

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**  
**June 18, 2018**

Members of the City of Muskogee Planning and Zoning Commission are hereby requested to attend a Regular Meeting to be held on June 18, 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 June 4, 2018 Planning and Zoning Commission meeting.
3. Hold a Public Hearing and take action on the approval of an Ordinance rezoning the property located at 11 Beckman Drive, more particularly described in the Ordinance, from "R-1" Single-Family Residential to "R-A" Agriculture 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)

A PART OF THE NW1/4 OF THE NE1/4 OF SECTION 19, T15N, R18E, MUSKOGEE COUNTY, OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NE CORNER OF THE NW1/4 NE1/4 OF SECTION 19, T15N, R18E, MUSKOGEE COUNTY, OKLAHOMA; THENCE DUE SOUTH ALONG THE EAST BOUNDARY OF SAID NW1/4 NE1/4 A DISTANCE OF 1321.75 FEET TO A POINT; THENCE N89°48'00"W A DISTANCE OF 300.94 FEET TO THE POINT OF BEGINNING; THENCE N89°48'00"W A DISTANCE OF 362.84 FEET TO A POINT; THENCE DUE NORTH A DISTANCE OF 195.99 FEET TO A POINT; THENCE N63°34'00"E A DISTANCE OF 66.10 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 219.47 FEET A DISTANCE OF 101.43 FEET TO A POINT OF TANGENCY; THENCE S89°48'00"E A DISTANCE OF 0.00; THENCE DUE SOUTH A DISTANCE OF 40.0 FEET TO A POINT; THENCE S89°48'00"E A DISTANCE OF 195.74 FEET TO A POINT; THENCE S00°12'00"E A DISTANCE OF 0.00 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 50 FEET A DISTANCE OF 32.35 FEET TO A POINT; THENCE S36°52'10"E A DISTANCE OF 0.00 FEET TO THE POINT OF TANGENCY; THENCE DUE SOUTH A DISTANCE OF 178.75 FEET TO THE POINT OF BEGINNING.

Adjournment

**Planning Commission**

**2.**

**Meeting Date:** 06/18/2018

**Initiator:** Gary Garvin, Planning Director

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**Information**

**AGENDA ITEM TITLE:**

Approval of the Minutes of the June 4, 2018 Planning and Zoning Commission meeting.

**LEGAL DESCRIPTION:**

**BACKGROUND:**

See attached minutes.

**RECOMMENDED STAFF ACTION:**

Approve the minutes.

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**Fiscal Impact**

**Attachments**

COMP&ZC Minutes - June 4, 2018

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**MINUTES**  
**City of Muskogee Planning and Zoning Commission**  
**June 4, 2018**

Members of the City of Muskogee Planning and Zoning Commission were called to order at a Regular Scheduled Meeting on Monday, June 4 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 Mark Luttrull; Commissioner Shirley Hilton-Flanary; Commissioner Patrick Cale; Commissioner Stella Derrick  
Absent: Commissioner Lathon Archie III; Commissioner Justin Walker  
Staff: Gary D. Garvin, Director of Planning and Economic Development; Tish Callahan, Assistant  
Present: City Planner;

1 Roll Call.

2 Chairman Mark Luttrull called for approval of the Minutes of the May 21, 2018, City of Muskogee Planning and Zoning Commission meeting.

Motion was made by Commissioner Jack Bethany, seconded by Commissioner Shirley Hilton-Flanary

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

Carried - Unanimously

3 Chairman Mark Luttrull opened the Public Hearing.

Gary D. Garvin, Planning Director, presented the staff report on the request from Joe and Rosemary Seabolt for approval of an Ordinance rezoning the property located at 100 N. York Street., more particularly described in the Ordinance from "C-1" Local Commercial District to "C-2" General Commercial District, and if approved authorize staff to revise the Official Zoning Map of the City to reflect said change. The applicant is requesting the property be rezoned from "C-1" Local Commercial to "C-2" General Commercial to allow a restaurant to be on the property. The "C-2" zone is necessary to allow a restaurant with a drive thru to be located on the site ("C-1" allows restaurants, but not a restaurant with a drive thru).

The Comprehensive Plan/Land Use Map, adopted by the City of Muskogee, indicates local and general commercial zoning along the York street corridor. Therefore, the request to rezone to "C-2" General Commercial District complies with the Comprehensive Plan and Land Use Map. Staff recommends approval.

There were no citizens present to address the Planning and Zoning Commission.

Chairman Mark Luttrull closed the Public Hearing.

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

AYE: Commissioner Jack Bethany, Commissioner Mark Luttrull, 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, Chairman Mark Luttrull adjourned the meeting.

## Planning Commission

3.

**Meeting Date:** 06/18/2018

**Initiator:** Gary Garvin, Planning Director

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### Information

#### **AGENDA ITEM TITLE:**

Hold a Public Hearing and take action on the approval of an Ordinance rezoning the property located at 11 Beckman Drive, more particularly described in the Ordinance, from "R-1" Single-Family Residential to "R-A" Agriculture 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:**

A PART OF THE NW1/4 OF THE NE1/4 OF SECTION 19, T15N, R18E, MUSKOGEE COUNTY, OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NE CORNER OF THE NW1/4 NE1/4 OF SECTION 19, T15N, R18E, MUSKOGEE COUNTY, OKLAHOMA; THENCE DUE SOUTH ALONG THE EAST BOUNDARY OF SAID NW1/4 NE1/4 A DISTANCE OF 1321.75 FEET TO A POINT; THENCE N89°48'00"W A DISTANCE OF 300.94 FEET TO THE POINT OF BEGINNING; THENCE N89°48'00"W A DISTANCE OF 362.84 FEET TO A POINT; THENCE DUE NORTH A DISTANCE OF 195.99 FEET TO A POINT; THENCE N63°34'00"E A DISTANCE OF 66.10 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 219.47 FEET A DISTANCE OF 101.43 FEET TO A POINT OF TANGENCY; THENCE S89°48'00"E A DISTANCE OF 0.00; THENCE DUE SOUTH A DISTANCE OF 40.0 FEET TO A POINT; THENCE S89°48'00"E A DISTANCE OF 195.74 FEET TO A POINT; THENCE S00°12'00"E A DISTANCE OF 0.00 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 50 FEET A DISTANCE OF 32.35 FEET TO A POINT; THENCE S36°52'10"E A DISTANCE OF 0.00 FEET TO THE POINT OF TANGENCY; THENCE DUE SOUTH A DISTANCE OF 178.75 FEET TO THE POINT OF BEGINNING.

#### **BACKGROUND:**

The applicants, James and Chelsi Wallingford, are requesting to rezone the property located at 11 Beckman Drive from "R-1" Single-Family Residential to "R-A" Agriculture Residential to allow a garden, large shop and livestock on the property.

The Comprehensive Plan/Land Use Map, adopted by the City of Muskogee, indicates residential within this area. Therefore, the request to rezone to "R-A" Agriculture Residential 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:

June 18, 2018 at 9:00 a.m.: City of Muskogee Planning & Zoning Commission

June 18, 2018 at 5:30 p.m.: Public Works Committee

June 25, 2018 at 5:30 p.m. Muskogee City Council Meeting

**RECOMMENDED STAFF ACTION:**

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

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**Fiscal Impact**

**Attachments**

Ordinance - Wallingford Rezone

Site Plan/Notice - Wallingford

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**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 PROPERTY LOCATED AT 11 BECKMAN DRIVE, CITY OF MUSKOGEE, LOCATED IN THE NORTHEAST QUARTER (NE1/4) OF SECTION 19, TOWNSHIP 15 NORTH, RANGE 18 EAST, MUSKOGEE COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE OFFICIAL PLAT THEROF, MUSKOGEE COUNTY, OKLAHOMA, CONTAINING 1.79 ACRES MORE OR LESS, AND PROVIDING FOR SEVERABILITY. THE PROPERTY IS MORE PARTICULARLY DESCRIBED AS:

A PART OF THE NW1/4 OF THE NE1/4 OF SECTION 19, T15N, R18E, MUSKOGEE COUNTY, OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NE CORNER OF THE NW1/4 NE1/4 OF SECTION 19, T15N, R18E, MUSKOGEE COUNTY, OKLAHOMA; THENCE DUE SOUTH ALONG THE EAST BOUNDARY OF SAID NW1/4 NE1/4 A DISTANCE OF 1321.75 FEET TO A POINT; THENCE N89°48'00"W A DISTANCE OF 300.94 FEET TO THE POINT OF BEGINNING; THENCE N89°48'00"W A DISTANCE OF 362.84 FEET TO A POINT; THENCE DUE NORTH A DISTANCE OF 195.99 FEET TO A POINT; THENCE N63°34'00"E A DISTANCE OF 66.10 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 219.47 FEET A DISTANCE OF 101.43 FEET TO A POINT OF TANGENCY; THENCE S89°48'00"E A DISTANCE OF 0.00; THENCE DUE SOUTH A DISTANCE OF 40.0 FEET TO A POINT; THENCE S89°48'00"E A DISTANCE OF 195.74 FEET TO A POINT; THENCE S00°12'00"E A DISTANCE OF 0.00 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 50 FEET A DISTANCE OF 32.35 FEET TO A POINT; THENCE S36°52'10"E A DISTANCE OF 0.00 FEET TO THE POINT OF TANGENCY; THENCE DUE SOUTH A DISTANCE OF 178.75 FEET TO THE POINT OF BEGINNING.

**(James and Chelsi Wallingford, Applicant)**

FROM "R-1" SINGLE-FAMILY RESIDENTIAL DISTRICT

TO

"R-A" RESIDENTIAL AGRICULTURE DISTRICT

WHEREAS, the City of Muskogee Planning and Zoning Commission, in a meeting held JUNE 18, 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: A PART OF THE NW1/4 OF THE NE1/4 OF SECTION 19, T15N, R18E, MUSKOGEE COUNTY, OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NE CORNER OF THE NW1/4 NE1/4 OF SECTION 19, T15N, R18E, MUSKOGEE COUNTY, OKLAHOMA; THENCE DUE SOUTH ALONG THE EAST BOUNDARY OF SAID NW1/4 NE1/4 A DISTANCE OF 1321.75 FEET TO A POINT; THENCE N89°48'00"W A DISTANCE OF 300.94 FEET TO THE POINT OF BEGINNING: THENCE N89°48'00"W A DISTANCE OF 362.84 FEET TO A POINT; THENCE DUE NORTH A DISTANCE OF 195.99 FEET TO A POINT; THENCE N63°34'00"E A DISTANCE OF 66.10 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 219.47 FEET A DISTANCE OF 101.43 FEET TO A POINT OF TANGENCY; THENCE S89°48'00"E A DISTANCE OF 0.00; THENCE DUE SOUTH A DISTANCE OF 40.0 FEET TO A POINT; THENCE S89°48'00"E A DISTANCE OF 195.74 FEET TO A POINT; THENCE S00°12'00"E A DISTANCE OF 0.00 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 50 FEET A DISTANCE OF 32.35 FEET TO A POINT; THENCE S36°52'10"E A DISTANCE OF 0.00 FEET TO THE POINT OF TANGENCY; THENCE DUE SOUTH A DISTANCE OF 178.75 FEET TO THE POINT OF BEGINNING., MUSKOGEE COUNTY, STATE OF OKLAHOMA FROM "R-1" SINGLE-FAMILY RESIDENTIAL DISTRICT TO "R-A" RESIDENTIAL AGRICULTURE 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.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, THIS 25TH DAY OF JUNE, 2018.

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Ordinance No. \_\_\_\_\_

JOHN R. COBURN, MAYOR

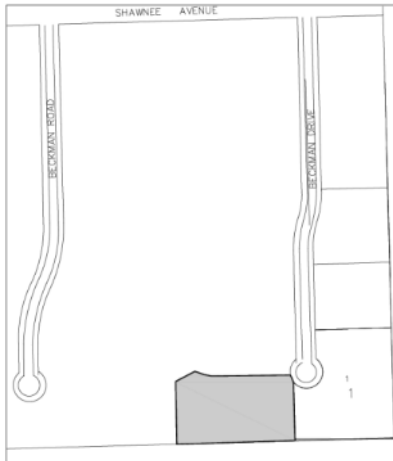
ATTEST:

\_\_\_\_\_  
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 11 Beckman Drive, from “R-1” Single-Family Residential District to “R-A” Agriculture Residential District. The property is more particularly described as:

A part of the NW1/4 of the NE1/4 of Section 19, T15N, R18E, Muskogee County, Oklahoma, more particularly described as follows: Commencing at the NE corner of the NW1/4 NE1/4 of Section 19, T15N, R18E, Muskogee County, Oklahoma; thence due South along the East boundary of said NW1/4 NE1/4 a distance of 1321.75 feet to a point; thence N89°48'00"W a distance of 300.94 feet to the Point of Beginning; thence N89°48'00"W a distance of 362.84 feet to a point; thence due North a distance of 195.99 feet to a point; thence N63°34'00"E a distance of 66.10 feet to a point of curvature; thence along a curve to the Right having a radius of 219.47 feet a distance of 101.43 feet to a point of tangency; thence S89°48'00"E a distance of 0.00; thence due South a distance of 40.0 feet to a point; thence S89°48'00"E a distance of 195.74 feet to a point; thence S00°12'00"E a distance of 0.00 feet to a point of curvature; thence along a curve to the left having a radius of 50 feet a distance of 32.35 feet to a point; thence S36°52'10"E a distance of 0.00 feet to the point of tangency; thence due South a distance of 178.75 feet to the Point of Beginning.

**Applicant:** James and Chelsi Wallingford

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:

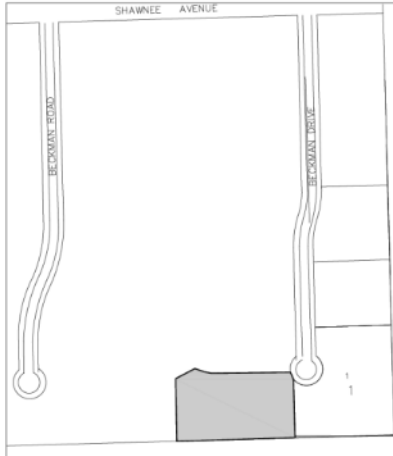
**June 18, 2018 at 9:00 a.m.: City of Muskogee Planning & Zoning Commission**

**June 18, 2018 at 5:30 p.m.: City of Muskogee Public Works Committee**

**June 25, 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.



(James and Chelsi Wallingford, Applicant)

## PUBLIC NOTICE

Notice is hereby given that on June 18, 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 June 18, 2018, at 5:30 p.m., by the Public Works Committee, and on June 25, 2018, at 5:30 p.m., by the City Council to consider an application to rezone property located at 11 Beckman Drive, from “R-1” *Single-Family Residential* District to “R-A” Residential Agriculture District. The property is more particularly described as:

A part of the NW1/4 of the NE1/4 of Section 19, T15N, R18E, Muskogee County, Oklahoma, more particularly described as follows: Commencing at the NE corner of the NW1/4 NE1/4 of Section 19, T15N, R18E, Muskogee County, Oklahoma; thence due South along the East boundary of said NW1/4 NE1/4 a distance of 1321.75 feet to a point; thence N89°48'00"W a distance of 300.94 feet to the Point of Beginning; thence N89°48'00"W a distance of 362.84 feet to a point; thence due North a distance of 195.99 feet to a point; thence N63°34'00"E a distance of 66.10 feet to a point of curvature; thence along a curve to the Right having a radius of 219.47 feet a distance of 101.43 feet to a point of tangency; thence S89°48'00"E a distance of 0.00; thence due South a distance of 40.0 feet to a point; thence S89°48'00"E a distance of 195.74 feet to a point; thence S00°12'00"E a distance of 0.00 feet to a point of curvature; thence along a curve to the left having a radius of 50 feet a distance of 32.35 feet to a point; thence S36°52'10"E a distance of 0.00 feet to the point of tangency; thence due South a distance of 178.75 feet to the Point of Beginning.

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