

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

(Public Comment during Public Hearing or Agenda item comment)

Council Rules of Decorum limit citizen comments on agenda items and public hearings to five (5) minutes and general comments for non-agenda items to three (3) minutes. Any person desiring to address the Committee during such period is required to sign in with the City Clerk prior to the meeting between 5:00 p.m. and 5:15 p.m. on the third floor of City Hall or anytime between 8:00 a.m. and 5:00 p.m. in the Office of the City Clerk. They shall provide their name, address and specify the agenda item they wish to address. Remarks shall be directed to the matter being considered and the speaker is allowed to speak only one time. If written materials are to be submitted twelve (12) copies should be made available, and may not be returned.

Agenda
Public Works Committee
May 7, 2018
5:30 P.M. - City Council Chambers

1. Consider approval of Public Works Committee minutes of April 16, 2018.
2. Hold a Public Hearing and take action on the approval of Ordinance No. 4045-A 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

3. Hold a Public Hearing and take action on the approval of Resolution No. 2721 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

4. Discuss and review a report compiled by Staff regarding day care zoning regulations and provide direction to Staff, or take other necessary action. (Councilor Ivory Vann)

5. Consider the appointment of Mary Beth Hicks, to serve on the Muskogee County Transit Authority, replacing Lisa Benjamin, subject to a term to be established in the bylaws, or take other necessary action. (Councilor Wayne Johnson)
6. Receive report on the completion of the 43rd and 45th Streets, Project No. 20150045, and take other necessary action. (Greg Riley)
7. Receive report on US Highway 69 safety data, as compiled by Muskogee Police Department, and take other necessary action (Rex Eskridge).
8. Consider approval of Resolution No. 2722 supporting the enactment of Senate Bill 86 and opposing a State Highway 69 Bypass, or take other necessary action. (Mayor Bob Coburn and Councilor Marlon Coleman)

RECOGNIZE CITIZENS WISHING TO SPEAK TO CHAIRMAN AND COMMITTEE MEMBERS.

Council Rules of Decorum limit citizen comments to three (3) minutes. Any person desiring to speak is required to sign-in with the City Clerk, provide their name, address, and the particular issue they wish to address. Under Oklahoma law, the Committee Members are prohibited from discussing or taking any action on items not on today's agenda. If written materials are to be submitted to the Committee twelve (12) copies should be made available, and may not be returned.

Public Works Committee

1.

Meeting Date: 05/07/2018
Initiator: Ashley Wallace, Office Adm 1
Department: City Clerk
Staff Information Source:

Information

AGENDA ITEM TITLE:

Consider approval of Public Works Committee minutes of April 16, 2018.

BACKGROUND:

RECOMMENDED ACTION:

Fiscal Impact

Attachments

04-16-2018 PWMIN

MINUTES
PUBLIC WORKS COMMITTEE
April 16, 2018

The Public Works Committee of the City of Muskogee, Oklahoma, met at 5:30 p.m. on Monday, April 16, 2018 in Council Chambers, Third Floor, Municipal Building, with the following in attendance:

Present: Mayor John R. Coburn; Deputy Mayor Janey Boydston; Committee Member Patrick Cale; Committee Member Marlon Coleman; Committee Member Dan Hall; Committee Member Wayne Johnson; Committee Member Derrick Reed; Committee Member Ivory Vann; Committee Member Jaime Stout

Staff Present: Mike Miller, City Manager; Mike Stewart, Assistant City Manager; Roy Tucker, City Attorney; Tammy L. Tracy, City Clerk; Gary Garvin, City Planner; Greg Riley, Public Works Director; Matthew Beese, Assistant City Attorney; Michael O'Dell, Fire Chief; Kelly Plunkett, Human Resources Director; Rex Eskridge, Police Chief; Marcie Gilliam, Strategic Financial Analyst; Brent Trout, Executive Director, Batfish

1. Consider approval of Public Works Committee minutes of April 2, 2018.

Motion was made by Deputy Mayor Janey Boydston, seconded by Committee Member Ivory Vann to approve Public Works Committee minutes of April 2, 2018.

AYE: Mayor John R. Coburn, Deputy Mayor Janey Boydston, Committee Member Patrick Cale, Committee Member Marlon Coleman, Committee Member Dan Hall, Committee Member Wayne Johnson, Committee Member Derrick Reed, Committee Member Ivory Vann, Committee Member Jaime Stout

Carried - Unanimously

2. **(Moved to Regular Agenda):** Consider approval of Resolution No. 2720 establishing an administrative process and fee of \$100.00 for the issuance of a Certificate of Compliance for Interim Licensing of the Sale of Strong Beer and Wine by certain retailers in accordance with Title 37A, of the Oklahoma Statutes. (Roy D. Tucker)

City Attorney Roy D. Tucker stated as referenced in the Resolution, the ABLE Commission has begun issuing interim licensing to stores who will sell strong beer and wine beginning on October 1, 2018. These interim licenses are necessary for stores to be able to order stocks of beer and wine and install coolers and the like in anticipation of the October 1st date. This Resolution will establish a process for dealing with these interim licensing requirements. While the City does not issue our own license, we are required to issue a Certificate of Compliance prior to the interim license being issued by the ABLE Commission. This Resolution will establish authority for doing that, as well as, a 100.00 fee for the service. Once the Legislature recesses this session with whatever amendments pass, we will begin amending ordinances to bring our own into compliance for what will be allowed.

Motion was made by Committee Member Marlon Coleman, seconded by Committee Member Dan Hall to approve Resolution No. 2720 establishing an administrative process and fee for the issuance of a Certificate of Compliance for Interim Licensing of the Sale of Strong Beer and Wine by certain retailers in accordance with Title 37A.

AYE: Mayor John R. Coburn, Deputy Mayor Janey Boydston, Committee Member Patrick Cale, Committee Member Marlon Coleman, Committee Member Dan Hall, Committee Member Wayne Johnson, Committee Member Derrick Reed, Committee Member Jaime Stout

NAY: Committee Member Ivory Vann

Carried

3. Consider the appointment of Dan Hall to the Chamber of Commerce Committee for Convention and Tourism, to serve a term commensurate with his term on City Council, replacing James Gulley, or take other necessary action. (Councilor Derrick Reed)

Motion was made by Committee Member Derrick Reed, seconded by Committee Member Marlon Coleman to approve the appointment of Dan Hall to the Chamber of Commerce Committee for Convention and Tourism, to serve a term commensurate with his term on City Council, replacing James Gulley.

AYE: Mayor John R. Coburn, Deputy Mayor Janey Boydston, Committee Member Patrick Cale, Committee Member Marlon Coleman, Committee Member Wayne Johnson, Committee Member Derrick Reed, Committee Member Ivory Vann, Committee Member Jaime Stout

NAY: Committee Member Dan Hall

Carried

4. Consider the appointment of Jaime Stout to the City Facilities Board, to serve a term commensurate with her term on City Council, or take other necessary action. (Councilor Patrick Cale)

Motion was made by Committee Member Patrick Cale, seconded by Committee Member Wayne Johnson to approve the appointment of Jaime Stout to the City Facilities Board, to serve a term commensurate with her term on City Council.

AYE: Mayor John R. Coburn, Deputy Mayor Janey Boydston, Committee Member Patrick Cale, Committee Member Marlon Coleman, Committee Member Dan Hall, Committee Member Wayne Johnson, Committee Member Derrick Reed, Committee Member Ivory Vann, Committee Member Jaime Stout

Carried - Unanimously

5. Consider the appointment of Wayne Divelbiss to serve on the City Facilities Board, filling the unexpired term of Stacy Simpson, beginning April 24, 2018 and ending August 31, 2021, or take other necessary action. (Councilor Jaime Stout)

Motion was made by Committee Member Jaime Stout, seconded by Committee Member Dan Hall to approve the appointment of Wayne Divelbiss to serve on the City Facilities Board, filling the unexpired term of Stacy Simpson, beginning April 24, 2018 and ending August 31, 2021.

AYE: Mayor John R. Coburn, Deputy Mayor Janey Boydston, Committee Member Patrick Cale, Committee Member Marlon Coleman, Committee Member Dan Hall, Committee Member Wayne Johnson, Committee Member Derrick Reed, Committee Member Ivory Vann, Committee Member Jaime Stout

Carried - Unanimously

6. Consider the appointment of Jennifer Crotty to serve on the Roxy Theater Community Trust, subject to a term to be established in the bylaws, or take other necessary action. (Councilor Wayne Johnson)

Motion was made by Committee Member Wayne Johnson, seconded by Committee Member Jaime Stout to approve the appointment of Jennifer Crotty to serve on the Roxy Theater Community Trust, subject to a term to be established in the bylaws.

AYE: Mayor John R. Coburn, Deputy Mayor Janey Boydston, Committee Member Patrick Cale, Committee Member Marlon Coleman, Committee Member Dan Hall, Committee Member Wayne Johnson, Committee Member Derrick Reed, Committee Member Ivory Vann, Committee Member Jaime Stout

Carried - Unanimously

7. Consider the appointment of Kim Lynch to serve on the Roxy Theater Community Trust, subject to a term to be established in the bylaws, or take other necessary action. (Councilor Derrick Reed)

Motion was made by Committee Member Derrick Reed, seconded by Committee Member Dan Hall to approve the appointment of Kim Lynch to serve on the Roxy Theater Community Trust, subject to a term to be established in the bylaws.

AYE: Mayor John R. Coburn, Deputy Mayor Janey Boydston, Committee Member Patrick Cale, Committee Member Marlon Coleman, Committee Member Dan Hall, Committee Member Wayne Johnson, Committee Member Derrick Reed, Committee Member Ivory Vann, Committee Member Jaime Stout

Carried - Unanimously

8. Consider the appointment of Charles Moore to serve on the Roxy Theater Community Trust, subject to a term to be established in the bylaws, or take other necessary action. (Councilor Ivory Vann)

Motion was made by Committee Member Ivory Vann, seconded by Deputy Mayor Janey Boydston to approve the appointment of Charles Moore to serve on the Roxy Theater Community Trust, subject to a term to be established in the bylaws.

AYE: Mayor John R. Coburn, Deputy Mayor Janey Boydston, Committee Member Patrick Cale, Committee Member Marlon Coleman, Committee Member Dan Hall, Committee Member Wayne Johnson, Committee Member Derrick Reed, Committee Member Ivory Vann, Committee Member Jaime Stout

Carried - Unanimously

9. Consider the appointment of Wren Stratton to serve on the Roxy Theater Community Trust, subject to a term to be established in the bylaws, or take other necessary action. (Councilor Janey Boydston)

Motion was made by Deputy Mayor Janey Boydston, seconded by Committee Member Wayne Johnson to approve the appointment of Wren Stratton to serve on the Roxy Theater Community Trust, subject to a term to be established in the bylaws.

AYE: Mayor John R. Coburn, Deputy Mayor Janey Boydston, Committee Member Patrick Cale, Committee Member Marlon Coleman, Committee Member Dan Hall, Committee Member Wayne Johnson, Committee Member Derrick Reed, Committee Member Ivory Vann, Committee Member Jaime Stout

Carried - Unanimously

10. Consider the appointment of Roger Bell to serve on the Roxy Theater Community Trust, subject to a term to be established in the bylaws, or take other necessary action. (Councilor Patrick Cale)

Motion was made by Committee Member Patrick Cale, seconded by Deputy Mayor Janey Boydston to approve the appointment of Roger Bell to serve on the Roxy Theater Community Trust, subject to a term to be established in the bylaws.

AYE: Mayor John R. Coburn, Deputy Mayor Janey Boydston, Committee Member Patrick Cale, Committee Member Marlon Coleman, Committee Member Dan Hall, Committee Member Wayne Johnson, Committee Member Derrick Reed, Committee Member Ivory Vann, Committee Member Jaime Stout

Carried - Unanimously

11. Consider the appointment of David Ragsdale, to serve on the Parks and Recreation Board, replacing Alan Foster, beginning April 24, 2018 and ending March 31, 2022, or take other necessary action. (Councilor Derrick Reed)

Motion was made by Committee Member Derrick Reed, seconded by Committee Member Dan Hall to approve the appointment of David Ragsdale, to serve on the Parks and Recreation Board, replacing Alan Foster, beginning April 24, 2018 and ending March 31, 2022.

AYE: Mayor John R. Coburn, Deputy Mayor Janey Boydston, Committee Member Patrick Cale, Committee Member Marlon Coleman, Committee Member Dan Hall, Committee Member Wayne Johnson, Committee Member Derrick Reed, Committee Member Ivory Vann, Committee Member Jaime Stout

Carried - Unanimously

12. Consider the appointment of James Gulley, to serve on the Street Improvement Advisory Commission, replacing Kem Frix, beginning April 24, 2018 and ending March 31, 2023, or take other necessary action. (Mayor Bob Coburn)

Motion was made by Mayor John R. Coburn, seconded by Deputy Mayor Janey Boydston to approve the appointment of James Gulley, to serve on the Street Improvement Advisory Commission, replacing Kem Frix, beginning April 24, 2018 and ending March 31, 2023.

AYE: Mayor John R. Coburn, Deputy Mayor Janey Boydston, Committee Member Patrick Cale, Committee Member Marlon Coleman, Committee Member Dan Hall, Committee Member Wayne Johnson, Committee Member Derrick Reed, Committee Member Ivory Vann, Committee Member Jaime Stout

Carried - Unanimously

13. Consider the appointment of Brent Trout, to serve on the Parks and Recreation Board, replacing Jimmy Stinson, beginning April 24, 2018 and ending March 31, 2022, or take other necessary action. (Mayor Bob Coburn)

Motion was made by Mayor John R. Coburn, seconded by Committee Member Dan Hall to approve the appointment of Brent Trout, to serve on the Parks and Recreation Board, replacing Jimmy Stinson, beginning April 24, 2018 and ending March 31, 2022.

AYE: Mayor John R. Coburn, Deputy Mayor Janey Boydston, Committee Member Patrick Cale, Committee Member Marlon Coleman, Committee Member Dan Hall, Committee Member Wayne Johnson, Committee Member Derrick Reed, Committee Member Ivory Vann, Committee Member Jaime Stout

Carried - Unanimously

RECOGNIZE CITIZENS WISHING TO SPEAK TO CHAIRMAN AND COMMITTEE MEMBERS.

Council Rules of Decorum limit citizen comments to three (3) minutes. Any person desiring to speak is required to sign-in with the City Clerk, provide their name, address, and the particular issue they wish to address. Under Oklahoma law, the Council Members are prohibited from discussing or taking any action on items not on today's agenda. If written materials are to be submitted to the Council twelve (12) copies should be made available, and may not be returned.

CHAIRMAN WAYNE JOHNSON
PUBLIC WORKS COMMITTEE

Public Works Committee

2.

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 Ordinance No. 4045-A 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

Ord 4045-A

Notice/Site Plan - Dewberry

ORDINANCE NO. 4045-A

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

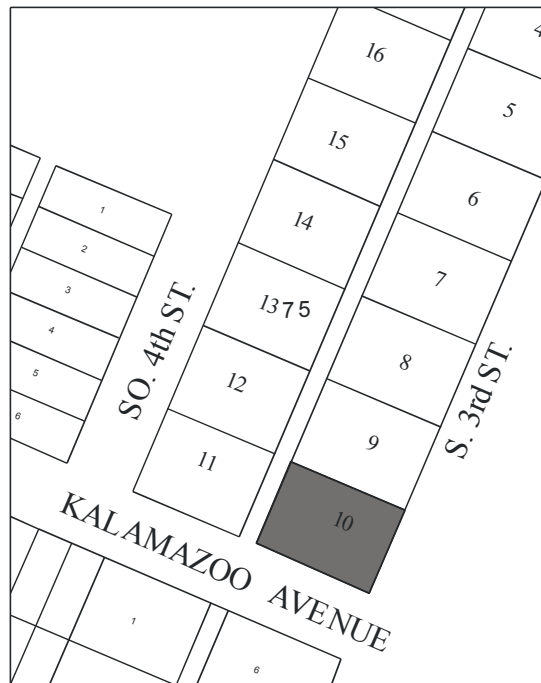
ATTEST:

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

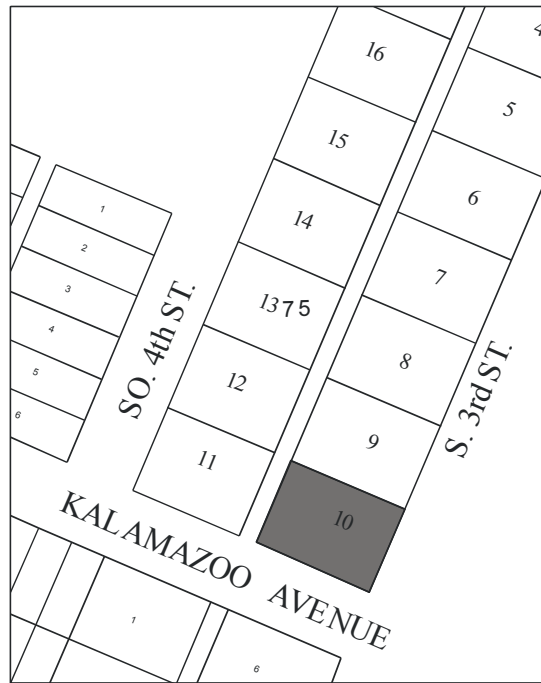
This notice is provided to property owners within 300 feet of the above site to inform them of the following public hearings regarding the above proposal:

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

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 Resolution No. 2721 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

2721 RES 05-14-2018

Notice/Site Plan

Current Zoning

Land Use Map

RESOLUTION NO. 2721

**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.

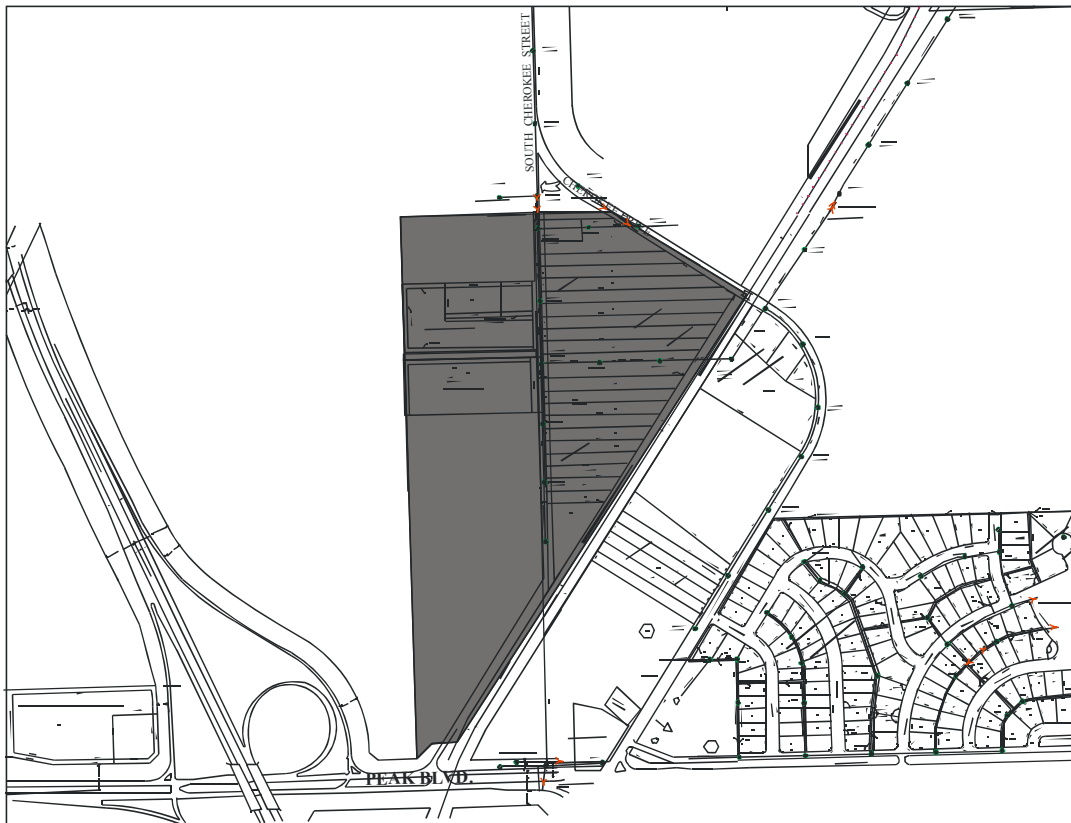
JOHN R. COBURN, MAYOR

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

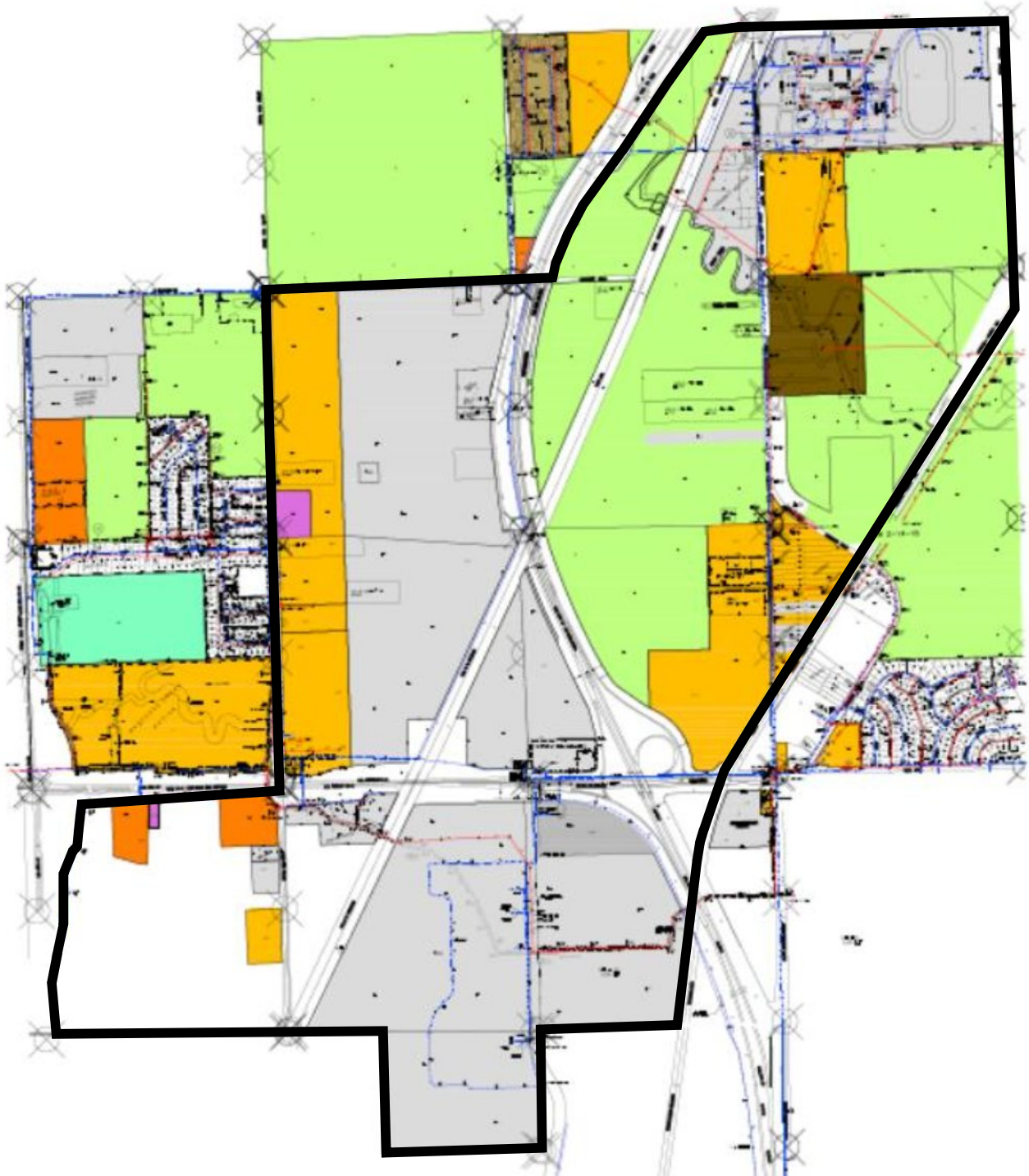
Notice is hereby given that on **May 7, 2018 at 9:00 a.m.** in the Council Chambers of the Municipal Building, Muskogee, Oklahoma, a public hearing will be conducted by the City of Muskogee Planning & Zoning Commission, on **May 7, 2018 at 5:30 p.m.** by the Public Works Committee, and on **May 14, 2018 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

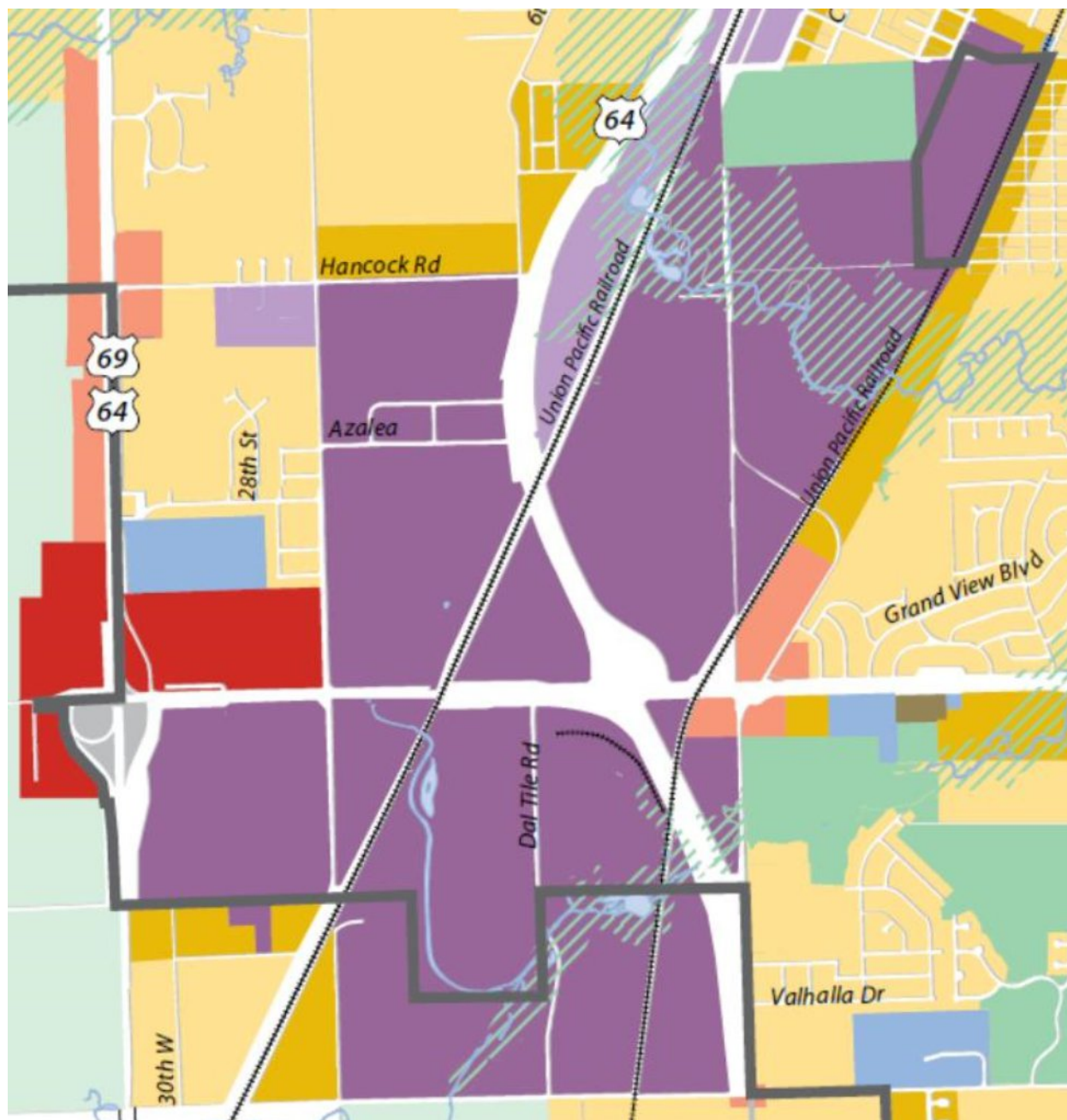
And for taking any other actions as authorized by law, of which all interested persons will take notice.

Mark Luttrull, Chairman
City of Muskogee Planning & Zoning Commission

Current Zoning



Land Use Map



Public Works Committee**4.****Meeting Date:** 05/07/2018**Submitted For:** Mike Miller, City Manager**Initiator:** Mike Miller, City Manager**Department:** City Manager**Staff Information Source:** Gary D. Garvin, Director of Planning & Economic Development, Schuyler Carter

Information**AGENDA ITEM TITLE:**

Discuss and review a report compiled by Staff regarding day care zoning regulations and provide direction to Staff, or take other necessary action. (Councilor Ivory Vann)

BACKGROUND:

On November 13, 2017, the City Council directed staff to prepare a report reviewing zoning regulations from other cities that classify and regulate Day Care Homes and Day Care Centers. The attached report was distributed to council on January 14, 2018.

Councilor Vann asked for this report to be placed on the agenda for further discussion.

The report, prepared by Schuyler Carter, includes a comparative analysis of other cities, Oklahoma Department of Human Services parameters, and Muskogee demographic data. Ms. Carter was a part time City employee who has a MS in Urban and Regional Planning from Alabama A&M University. Upon review of the report, Muskogee's regulations for Day Care Homes and Day Care Centers are comparable to the majority of the cities contacted (Section II). Also, due to the building codes adopted by the State of Oklahoma as the minimum requirements for all cities, an increase in the number of children within a residential dwelling would require the installation of a sprinkler system, emergency and exit lights. Additionally, increasing the number of children from 7 to 12 within a home day care would create traffic, parking and safety issues within a residential neighborhood. Therefore, staff's recommendation is to not increase the current number of children allowed (7) within a home day care.

However, if City Council wishes to proceed with amending the regulations, I would recommend the City create a Large Day Care Home zoning classification to allow for 8 to 12 children within a residential dwelling. And to require the Large Day Care Home use obtain a special exception from the Board of Adjustment. A special exception requires publication and notification of all property owners within a 300' radius of the proposed use, which is the same as a request to rezone. However, the residential dwelling would still have to comply with the Building Codes adopted by the State of Oklahoma and City of Muskogee. Also, if the ordinance for day care homes were amended, it would require amending the square feet used for business/residential dwelling, number of employees, traffic and parking regulations within the Home Occupation Ordinance.

RECOMMENDED ACTION:

Staff recommendation is to take no action on this item

Fiscal Impact	
Attachments	
Recommendation	
Report	



Gary D. Garvin, Director
Planning & Economic Development Department
P.O. Box 1927
Muskogee, Oklahoma 74402-1927
918-684-6232 Fax 918-684-6233
Email: Ggarvin@muskogeeonline.org

Memo

To: Mike Miller, City Manager
From: Gary D. Garvin, Director of Planning & Economic Development
Date: 4/30/2018
Re: Day Care Home / Day Care Center Recommendation

The Planning Department was asked to review zoning regulations from other cities that classify and regulate Day Care Homes and Day Care Centers. The attached report, prepared by Schuyler Carter, includes a comparative analysis of other cities, Oklahoma Department of Human Services parameters, and Muskogee demographic data. Ms. Carter is a part time City employee who has a MS in Urban and Regional Planning from Alabama A&M University. Upon review of the report, Muskogee's regulations for Day Care Homes and Day Care Centers are comparable to the majority of the cities contacted (Section II). Also, due to the building codes adopted by the State of Oklahoma as the minimum requirements for all cities, an increase in the number of children within a residential dwelling would require the installation of a sprinkler system, emergency and exit lights. Additionally, increasing the number of children from 7 to 12 within a home day care would create traffic, parking and safety issues within a residential neighborhood. Therefore, staff's recommendation is to not increase the current number of children allowed (7) within a home day care.

However, if City Council wishes to proceed with amending the regulations, I would recommend the City create a Large Day Care Home zoning classification to allow for 8 to 12 children within a residential dwelling. And to require the Large Day Care Home use obtain a special exception from the Board of Adjustment. A special exception requires publication and notification of all property owners within a 300' radius of the proposed use, which is the same as a request to rezone. However, the residential dwelling would still have to comply with the Building Codes adopted by the State of Oklahoma and City of Muskogee. Also, if the ordinance for day care homes were amended, it would require amending the square feet used for business/residential dwelling, number of employees, traffic and parking regulations within the Home Occupation Ordinance.

Daycare Ordinance Report



Prepared by S. Carter Research Consulting

Prepared for the City of Muskogee

January 2018

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I. Introduction

The contents of this report include an overview of in-home daycare and daycare center classifications, a comparative analysis of various Oklahoma and Missouri towns' zoning ordinance childcare facilities descriptions, Oklahoma Department of Human Services parameters, select demographic data for the City of Muskogee, community testimonials and an official recommendation on how to proceed.

Child care, also known as daycare, is the caring for and supervision of a child or children, typically from six weeks to thirteen years. Child care is the action or skill of looking after children by a daycare center, nannies, babysitter, teachers or other providers. Child care is a broad topic covering a wide spectrum of professionals, institutions, contexts, activities, social and cultural conventions. Early child care is an equally important and often overlooked component of child development. Child care providers can be our children's first teachers, and therefore play an integral role in our systems of early childhood education. Quality care from a young age can have a huge impact on the future successes of children. Professional caregivers work within the context of a center-based care (including crèches, daycare, preschools and schools) or a home-based care (nannies or family daycare).

Daycare Home vs Daycare Center

Daycare Home

Family child care providers care for children in the provider's own home. The children could be in a mixed age group with a low adult to child ratio. Care is potentially personalized and individual. The hours may be more flexible and the provider may offer evening and weekend care for mothers who work shifts. The cost of care in a family child care could be significantly lower on average than that of a center.

Daycare Center

In a childcare center, teachers focus on the physical and mental developments of their students. Commercial care center also known as daycares are open for set hours, and provide a standardized and regulated system of care for children. Parents may choose from a commercial care center close to their work, and some companies offer care at their facilities.

II. Comparative Analysis

Municipality	Population
Muskogee, OK	38,352
Bartlesville, OK	36,647
Broken Arrow, OK	107,403
Cape Girardeau, MO	39,628
Jefferson City, MO	43,013
Stillwater, OK	49,504
Moore, OK	61,415
Shawnee, OK	31,465
Owasso, OK	35,784
Edmond, OK	91,191
Lawton, OK	94,653

(Source: U.S. Census Bureau, Census 2016)

Municipality	Daycare Service/Nursery	Zoning District (s)	Home Daycare	Zoning District (s)	Large Family Child Care	Zoning District (s)	Child Care Center	Zoning District (s)
					Home			
Muskogee, OK	—	—	1-7	R*	—	—	8+	C
Bartlesville, OK	—	—	1-7	R	8-12	R *	8	C*
Broken Arrow, OK	5+	AG*; R*; MU*; C	1-5	AG*; R	—	—	6+	C
Cape Girardeau, MO	—	—	1-4	R	—	—	5	C*
Jefferson City, MO	1-6	All R	7-10	All R	—	—	10+	C
Stillwater, OK	—	—	1-10	R*; C*; O	—	—	11	C
Moore, OK	—	—	1-7	R*	—	—	8+	C
Shawnee, OK	—	—	1-7	R	8-12	R	8+	C*
Owasso, OK	—	—	—	—	—	—	4+	R*; C*
Edmond, OK	—	—	1-7	R*	—	—		AG; C*
Lawton, OK	8+ (Part-time care)	R*; C; PUD; PFD*	1-7	R*; C; PUD; PFD*	—	—	8+	R*; C; PUD; PFD*

□

* Permitted based on Special Use Permit

R=Residential
C=Commercial
CD=Commercial District
AG= Agricultural

MU=Mixed Use
O=Office
PUD= Planned Unit Development
PFD= Public Facilities District

Below are excerpts from zoning ordinances from each of the respective cities within this study:



Home Daycare (H): A Home Daycare is a family home which provides care and protection for seven or fewer children for part of the 24-hour day.

Daycare Center (C): A Daycare center is a daycare facility operating within a commercial district which provides care and protection for eight or more children for part of the 24-hour day.

(H): Home Daycare

(C): Daycare Center

(X): Not Permitted

Muskogee Zoning Districts	Permitted	Special Use Permit	Not Permitted
A-1. Agricultural.			x
R-A. Agricultural Residential.	H		
R-1. Single-family.	H		
R-2. Two-family.		H	
R-3. Townhouse. The R-3			x
R-4. Multifamily			x
R-5. Mobile Home.	H		
C-1. Local Commercial.	C		
C-2. General Commercial.			
C-3 Regional Commercial.		C	
I-1. Light Industrial.			x
I-2. Heavy Industrial.			x
P. Port Industrial.			x
CBD. Central Business District.	C		



7.3.1.1 Family Child Care Home. A Family Child Care Home is a family home which provides care and protection for seven or fewer children for part of the 24-hour day. The total number of children in a family child care home includes children under five years of age who live in the home and are present in the home while children are in care, foster children twelve years of age and younger who live in the home and are present in the home while children are in care; and the children of any substitute or assistant caregiver.

7.3.1.2 Large Child Care Home. A Large Child Care Home is a residential family home that provides care and supervision for eight to twelve children for part of the 24-hour day. The total number of children in a family child care home includes children under five years of age who live in the home and are present in the home while children are in care, foster children twelve years of age and younger who live in the home and are present in the home while children are in care; and the children of any substitute or assistant caregiver.

PERMITTED USES	SPECIAL PROVISIONS		RESIDENTIAL DISTRICTS			
	SPECIAL CONDITIONS (See Sec.)	PARKING SPACES REQUIRED (See Sec. 7.4.2)	RA	RE/RS	RM 1/	RT 1/
Child/Adult Care Facilities						
Residentially-Based Facilities						
a) Family Child Care Home	7.2, 7.3	7.2, 7.3	X	X	X	X
b) Large Child Care Home	7.2, 7.3, 10.5	One/1.5	S	S	S	S
-Commercial	7.3, 10.5	employee	S	S	S	S

Zoning Districts

RA-Residential Agriculture District

RE- Residential Estate District

RS Single-Family Residential Districts:

- RS-12 Single –Family Residential District
- RS-10 Single –Family Residential District
- RS-7 Single –Family Residential District
- RS-5 Single –Family Residential District

RM Multifamily Residential Districts

- RM-3 Multifamily Residential District

- RM-1.5 Multifamily Residential District

- RM-.75 Multifamily Residential District

RT Mobile Homes Residential Districts

- RT-3 Mobile Homes Residential District
- RT-4 Mobile Homes Residential District



- a. Child care center. Any place or institution that receives six or more children under the age of 16 years for regular periods of time for compensation; provided, however, this definition shall not include public and private schools, organized, operated or approved under the laws of the state, custody of children fixed by a court, children related by blood, marriage, or adoption within the third degree to the custodial person, or to churches or other religious or public institutional buildings while their parents or legal guardians are attending services, meetings, or classes and other institutional activities.
- b. Day care center/nursery school. A private establishment enrolling five or more children between two and five years of age and where tuition, fees, or other forms of compensation for the care of the children is charged and having a license or approval to operate as a child care center, under the provisions of the State of Oklahoma.
- c. Home day care. State-licensed day care for children that takes place in the provider's home, which does not employ anyone other than the resident provider.

TABLE 3.1-1 TABLE OF ALLOWED USES																		
P= Permitted; S=Specific Use																		
USE CATEGORY	USE TYPE	AG	RESIDENTIAL					MIXED USE				COMMERCIAL/ OFFICE				IND'L		SPECIFIC USE PERMIT STANDARDS
		A1	RE	RS1 / R1 RS2 / R2 RS3 / R3/ RS4**	R D	R M	R M H	N M	C M	D M	D F	O N	C N	C G	C H	I L	I H	
Child Care Facility	Child care center	S	S	S	S	S	S			S	S	P	P	S				
	Day care center / nursery school	S	S	S	S	S	S			S	S	P	P	S				
	Home day care	P	P	P	P	P	P											

P-Permitted Uses

S-Specific Review Uses

(Blank)- Prohibited Use



Sec. 30-408. - Home day cares.

(1) The home day care facility shall comply with the state regulations for home day cares and be properly licensed. (2) The home day care facility shall be located in the dwelling used by the operator as his or her private residence. (3) One (1) registered nonresident adult assistant may be on call for emergencies when required by the Missouri Division of Family Services for licensing purposes.

(Ord. No. 4109, art. 2, 3-1-10)

Cape Girardeau Zoning Districts	Permitted	Special Use Permit	Not Permitted
AG - Agricultural District	X		
AG1 - Exclusive Agricultural District	X		
RE, rural estate single-family district.	X		
R-1, single-family suburban residential district.	X		
R-2, single-family urban residential district.	X		
R-3, high density single-family residential district.	X		
R-4, medium density multifamily residential district. (Commercial center)	X		
R-5, high density multifamily residential district. (Commercial day care)	X		
RUMD, residential urban mixed density district.	X		
RMH, residential manufactured home district.	X		
NC - Neighborhood Commercial District	X		
CBD - Central Business District	X		
C1 - General Commercial District	X		
C2 - Highway Commercial District	X		
PD - Planned Development District			X
A1 - Airport District			X
M1 - Light Manufacturing/Industrial District	X		
M2 - Heavy Manufacturing/Industrial District			X
NCON - Neighborhood Conservation Overlay District			X
H - Local Historic Overlay District			X
CX - Adult Entertainment Overlay District			X
IO - Increased Occupancy Overlay District			X
DCC - Downtown Commercial Corridor Overlay District			X



Zoning Regulations for At-Home Day cares

Day Care "Service" (for 1-6 children) Daycare service providing care for a maximum of six children or adult clients unrelated to provider is permitted as accessory to a residential use.

Day Care "Home" (for 7-10 children) Day care for seven to ten children or adult clients

*Day cares with more than 10 children are defined as a “Daycare Center” and are not permitted in residential homes.

Jefferson City Zoning Districts	Permitted	Specific Use Permit	Not Permitted
RU Rural	X		
RC Conservation			X
RS-1 Residential Low Density Detached	X		
RS-2 Residential Low Density Detached	X		
RS-3 Residential Medium Density Detached	X		
RS-4 Residential Medium Density Detached	X		
RD Residential Low Density Attached	X		
RA-1 Residential High Density	X		
RA-2 Residential High Density	X		
N-O Neighborhood Office	X		
MU-1 Mixed Use	X		
C-O Office Commercial			X
C-1 Neighborhood Commercial	X		
C-2 General Commercial			X
C-3 Central Commercial			X
M-1 Light Industrial			X
M-2 General Industrial			X
PUD Planned Unit Development			X



Sec. 23-97. - General structures and uses within residential districts.

Child care centers may be permitted as an accessory use to a permitted non-residential use within single-family residential zoning districts provided that such use shall:

Stillwater Zoning Districts	Permitted	Specific Use Permit	Not Permitted
(RSL) Large Lot Single-Family Residential		X	
(RSS) Small Lot Single-Family Residential		X	
(RT) Two-Family Residential		X	
(RTM) Two-Family and Multi-Family		X	
(RMI) Multi-Family Intermediate		X	
(RMU) Multi-Family Urban		X	
(HR) High Rise		X	
(MH) Mobile/Manufactured Home		X	
(O) Office	X		
(CS) Commercial Shopping		X	
(CB) Commercial Business			X
(CG) Commercial General		X	
(IL) Light Industrial		X	
(IG) General Industrial			X
(A) Agriculture			X



City of Moore

1."Day care center" means any place, home or institution which receives eight (8) or more children under the age of sixteen (16) years, who are not of common parentage, for care apart from their parents, legal guardians or custodians, when such care is received for regular periods of time for compensation;

2."Family day care home" means any place, home or institution which receives seven (7) or less children under the age of sixteen (16) years, who are not of common parentage, for care apart from their parents, legal guardians or custodians, when such care is received for regular periods of time for compensation.

Moore Zoning Districts	Permitted	Specific Use Permit	Not Permitted
A-1 Rural Agricultural District			X
A-2 Suburban Agricultural District			X
RE Residential Estates		X	
R-1 Single-Family Dwelling District		X	
R-2 Two-Family Dwelling District		X	
R-3 General Residential District		X	
R-4 Multiple Family District		X	
R-5 Mobile Home District		X	
C-1 Office District			X
C-2 Neighborhood Commercial District	X		
C-3 General Commercial District	X		
C-4 Planned Unit Shopping Center	X		
C-5 Automotive and Commercial Recreation District			X
C-5 Automotive and Commercial Recreation District	X		
C-6 Central Business District	X		
I-1 Restricted Industrial District			X
I-2 Light Industrial District			X
I-3 Heavy Industrial District			X



Large family child care homes may be permitted as an accessory use to a permitted residential use within Single-Family Residential Zoning Districts provided that such use shall:

- Have a capacity not exceeding 12 children who are not related to the owner or operator thereof

Shawnee Zoning Districts	Permitted	Specific Use Permit
RE, Residential Estates District.		x
R-1, Single-family Residential District.		x
R-2, Medium Density Residential District.		x
R-3, Multifamily Residential District.		x
C-1 Neighborhood Commercial District.	x	
C-2 Limited Office District.	x	
C-3 Highway Commercial District.		x
C-4 Central Business District.		x
C-5 General Commercial District.		x
CP Planned Shopping Center District.		x



Owasso Zoning Districts	Permitted	Specific Use Permit	Not Permitted
AG Agriculture District		x	
RE Residential Estate District		x	
RS-1 Residential Single-Family Low-Density District		x	
RS-2 Residential Single-Family Medium Density District		x	
RS-3 Residential Single-Family High-Density District		x	
RD Residential Duplex District		x	
RTH Residential Multi-Family Townhouse District		x	
RM Residential Multi-Family District		x	
RMH Residential Mobile Home Park District		x	
OL Office Light District		x	
OM Office Medium District		x	
CS Commercial Shopping Center District		x	
CG Commercial General District		x	
CH Commercial High Intensity District		x	
IL Industrial Light and Research/Development District			x
IM Industrial Moderate District			x
IH Industrial Heavy District			



CHILD CARE CENTER. Any place, home or institution which provides care for eight or more children for six or more hours of the 24-hour day.

(CHILD CARE) NURSERY SCHOOLS. Nursery schools, kindergartens, pre-schools or other facilities which keep children for educational purposes for any regular period of time.

Edmond Zoning Districts	Permitted	Specific Use Permit
CBD, Central Business District.	x	
General Agricultural.		x
D-O, Suburban Office.		x
D-1, Restricted Retail Commercial.		x
D-2-A, Light Retail General Commercial.	x	
D-3, Office Commercial.	x	
D-4, Limited Light Retail Commercial	x	
E-1, Retail General Commercial.	x	
E-2, Open Display Commercial.	x	



As used in this article, the following terms shall have the meanings respectively ascribed to them in this section:

- "Day care center" means a licensed or approved facility which provides care and supervision for eight (8) or more children and which operates for more than thirty (30) hours per week.
- "Family day care home" means a licensed or approved family home which provides care and protection for seven (7) or fewer children for part of the twenty-four-hour day, and is operated by no more than one (1) wholly self-employed person residing at and inhabiting the dwelling.
- Part-day child care program means a licensed facility which provides care and supervision for eight (8) or more children which operates for more than fifteen (15) but less than thirty (30) hours per week.

Lawton Zoning Districts	Permitted	Specific Use Permit
R-1 Single-Family Dwelling District	x	
R-2 Two-Family Dwelling District	x	
R-3 Multiple-Family Dwelling District		x
R-4 High-Density Apartment District		x
P-F Public Facilities District		x
C-1 Local Commercial District	x	
C-2 Planned Neighborhood Shopping Center District	x	

III. Oklahoma Department of Human Services Parameters

Below are the Caregiver to children ration enforced by the child care services department of Oklahoma's Department of Human Services:

OKDHS LARGE FAMILY CHILD CARE HOME

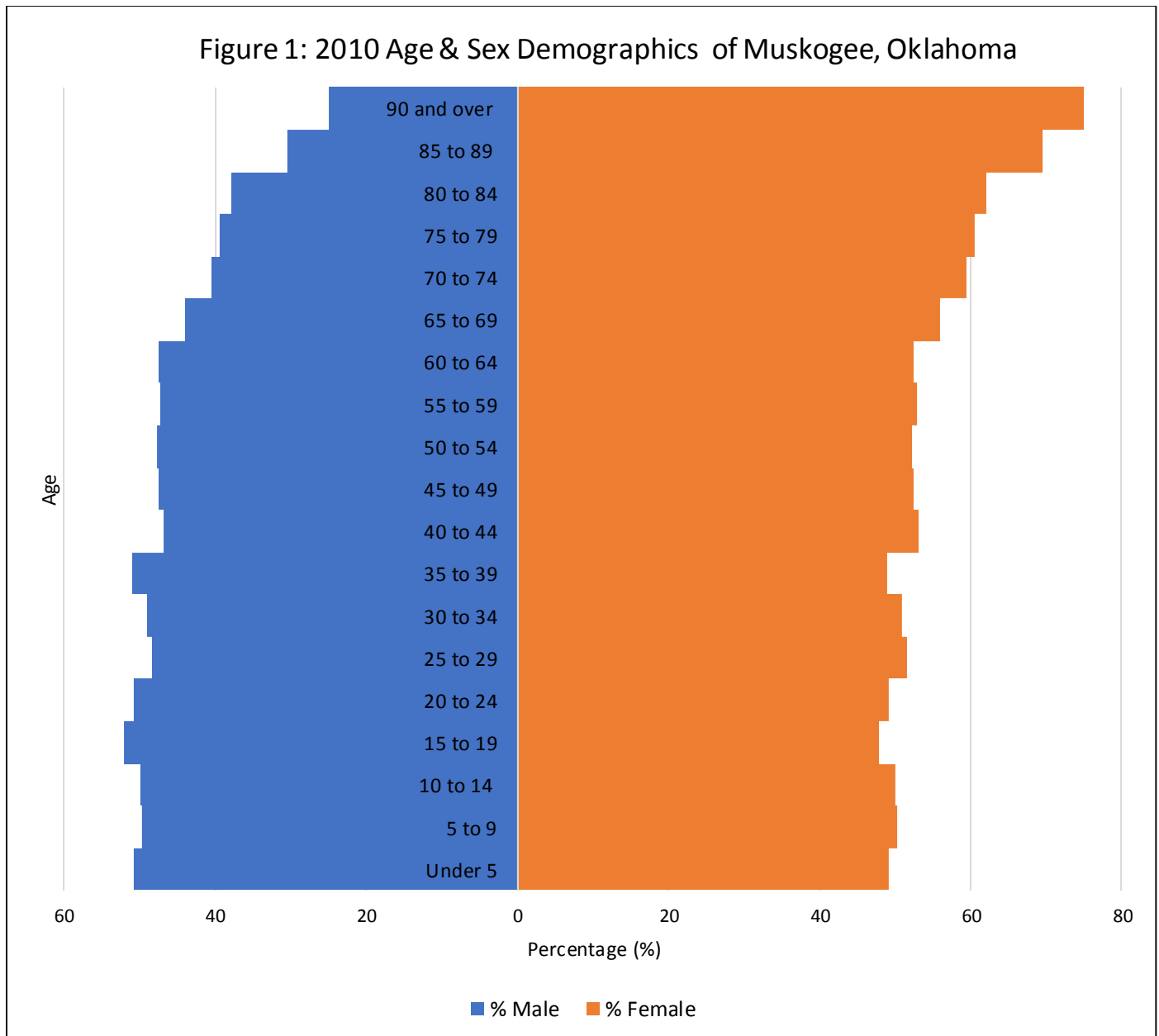
CAREGIVER TO CHILD RATIOS

NUMBER OF CAREGIVERS	Number of Children	Children Age(s)
1	1-5	Any Ages
1	6	No more than 3 under age 2 years
1	7	No more than 2 under age 2 years
1	8	All 3 years and older
1	9-10	All 4 years and older
1	11-12	All 5 years and older
2	1-8	Any Ages
2	9-12	No more than 6 under 2 years
3	1-12	No more than 8 under 2 years

ODHS has no minimum square footage requirements for the overall home size being used as a daycare facility however, there are stipulations as to indoor space square footage per child and outdoor play areas. The guidelines according to the State of Oklahoma include a minimum of 35 square feet per child exclusive of hallways, bathrooms, kitchen, and space not intended for children's use. Rooms used exclusively for napping are not counted toward the capacity. There is an outdoor play area on the premises of not less than 75 square feet per child. This area must be hazard free, away from traffic, water, and other dangers. Also, a fence beginning at ground level and is in good repair is required. Licensing may grant an exception when the safety of children can be ensured.

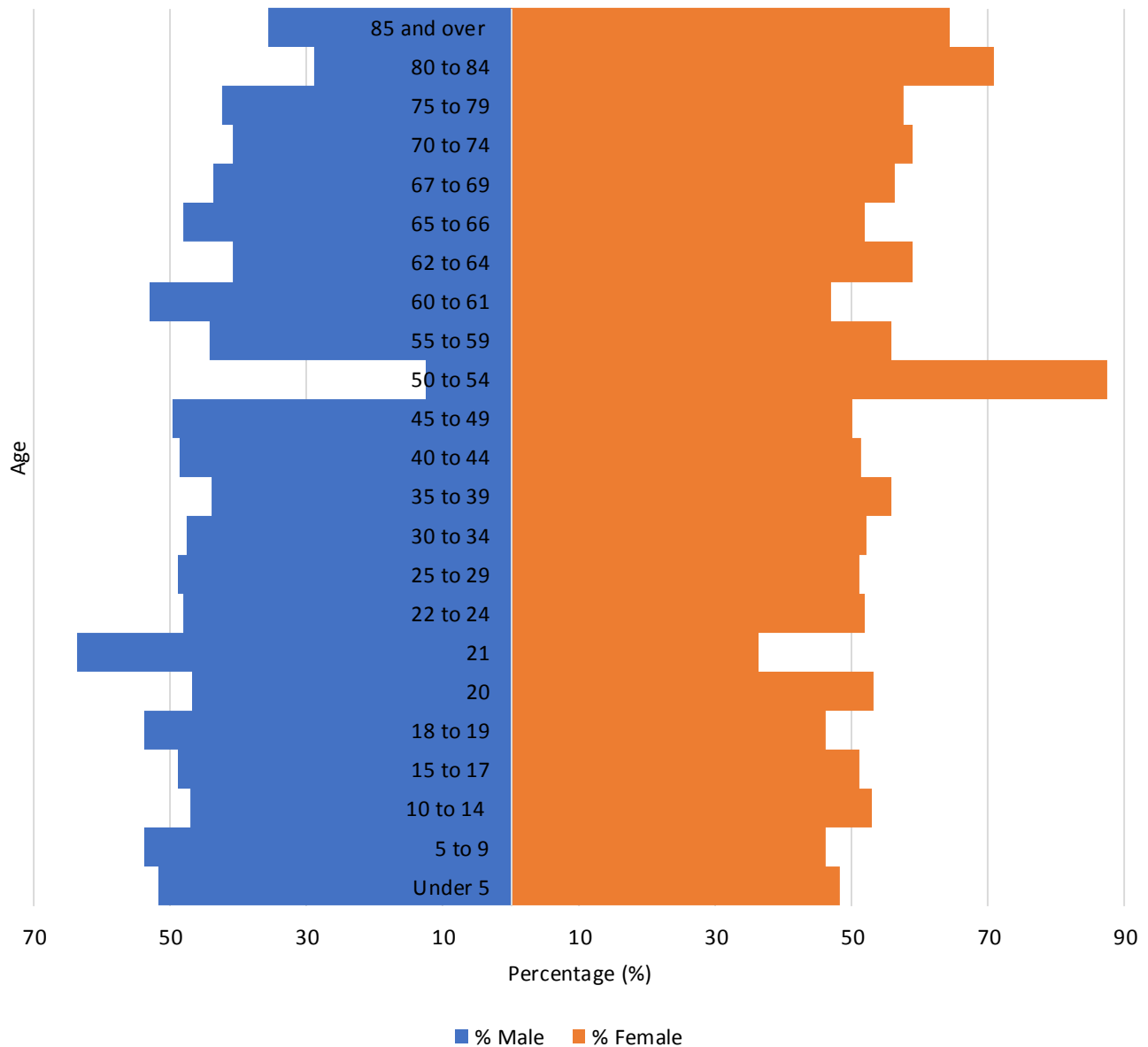
IV. Muskogee Demographic Data

To provide a clear snapshot of the Muskogee community, two population pyramids have been created to display the various ages groups of Muskogee residents for the years 2010 and 2016. One thing to note within the community representation shown by Figure 1, shows a significant imbalance of female residents and male residents over the age of 70.



(Source: U.S. Census Bureau, Census 2010)

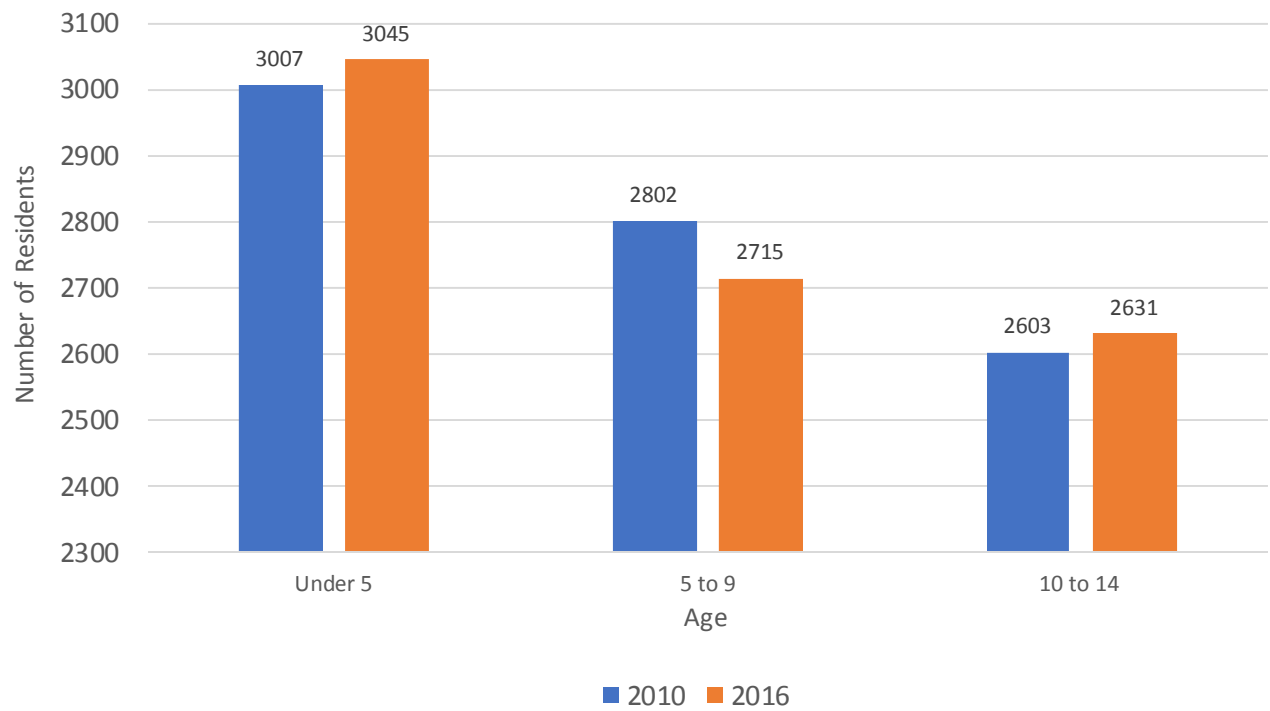
Figure 2: 2016 Age & Sex Demographics of Muskogee, Oklahoma



(Source: U.S. Census Bureau, Census 2016)

As for 2016 estimates, the community representation shown by Figure 2 shows a much more distinct disparity between the baby boomer generation, ages 50 to 64, instead of the elder most generation, as seen in Figure 1. Nearly 90 percent of the 50 to 54 year olds within the community are female signifying a substantial imbalance of female residents and male residents. Whereas the males greatly outnumber the females 6:4 within the 21-year-olds in the community.

Figure 3: Comparison of Daycare Aged Children of Muskogee, Oklahoma (2010; 2016)



(Source: U.S. Census Bureau, Census 2010; U.S. Census Bureau, Census 2016)

Public Works Committee

5.

Meeting Date: 05/07/2018
Initiator: Tammy Tracy, City Clerk
Department: City Clerk
Staff Information Source:

Information

AGENDA ITEM TITLE:

Consider the appointment of Mary Beth Hicks, to serve on the Muskogee County Transit Authority, replacing Lisa Benjamin, subject to a term to be established in the bylaws, or take other necessary action. (Councilor Wayne Johnson)

BACKGROUND:

This is to fill the vacated seat of Lisa Benjamin for the Transit Authority.

RECOMMENDED ACTION:

Approval of the appointment.

Fiscal Impact

Attachments

Mary Beth Hicks

APPLICATION FOR APPOINTMENT TO A BOARD OR COMMISSION



**CITY OF MUSKOGEE
CITY COUNCIL**

**APPLICATION FOR CITY COUNCIL APPOINTMENT TO A BOARD
OR COMMISSION**

Application Instructions:

- Complete the entire application form (copies of the form are acceptable).
- Applicants are strongly encouraged to attach a current resume or biography.
- Specifically list the names of the boards or commissions to which you are applying (multiple selections are allowed). Paperwork cannot be appropriately processed unless specific boards or commissions are listed.
- Return application along with your resume to:
Office of the City Clerk, 229 W. Okmulgee, Muskogee, OK 74403 or by fax 918-684-6395.
- This form can be obtained electronically at <http://www.cityofmuskogee.com>, or by calling the City Clerk's Office at: (918) 684-6270.

Board(s) or Commission(s) for which you would like to be considered:

Muskogee County Public Transit Authority

Your Full
Legal Name: Mary Beth Hicks

Your
Preferred Name: Mary

Business Name: Green Country Behavioral Health

Home Address: _____

Job Title/Employment Date: FSP 03/16/2010

City Zip: Muskogee, OK 74403

Business Address: 619 North Main Street

Ward: 1 2 3 4

Muskogee, OK 74401

Home Phone: _____

Business Phone: (918)682-8407

Cell Phone: _____

Fax: (918)682-1480

Home Email: _____

Business Email: mhicks@gcbhs.org

Are you registered to vote in City of Muskogee Elections?

Yes No

Are you a citizen of the United States?

Yes No

Personal Information:

The Mayor and Council desire a broad representation of backgrounds on boards and commissions.

Education (high school, name and location of college or university, year graduated, and degree):

Basalt High School, Basalt, Colorado (GED Colorado Mountain College January 1989, Glenwood Springs, Colorado)

Rhema Bible Training Center, Broken Arrow, Oklahoma 1992, Youth Ministry

Connors State College, Warner, Oklahoma, 2015, Associate of Art Psychology

Northeastern State University, Tahlequah, Oklahoma, projected graduation December 2018, Bachelor of Science Psychology

APPLICATION FOR APPOINTMENT TO A BOARD OR COMMISSION

Current employment (job description, employment date, supervisor):

Family Support Provider for Systems of Care, provide -support for families who have children with behavioral or emotional difficulties. Community Outreach-provide information to community about our agency and services provided
Physical Intervention Trainer-train new employees in Therapeutic Options PI training, recertify employees each year
March 16, 2010, Andrea Jones Assistant Project Director, Melissa Shofner, Project Director

Previous employment or experience:

Business owner (tire shop, cleaning business)

Retail

Assistant Manager Restaurant

Dog Groomer

Detox Counselor

Landscaping

Librarian

Professional Licenses Held (if applicable):

N/A

Professional References (name, title, contact phone number):

Treasure McKenzie, Director Muskogee Bridges Out of Poverty (918)683-4600

Dr. Angela Martindale PhD, RN, Clinical Assistant Professor, Tulsa University, (918)576-1006

Joy Sloan, CEO Green Country Behavioral Health, (918)869-6507

Memberships in professional or civic organizations (please include offices held and dates of terms):

Former Steering Committee Member, Muskogee Bridges Out of Poverty

Facilitator Muskogee Domestic Violence Prevention Network Membership 2012 Facilitator 2014 to present

Facilitator Muskogee Inter-Agency Council Membership 2011 Facilitator 2014 to present

Facilitator Muskogee Community Anti-Drug Network Membership 2014 Facilitator 2016 to present

Military Service Record (including awards, decorations, etc.):

N/A

Have you ever been elected or appointed to any public office, board or commission in the City of Muskogee? ☒ No ☐ Yes (If yes, please list with dates served)

Do you currently hold a public office? Public offices include elected or appointed officials of a municipality (it does not have to be Muskogee it could be any town or city), elected or appointed official of any county or the state or federal government, are a trustee of a public trust, are employed by any entity as a police officer, fire fighter, deputy sheriff, assistant district attorney or similar position or the member of a school board or appointed official of a school system or any other public or similar position.

No

Do you have any financial or other interests that might present a conflict of interest, or the appearance of such a conflict, if you were to be appointed to the position for which you have applied? ☒ No ☐ Yes (If yes, please explain)

APPLICATION FOR APPOINTMENT TO A BOARD OR COMMISSION

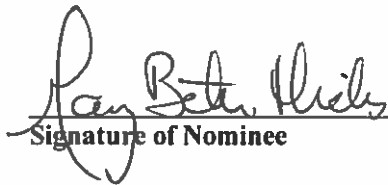
Please list any special interests or characteristics which might be important to serve on a Board or Commission:

Getting Ahead Graduate, Muskogee Bridges Out of Poverty

RELEASE OF INFORMATION

I authorize the use of any information contained in the **APPOINTMENTS APPLICATION** to verify my statements made in the Application. I authorize my past employers, all references, and any other persons to answer all questions asked concerning my ability, character, reputation and previous education or employment record. I release all such persons from any liability or damages on a ccount of having furnished such information. I consent to such investigations as Tammy Tracy, City Clerk or her authorized representatives may make regarding law enforcement records and my general background.

I certify under penalty of perjury under the laws of the State of Oklahoma, that the above information is true, complete and correct to the best of my knowledge.



Signature of Nominee

04/23/2018

Date

Submitted by the Mayor for approval by the City Council this _____ day of _____, 20____

Signature of Sponsor

Public Works Committee

6.

Meeting Date: 05/07/2018

Submitted For: Greg Riley, Public Works

Initiator: Christy Byrd, Office
Administrator I

Department: Public Works

Staff Information Source: Greg Riley, Director of Public Works

Information

AGENDA ITEM TITLE:

Receive report on the completion of the 43rd and 45th Streets, Project No. 20150045, and take other necessary action. (Greg Riley)

BACKGROUND:

The reconstruction project of 43rd and 45th Streets between Chandler Road and Hancock Street was accepted as complete on July 11, 2017. The final contract closeout was approved by Council on April 23, 2018. There will be a ribbon cutting ceremony on May 10, 2018 at 10 AM. City Council is invited.

RECOMMENDED ACTION:

Receive report from Greg Riley.

Fiscal Impact

Attachments

No file(s) attached.

Public Works Committee**7.****Meeting Date:** 05/07/2018**Submitted For:** Mike Miller, City Manager**Initiator:** Mike Miller, City Manager**Department:** City Manager**Staff Information Source:**

Information**AGENDA ITEM TITLE:**

Receive report on US Highway 69 safety data, as compiled by Muskogee Police Department, and take other necessary action (Rex Eskridge).

BACKGROUND:

Up until last fall, ODOT had a plan to expand US Highway 69 south of Okmulgee in much the same way it had been done north of Okmulgee, within the existing right-of-way. ODOT has spent hundreds of thousands of dollars designing this expansion and has come before the Muskogee City Council to show the plans and timelines, which included construction in 2020 and had a total estimated cost of \$30 million. Last fall, ODOT had an abrupt change of plans, saying budget cuts prevented them from moving forward with all the projects in their Eight Year Plan and that the US Highway 69 project would likely be cut.

Instead, ODOT has proposed a much more expensive plan, estimated to be \$100 million or more, which re-routes US Highway 69 around Muskogee, with limited or no access for local businesses. To justify the cost being far greater than the original plan, ODOT now states that safety is the primary reason for abandoning the previous plan for expanding the existing US Highway 69 within the existing right-of-way. However, based on an analysis of the data done in-house by OHP Certified Fatality Crash Reconstructionist, it is unclear what safety data ODOT is using to justify the \$100 million expenditure. ODOT data shows there are fewer collisions on this area of road than other highways within the city limits of Muskogee and that there are fewer fatalities on the road than the state average, and fewer than in other communities along US 69. Officer Tyler Evans will present the data to city council for their information.

RECOMMENDED ACTION:

Receive report

Fiscal Impact**Attachments**

No file(s) attached.

Public Works Committee

8.

Meeting Date: 05/07/2018

Submitted For: Roy Tucker, City Attorney

Initiator: Roy Tucker, City Attorney

Department: City Attorney

Staff Information Source:

Information

AGENDA ITEM TITLE:

Consider approval of Resolution No. 2722 supporting the enactment of Senate Bill 86 and opposing a State Highway 69 Bypass, or take other necessary action. (Mayor Bob Coburn and Councilor Marlon Coleman)

BACKGROUND:

Mayor Coburn requests the City Council adopt Resolution No. 2722 supporting enactment of Senate Bill 86.

RECOMMENDED ACTION:

Approve the Resolution.

Fiscal Impact

Attachments

Res No. 2722



RESOLUTION NO. 2722

A RESOLUTION OF THE CITY OF MUSKOGEE CITY COUNCIL SUPPORTING THE ENACTMENT OF OKLAHOMA SENATE BILL 86 AND OPPOSING HIGHWAY THE HIGHWAY 69 BYPASS.

WHEREAS, State Highway 69 surrounds and intersects through the Western portion of the City of Muskogee corporate limits; and,

WHEREAS, many business, both national and local, flank either side of Highway 69, providing goods and services to our citizens and travelers alike. These businesses additionally provide employment for our citizens, as well as, significant revenue to both our City and the State through the collection of sales tax; and,

WHEREAS, the Oklahoma Department of Transportation (ODOT) Eight-Year Construction Work Plan has recently been amended to include a Highway 69 Bypass, completely bypassing the our City. This proposed Bypass will divert traffic from businesses along the Highway 69 corridor, where almost \$100,000,000 of investment and 913 hotel rooms already exist to a location outside of our corporate limits; and,

WHEREAS, the proposed Highway 69 Bypass will require removal of homes, division of ranch and farm lands making them less accessible by owners, will cost an estimated \$90,000,000 to build, and will be detrimental to our local, and in turn the State economy, which is already challenged; and,

WHEREAS, the original ODOT Eight-Year Construction Work Plan which provided a rehabilitation of existing Highway 69 is much less expensive, is economically more sound for businesses, and is less detrimental to our City.

NOW THEREFORE BE IT RESOLVED THAT, the City Council of Muskogee, Oklahoma, hereby fully supports the passage of Oklahoma Senate Bill 86, and the

original ODOT Eight- Year Work Plan providing for rehabilitation, rather than relocation, of State Highway 69.

ADOPTED THIS _____ DAY OF MAY, 2018.

CITY OF MUSKOGEE

JOHN R. COBURN, MAYOR

ATTEST:

TAMMY L. TRACY, CITY CLERK

(SEAL)

Approved as to form and legality this 1ST day of May, 2018.

ROY D. TUCKER, CITY ATTORNEY