industrial by the Land Use Map contains 1,718 acres (2.7 square miles) and consists of several existing industrial uses, large parcels, vacant land, floodplain and is isolated from established residential areas. There is approximately 60 residential structures within the 1,718 acres. The large majority of the area is currently zoned industrial. Additionally, the area where the rezoning was denied and being considered under the proposed resolution (Cherokee Street, Cherokee Drive, Missouri- Pacific Railroad, and Peak Blvd./ Hwy 165) containing 58 +/- acres is all currently zoned commercial or industrial, there is no residential zoning within this area.

Amending the Land Use Map to Transitional Residential would allow new residential structures to be located within this area. Many industrial uses have outdoor storage, repair bays, and fuel whose

appearance, light, noise, and odors make them incompatible with residential uses. This area is an ideal location for industrial uses, due to the existing zoning, large parcels, access to rail and the highway system, and isolation from established residential.

The notice was published in the paper on March 6, 2018. A Public Hearing will be held on the following days:

May 7, 2018 at 9:00 a.m. City of Muskogee Planning & Zoning Commission

May 7, 2018 at 4:00 p.m. City of Muskogee Public Works Committee

May 14, 2018 at 7:00 p.m. Muskogee City Council Meeting

RECOMMENDED STAFF ACTION:

Deny the resolution amending the Land Use Map from Industrial to Transitional Residential and authorize staff to revise the Land Use Map of the City of Muskogee to reflect said change.

Fiscal Impact

Attachments

Resolution Amending Land Use Map

Notice/Site Plan

Current Zoning

Land Use Map

RESOLUTION NO. ____

A RESOLUTION APPROVING AN AMENDMENT TO THE FUTURE LAND USE MAP FOR THE CITY OF MUSKOGEE FROM HEAVY INDUSTRIAL DISTRICT TO TRANSITIONAL RESIDENTIAL DISTRICT.

WHEREAS, the City Planning Commission and the Muskogee City Council have adopted the Future Land Use Map; and

WHEREAS, the Future Land Use Map functions as the comprehensive plan in consideration of matters affecting the orderly urbanization of the community; and

WHEREAS, Title 11, Section 43-103, Oklahoma State Statutes, requires zoning districts to be in accordance with the comprehensive plan (Future Land Use Map); and

WHEREAS, the Future Land Use Map recognizes that changes may occur in the community which may cause the necessity of amending said plan; and,

WHEREAS, a public hearing has been held on MAY 7, 2018, before the City Planning Commission on the property described in Section 1 hereof; and

WHEREAS, in accordance with Title 11 Oklahoma Statutes, Section 43-105, the Muskogee City Council shall approve any amendment to the Land Use Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Muskogee, Oklahoma, that:

SECTION 1. An amendment to the Future Land Use Map from HEAVY INDUSTRIAL District to TRANSITIONAL RESIDENTIAL District located on the tract of land described as:

PART OF SECTIONS 2 AND 3, T14N, R18E, MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE NE CNR OF THE SE ¼ OF SECTION 3 THENCE S88D29'01"W A DISTANCE OF 632.82' THENCE; S01D42'32"E A DISTANCE OF 2604.36' THENCE; N42D18'32"E A DISTANCE OF 101.66' THENCE; N87D55'08"E A DISTANCE OF 121.19' THENCE; N32D51'10"E A DISTANCE OF 2556.10' THENCE; N58D24'17"W A DISTANCE OF 755.73' THENCE; S 89D32'07"W A DISTANCE OF 384.42' TO POB

PASSED and APPROVED by the Mayor and Council of the City of Muskogee this 14th day of MAY, 2018.

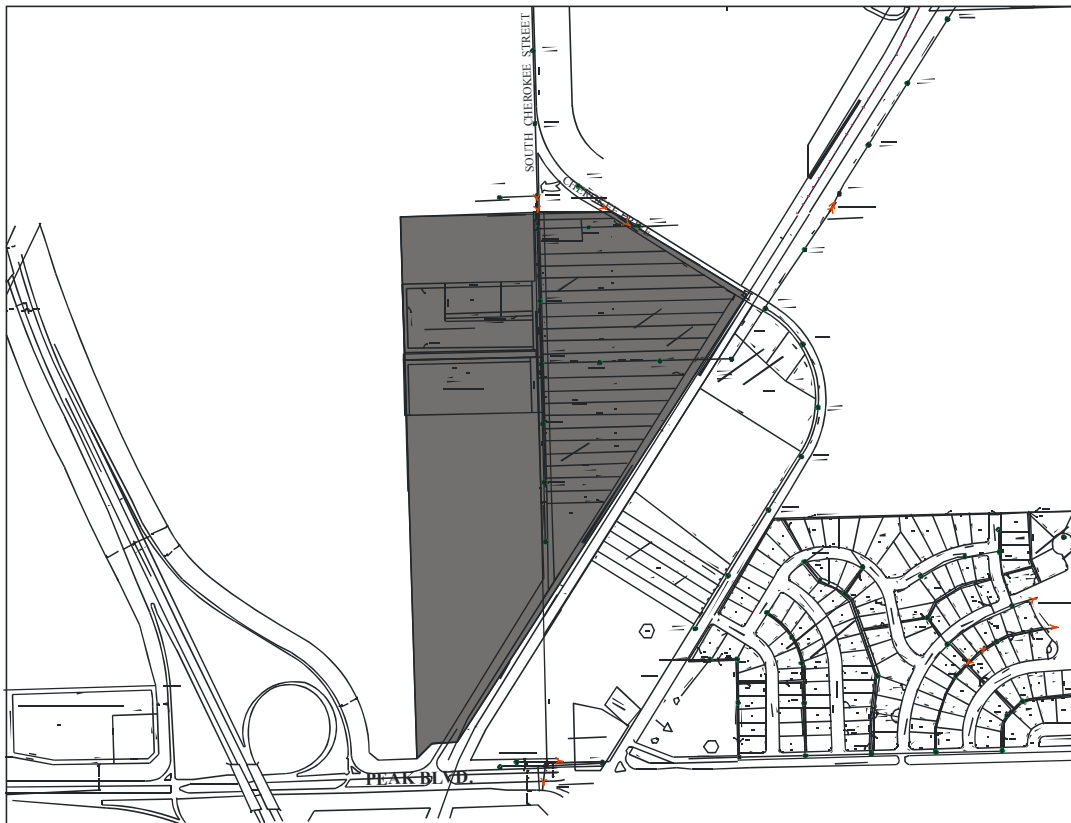
JOHN R. COBURN, MAYOR

ATTEST:

TAMMY L. TRACY, CITY CLERK

APPROVED as to form and legality this ____ day of _____, 2018.

ROY D. TUCKER, CITY ATTORNEY



(City of Muskogee, Applicant)

PUBLIC NOTICE

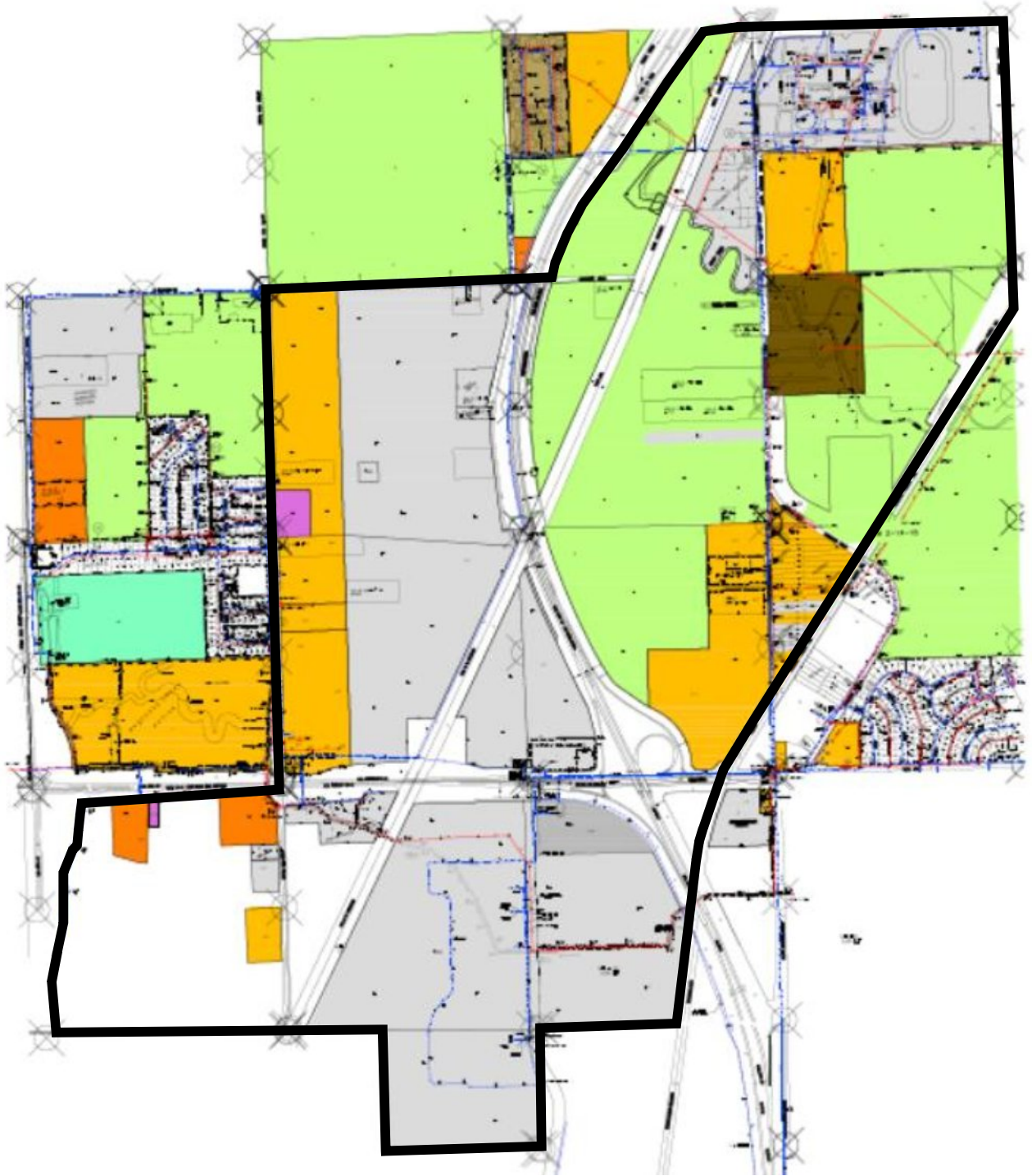
Notice is hereby given that on **May 7, 2018 at 9:00 a.m.** in the Council Chambers of the Municipal Building, Muskogee, Oklahoma, a public hearing will be conducted by the City of Muskogee Planning & Zoning Commission, on **May 7, 2018 at 5:30 p.m.** by the Public Works Committee, and on **May 14, 2018 at 5:30 p.m.** by the City Council to consider a resolution amending the Future Land Use Map. The property is more particularly described in the resolution from Heavy Industrial District to Transitional Residential District, and if approved authorize the staff to revise the Future Land Use Map of the City to reflect change. The property is more particularly described as:

PART OF SECTIONS 2 AND 3, T14N, R18E, MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE NE CNR OF THE SE ¼ OF SECTION 3 THENCE S88D29'01"W A DISTANCE OF 632.82' THENCE; S01D42'32"E A DISTANCE OF 2604.36' THENCE; N42D18'32"E A DISTANCE OF 101.66' THENCE; N87D55'08"E A DISTANCE OF 121.19' THENCE; N32D51'10"E A DISTANCE OF 2556.10' THENCE; N58D24'17"W A DISTANCE OF 755.73' THENCE; S 89D32'07"W A DISTANCE OF 384.42' TO POB

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

Current Zoning



Land Use Map

