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).

POSTING DATE:

AGENDA
PLANNING AND ZONING COMMISSION
SEPTEMBER 20, 2021

Official action can only be taken on items which appear on the agenda. The public body may adopt, approve, ratify, deny, defer, recommend, amend, strike, or continue any agenda item.

When more information is needed to act on an item, the public body may refer the matter to Staff or back to Committee or the recommending body.

Under certain circumstances, items are deferred to a specific date or stricken from the agenda entirely.

REGULAR SESSION - 9:00 A.M. 3RD FLOOR COUNCIL CHAMBERS, MUNICIPAL BUILDING, 229 W. OKMULGEE, MUSKOGEE, OKLAHOMA

ROLL CALL

1. Consider approval of Planning Commission Minutes of August 2, 2021, or take other necessary action.

2. Consider approval of the Preliminary and Final Plat of Andrews Addition, consisting of one (1) lot on 1.60 acres, located at 567 E. Smith Ferry Road, or take any other necessary action. (Tish Callahan)

THE SOUTH 209 FEET OF THE NORTH 854 FEET OF THE EAST 209 FEET OF THE WEST 660 FEET OF THE NORTHWEST QUARTER (NW/4) OF THE NORTHEAST QUARTER (NE/4) OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE I.B.&M., MUSKOGEE COUNTY, STATE OF OKLAHOMA, AND THE EAST 40 FEET OF THE NORTH 645 FEET OF THE WEST 660 FEET OF THE NORTHWEST QUARTER (NW/4) OF THE NORTHEAST QUARTER (NE/4) OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE I.B.&M., MUSKOGEE COUNTY, STATE OF OKLAHOMA.

3. Consider approval of the Preliminary and Final Plat of Northeastern Oklahoma Community Health Centers Addition, consisting of one (1) lot on 1.07 acres, located at 922 North York Street, or take any other necessary action. (Tish Callahan)

THE SOUTH 50 FEET OF THE WEST 404 FEET MEASURED ON THE SOUTH OF LOT 3 AND NORTH 76 FEET OF THE SOUTH 126 FEET OF THE WEST 404 FEET MEASURED ON THE SOUTH OF LOT 3 SUBJECT TO YORK STREET RIGHT OF WAY OF SECTION 30, T15N, R193, OF THE I.B.&M., MUSKOGEE COUNTY, STATE OF OKLAHOMA. CONTAINING 1.07 ACRES, MORE OR LESS.

4. Hold a Public Hearing and take action on the approval of Ordinance 4129-A to rezone property addressed as 922 North York Street, being more particularly described in the ordinance from R-1, Single Family Local Commercial to C-1, Local Commercial, and if approved authorize staff to revise the Official Zoning Map of the City to reflect said change, or take other necessary action. (Tish Callahan)

THE SOUTH 50 FEET OF THE WEST 404 FEET MEASURED ON THE SOUTH OF LOT 3 AND NORTH 76 FEET OF THE SOUTH 126 FEET OF THE WEST 404 FEET MEASURED ON THE SOUTH OF LOT 3 SUBJECT TO YORK STREET RIGHT OF WAY OF SECTION 30, T15N, R193, OF THE I.B.&M., MUSKOGEE COUNTY, STATE OF OKLAHOMA. CONTAINING 1.07 ACRES, MORE OR LESS.

5. Hold a Public Hearing and consider approval of Ordinance 4130-A to rezone property addressed as 3329 South Cherokee Drive, being more particularly described in the ordinance from R-1, Single Family Local Commercial to I-1, Light Industrial, and if approved authorize staff to revise the Official Zoning Map of the City to reflect said change, or take other necessary action. (Tish Callahan)

A TRACT OF LAND SITUATED IN THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF MUSKOGEE, STATE OF OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE S01?47'47"E ALONG THE EAST LINE

THEREOF A DISTANCE OF 791.76 FEET; THENCE S88?41'42"W A DISTANCE OF 41.25 FEET TO THE CHEROKEE STREET RIGHT-OF-WAY AND THE POINT OF BEGINNING; THENCE S01?47'47"E PARALLEL TO SAID EAST LINE A DISTANCE OF 1248.62 FEET; THENCE S10?02'59"W A DISTANCE OF 38.85 FEET; THENCE S39?22'21"W A DISTANCE OF 325.22 FEET TO A POINT ON THE EASTERLY U.S. HIGHWAY NO. 64 RIGHT-OF-WAY; THENCE N25?11'06"W ALONG SAID RIGHT-OF-WAY A DISTANCE OF 1331.51 FEET TO THE INTERSECTION OF U.S. HIGHWAY AND THE RAILROAD ROW; THENCE N06?37'41"E ALONG SAID RAILROAD RIGHT-OF-WAY A DISTANCE OF 85.94 FEET TO A POINT ON A CURVE; THENCE ALONG SAID CURVE TO THE RIGHT HAVING A RADIUS OF 2814.19, AN ARC LENGTH OF 234.74 FEET AND A CHORD WHICH BEARS N09?17'50"E A DISTANCE OF 234.67 FEET; THENCE N88?41'2"E A DISTANCE OF 692.90 FEET TO THE POINT OF BEGINNING.

6. Consider approval of the request from Captive Aire to consolidate a portion of Tract 4 with Lot 2, Block 1 of Eastpointe Business Park 3 into Tract A, Eastpointe Business Park 3, or take other necessary action. (Tish Callahan)

A CERTAIN TRACT OF LAND LOCATED IN LOT 2 AND TRACT 4 LOT SPLIT & CONSOLIDATION OF BLOCK 1 OF EASTPOINTE BUSINESS PARK NO. 3, BEING PART OF WEST ½ OF THE NORTHEAST ¼ AND THE EAST ½ OF THE NORTHWEST ¼ OF SECTION 32 – TOWNSHIP 15 NORTH – RANGE 19 EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF MUSKOGEE, MUSKOGEE COUNTY, STATE OF OKALHOMA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;
ALL OF LOT 2 OF THE ORIGINAL PLAT OF SAID EASTPOINTE BUSINESS PARK NO. 3 AND ALL OF TRACT 4 AS SHOWN ON LOT SPLIT AND CONSOLIDATION PLAT BY HEARTLAND SURVEYING & PAMMPIN, PLLC W.O. # 5880 FOR KATHY MICHAELS REVISED DATE OF APRIL 5, 2017 AND CONTAINING 19.42 ACRES MORE OR LESS, BEING SUBJECT TO ANY EASEMENTS AND RIGHT-OF WAYS OF RECORD AND AS SHOWN ON MORRISON-SHIPLEY PROJECT NO. SS1-13.
THE PURPOSE OF THIS SURVEY IS TO CONSOLIDATE AND COMBINE TWO TRACTS OF LAND NOW OWNED BY CAPTIVE AIRE, LLC. AND LUDDY MUSKOGEE, LLC INTO ONE TRACT OF LAND.

ADJOURN

Planning Commission **1.**

Meeting Date: 09/20/2021

Initiator: Susan Ross, Office Admin I

Information

AGENDA ITEM TITLE:

Consider approval of Planning Commission Minutes of August 2, 2021, or take other necessary action.

LEGAL DESCRIPTION:

BACKGROUND:

Consider approval of Planning Commission Minutes of August 2, 2021, or take other necessary action.

RECOMMENDED STAFF ACTION:

Consider approval of Planning Commission Minutes of August 2, 2021, or take other necessary action.

Fiscal Impact

Attachments

Minutes

MINUTES

OF THE PLANNING AND ZONING COMMISSION
OF THE CITY OF MUSKOGEE, OKLAHOMA
MET IN COUNCIL CHAMBERS OF CITY HALL
AUGUST 2, 2021

The Planning and Zoning Commission of the City of Muskogee, Oklahoma, met in Regular Session at 9:00 a.m., on August 2, 2021, in the Council Chambers, Municpal Building, 229 W. Okmulgee Ave., Muskogee, Oklahoma.

The meeting was called to order by Chairperson Stacy Alexander and the Office Administrator called the roll as follows:

Present:	Chair Stacy Alexander; Vice Chair Darrell Russell; Commissioner Patrick Reeder; Commissioner Paige Frix; Commissioner Michelle Shirley
Absent:	Commissioner Evelyn Hibbs; Commissioner Leroy Walker Sr.
Staff Present:	Tish Callahan, City Planner; Susan Ross, Office Administrator

1 Chairperson Stacy Alexander presented the item to consider approval of the July 19, 2021 Planning Commission Minutes, or take other necessary action.

Motion was made by Darrel Russell to approve the July 19, 2021 Planning Commission minutes.

Motion was made by Vice Chair Darrell Russell, seconded by Commissioner Patrick Reeder

AYE: Chair Stacy Alexander, Vice Chair Darrell Russell, Commissioner Patrick Reeder, Commissioner Paige Frix, Commissioner Michelle Shirley

Carried - Unanimously

2 City Planner Tish Callahan presented the staff report on the item to Hold a Public Hearing to consider approval of Ordinance 4124-A to rezone 941 North Main, City of Muskogee, from C-1, Local Commercial to C-2, General Commercial, and if approved authorize staff to revise the Official Zoning Map of the City to reflect said change, or take other necessary action. City Planner Tish Callahan stated that the owner, First Main Street. LLC (Patrick Cale, applicant) is requesting to rezone the property located at 941 North Main from the C-1, Local Commercial District to the C-2, General Commercial District to allow for more options for the lease or future sale of the building. The building is located along North Main Street/Highway 64 within a high commercial corridor, where the majority of the adjacent zoning classifications and/or uses are general commercial, regional commercial or industrial.

Existing zoning and land use:

Site: C-1, C-1, Local Commercial District (former Las Americas grocery store)
North: C-1, Local Commercial District (Car Wash – C-2, General Commercial use)
South: Undeveloped Joplin Street, vacant land
East: North Main/Hwy 64 and C-3, Regional Commercial District (Four lane highway with center median and offices)
West: North 3rd Street and R-1, Single Family Residential

The Comprehensive Plan/Land Use Map, adopted by the City of Muskogee, indicates local commercial within this area. Therefore, the request to rezone to the C-2 General Commercial District complies with the Comprehensive Plan and Land Use Map. Notices have been sent to the property owners within a 300 foot radius, as required, and a notice was published in the paper twenty (20) days prior to the Public Hearing. A Public Hearing will be held on the following days:

August 2, 2021 at 9:00 a.m.: City of Muskogee Planning & Zoning Commission
August 2, 2021 at 5:30 p.m.: Public Work Committee
August 9, 2021 at 5:30 p.m. Muskogee City Council Meeting

City Planner Tish Callahan stated that the owner of the property is present for the meeting to answer any questions.

Commissioner Paige Frix asked for clarification on the difference of the C-1 Local Commercial zoning and the C-2 General Commercial zoning. City Planner Tish Callahan stated that the C-1 Local Commercial Zoning is used more for a general office space and C-2 General Commercial Zoning is more for an establishment that stays open later or possibly has a drive thru.

Commissioner Darrell Russell asked if the rezoning request was to just open up more options for the property. City Planner Tish Callahan stated that yes that is the purpose of the request to rezone to C-2 General Commercial. Mrs. Callahan gave some examples of businesses that require C-2 General Commercial zoning such as farm and animal supply stores with outdoor display.

Chairperson Stacy Alexander opened the Public Hearing.

Teresa Reutlinger, 2500 Shelby Court, Muskogee, asked why the rezoning request is being submitted before the tenants are in the building. City Planner Tish Callahan

stated that sometimes the sale of buildings are contingent on the zoning being approved.

Chairperson Stacy Alexander closed the Public Hearing.

Commissioner Darrell Russell made a motion to approve the rezoning request from C-1 Local Commercial to C-2 General Commercial zoning for the property located at 941 North Main Street.

Motion was made by Vice Chair Darrell Russell, seconded by Commissioner Patrick Reeder

AYE: Chair Stacy Alexander, Vice Chair Darrell Russell, Commissioner Patrick Reeder, Commissioner Paige Frix, Commissioner Michelle Shirley

Carried - Unanimously

3 City Planner Tish Callahan presented the staff report on the item to hold a Public Hearing to consider approval of Ordinance 4125-A to rezone Lot 8 and Lot 24, Block 2 in Reeves Addition, located at 415 West Shawnee, City of Muskogee, from R-1, Single Family Residential to C-1, Local Commercial, and if approved authorize staff to revise the Official Zoning Map of the City to reflect said change, or take other necessary action. City Planner Tish Callahan stated that the owner, I Don't Care Bar & Grill is requesting to rezone two lots within the total restaurant property to clear up the title and have all the property zoned correctly for its use. The original development, Applebee's Restaurant, had the property owned at the time zoned for the restaurant. The lots currently zoned residential were acquired after the original development and a parking lot expansion has been done. The C-1, Local Commercial zoning classification will bring all the property currently owned by I Don't Care Bar & Grill under compliance.

Existing zoning and land use:

Site: C-1, Local Commercial District and two lots R-1, Single Family Residential (I Don't Care Bar & Grill)

North: West Shawnee Street
South: R-1, Single Family Residential - vacant land
East: Pickens Avenue with C-3, Regional Commercial District, R-1, Single Family Residential and C-1, Local Commercial zones
West: Chicago Avenue and C-1, Local Commercial (Golden Corral)

The Comprehensive Plan/Land Use Map, adopted by the City of Muskogee, indicates commercial within this area. Therefore, the request to rezone to the C-1 Local Commercial District complies with the Comprehensive Plan and Land Use Map.

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

August 2, 2021 at 9:00 a.m.: City of Muskogee Planning & Zoning Commission
August 2, 2021 at 5:30 p.m.: Public Work Committee

City Planner Tish Callahan stated that the owner of the property is present for the meeting to answer any questions.

Chairperson Stacy Alexander opened the Public Hearing, no one asked to speak and the Public Hearing was closed.

Commissioner Patrick Reeder made a motion to approve the rezoning request from R-1 Single Family Residential to C-1 Local Commercial for the property located at 415 W. Shawnee.

Motion was made by Commissioner Patrick Reeder, seconded by Commissioner Michelle Shirley

AYE: Chair Stacy Alexander, Vice Chair Darrell Russell, Commissioner Patrick Reeder, Commissioner Paige Frix, Commissioner Michelle Shirley

Carried - Unanimously

There being no further business, the meeting was adjourned at 9:12 a.m.

Planning Commission **2.**

Meeting Date: 09/20/2021

Initiator: Tish Callahan, Planning Director

Information

AGENDA ITEM TITLE:

Consider approval of the Preliminary and Final Plat of Andrews Addition, consisting of one (1) lot on 1.60 acres, located at 567 E. Smith Ferry Road, or take any other necessary action. (Tish Callahan)

LEGAL DESCRIPTION:

THE SOUTH 209 FEET OF THE NORTH 854 FEET OF THE EAST 209 FEET OF THE WEST 660 FEET OF THE NORTHWEST QUARTER (NW/4) OF THE NORTHEAST QUARTER (NE/4) OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE I.B.&M., MUSKOGEE COUNTY, STATE OF OKLAHOMA, AND THE EAST 40 FEET OF THE NORTH 645 FEET OF THE WEST 660 FEET OF THE NORTHWEST QUARTER (NW/4) OF THE NORTHEAST QUARTER (NE/4) OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE I.B.&M., MUSKOGEE COUNTY, STATE OF OKLAHOMA.

BACKGROUND:

The applicant and owner, Logan Andrews has submitted the Preliminary and Final Plat of Andrews Addition consisting of one (1) lot on 1.60 acres, located at 567 E. Smith Ferry Road. The request for the plat is to allow for a new residential construction on the property.
Subdivision Review Committee reviewed and recommended approval of the Preliminary and Final Plat. The property meets the area and zoning regulations.

RECOMMENDED STAFF ACTION:

Approve the Preliminary and Final Plat of Andrews Addition consisting of one (1) lot on 1.60 acres, located at 567 E. Smith Ferry Road.

Fiscal Impact

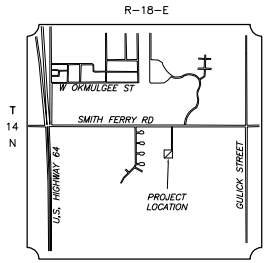
Attachments

Andrews Addn Final Plat
Andrews Addn Aerial Map

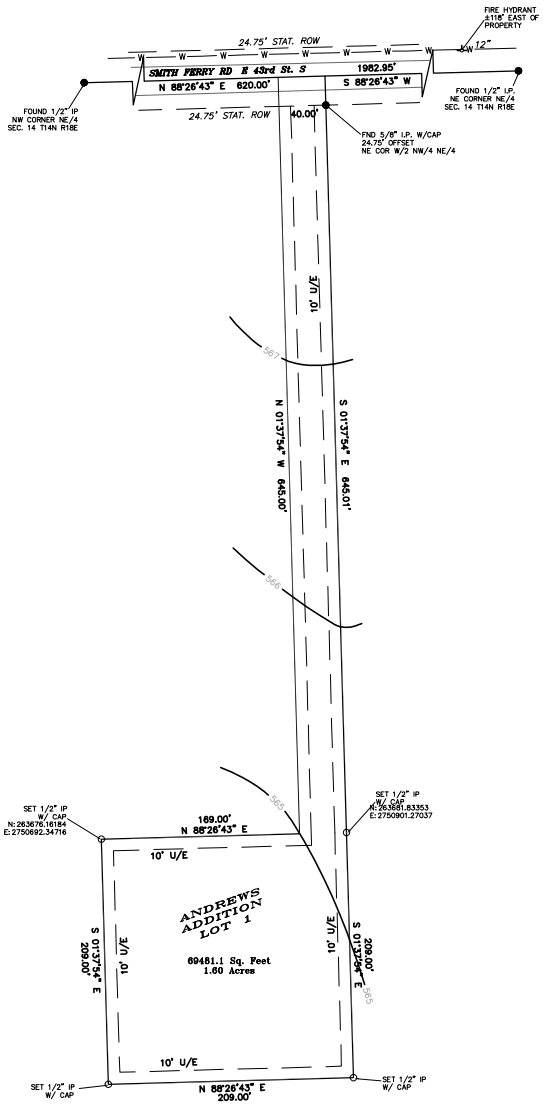
FINAL PLAT

ANDREWS ADDITION

A PART OF THE NW/4 OF THE NE/4 OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE I.B.&M.,, MUSKOGEE COUNTY, STATE OF OKLAHOMA



LOCATION MAP
NOT TO SCALE



SYMBOL LEGEND

A.C. PAD	GROUND LIGHT	RCP HEADWALL	LIST OF ABBREVIATIONS
AIR VALVE	GROUND ROD	ROAD SIGN	
AUTO-SPRINKLER	GUARD POST	SANITARY SEWER MH	FND. – FOUND
BENCHMARK	GUY ANCHOR	STORM SEWER MH	I.P. – IRON PIN
BORE HOLE	HANDICAPPED PARKING	UNDERGROUND TANK ACCESS	B/L – BUILDING LINE
BUSH	IRON GRATE	TELE. MH	SETBACK
CLEAN OUT	LIGHT POLE	TELE. PED.	BLDG. – BUILDING
ELEC. METER	MAIL BOX	TRAFFIC SIGNAL LIGHT	BLVD. – BOULEVARD
ELEC. PED.	METER RACK	TRAFFIC CONTROL BOX	BRNG. – BEARING
ELEC. TRANS.	MONITOR WELL	TREE	C/L – CENTER LINE
FIRE HYDRANT	MON. FOUND AS DESCRIBED	T.V. PED.	CONC. – CONCRETE
FIRE RISER	MON. SET AS DESCRIBED	UNDR. TELE. MARKER	DIA. – DIAMETER
FLAG POLE	PIPELINE MARKER	UTILITY CABINET	DIST. – DISTANCE
GAS METER	POWER MH	UTILITY POLE	ESM'T. – EASEMENT
GAS VALVE	POWER POLE	WATER METER	F.F. – FINISHED FLOOR
GATE	PROPANE TANK	WATER MH	FCE. – FENCE
GENERATOR	PULL BOX	WATER VALVE	FL – FLOW LINE
BARBED WIRE FENCE	CHAINLINK FENCE	ADJ./PLAT LINE	GEN – GENERATOR
ROAD CENTERLINE	OVERHEAD ELECTRIC LINE	EASEMENT LINE	G/R – GAS REGULATOR
STOCKADE FENCE	SUBJECT BOUNDARY LINE	SECTION LINE	HC – HANDICAPPED
UNDERGROUND COMMUNICATIONS	UNDERGROUND ELECTRIC	TRAIN TRACKS	M – MEASURED
UNDERGROUND SANITARY SEWER	UNDERGROUND STORM SEWER	UNDER. GAS	DIMENSION
		OIL PIPE LINE	P.O.B. – POINT OF BEGINNING
		UNDER. WATER	P.O.C. – POINT OF COMMENCEMENT
			P.O.M. – POINT OF MEASUREMENT
			P.O.T. – POINT OF TERMINATION
			PED. – PEDESTAL
			PLTR. – PLANTER
			R.D. – RECORD DIMENSION
			R.O.W. – RIGHT-OF-WAY
			RD – ROOF DRAIN
			RET. – RETAINING
			SAN. – SANITARY
			STAT. – STATUTORY
			TR – TOP OF RIM
			TRANS – TRANSFORMER
			TYP. – TYPICAL
			U/C – UTILITY CABINET
			U/G – UNDERGROUND
			W/UGS – WITH UNDERGROUND SERVICE

GRAPHIC SCALE

50 0 25 50 100 200

(IN FEET)
1 inch = 50 ft.

ALL LOT CORNERS MONUMENTED WITH 1/2" IRON PINS WITH CAPS

BEARINGS ARE BASED ON THE CITY OF MUSKOGEE HORIZONTAL CONTROL NETWORK H-28 NAD 83 (93) OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE

PROPERTY DOES NOT HAVE FIRE PROTECTION

SITE MAINTAINS PRIVATE SEWER SYSTEM

ZONING: R-A

State of Oklahoma)
)SS
County of Muskogee)

KNOW ALL MEN BY THESE PRESENT, that I, Nick Romine, as joint tenants and not as tenants in common, certify that I am the Owner of and the Person(a) having any right, title or interest to the following described tract of land, to-wit:

THE SOUTH 209 FEET OF THE NORTH 854 FEET OF THE EAST 209 FEET OF THE WEST 660 FEET OF THE NORTHWEST QUARTER (NW/4) OF THE NORTHEAST QUARTER (NE/4) OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE I.B.&M., MUSKOGEE COUNTY, STATE OF OKLAHOMA.
AND
THE EAST 40 FEET OF THE NORTH 645 FEET OF THE WEST 660 FEET OF THE NORTHWEST QUARTER (NW/4) OF THE NORTHEAST QUARTER (NE/4) OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE I.B.&M., MUSKOGEE COUNTY, STATE OF OKLAHOMA.

_____
Nick Romine

Before me, the undersigned, a notary public in and for the County of Muskogee, State of Oklahoma, personally appeared Nick Romine to me known to be the identical person(s) who executed the foregoing instrument and acknowledged to me that He executed the same as His free and voluntary act and deed for the purpose therein set forth.

WITNESS my hand and seal this _____day of _____, 2021.

_____ *My commission expires: _____*
Notary Public

CERTIFICATION OF SURVEY

KNOW ALL MEN BY THESE PRESENT, that I Lynn Coffman, a resident of Muskogee County, State of Oklahoma, do hereby certify that I have carefully and accurately surveyed and platted into a lot the above described property and that this plat is a true and correct representation thereof, I further certify that this plat meets the minimum standards for the practice of land surveying in the State of Oklahoma.

WITNESS my hand and seal this _____day of _____, 2021

_____
Lynn Coffman, Oklahoma PLS 1121

REGISTERED LAND SURVEYOR LYNN COFFMAN L.S. 1121 OKLAHOMA

WITNESS my hand and seal this _____day of _____, 2021.

_____
Notary Public

My Commission expires: _____

TREASURER'S CERTIFICATE

I hereby certify that as to all real estate involved in the Plat of Andrews Addition, all taxes have been paid for the 2020 and reflected by the current tax roll and that there are no taxes due for previous years, and security has be provided for 2021 taxes not as yet certified to me.

_____
COUNTY TREASURER

CERTIFICATE OF COUNTY CLERK

This Plat of Andrews Addition, has been filed in the office of the County Clerk, Muskogee County, State of Oklahoma, this _____day of _____, 2021 in Book _____, Page_____.

*County Clerk*_____*Date:*_____

APPROVED: City of Muskogee

Date: _____

Mayor of Muskogee: _____

City Clerk of Muskogee: _____

I, _____, owner, developer, successor, or assignee, hereby agree that no transfer of deeds or building permits will be transacted until all streets and utility improvements have been completed and accepted by the city or appropriate financial guarantees as required by section 70-80(d) have been submitted and accepted.

COFFMAN SURVEYING
218 EASTSIDE BLVD.
MUSKOGEE, OK 74403
(918)-682-6144
L.S.1121 (EXP. 6-30-2022)

OFF-SITE MONUMENTS

H-28
CITY OF MUSKOGEE MON.
N 264,212.493
E 2,747,613.783

V-23
CITY OF MUSKOGEE MON.
N 264,145.615
E 2,758,057.613


E SMITH FERRY RD
E SMITH FERRY RD
E SMITH FERRY RD
COBBLESTONE DR
E SMITH FERRY RD
E SMITH FERRY RD
BRADFORD CT
CRABAPPLE CT
ORCHARD PKWY
DAMSON CT
ELBERTA CT
ORCHARD PKWY

Planning Commission **3.**

Meeting Date: 09/20/2021

Initiator: Tish Callahan, Planning Director

Information

AGENDA ITEM TITLE:

Consider approval of the Preliminary and Final Plat of Northeastern Oklahoma Community Health Centers Addition, consisting of one (1) lot on 1.07 acres, located at 922 North York Street, or take any other necessary action. (Tish Callahan)

LEGAL DESCRIPTION:

THE SOUTH 50 FEET OF THE WEST 404 FEET MEASURED ON THE SOUTH OF LOT 3 AND NORTH 76 FEET OF THE SOUTH 126 FEET OF THE WEST 404 FEET MEASURED ON THE SOUTH OF LOT 3 SUBJECT TO YORK STREET RIGHT OF WAY OF SECTION 30, T15N, R193, OF THE I.B.&M., MUSKOGEE COUNTY, STATE OF OKLAHOMA. CONTAINING 1.07 ACRES, MORE OR LESS.

BACKGROUND:

The applicant and owner, Northeastern Oklahoma Community Health Centers has submitted the Preliminary and Final Plat of Northeastern Oklahoma Community Health Centers Addition consisting of one (1) lot on 1.07 acres, located at 922 North York Street. The request for the plat is to allow for a new commercial construction for a health center on the property.
Subdivision Review Committee reviewed and recommended approval of the Preliminary and Final Plat. The property meets the area regulations. Upon approval of the rezoning application, the property will meet the zoning regulations for a medical office.

RECOMMENDED STAFF ACTION:

Approve the Preliminary and Final Plat of Northeastern Oklahoma Community Health Centers Addition consisting of one (1) lot on 1.07 acres, located at 922 North York Street.

Fiscal Impact

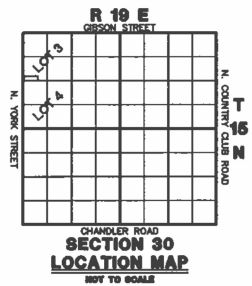
Attachments

NEO Health Centers Addn - Final Plat

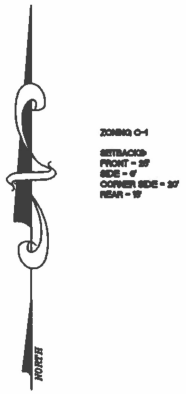
NEO Health Centers Addn - Aerial Map

DRAWN BY:	AM	DATE:	6/16/2021
CHECKED BY:	TP	FILE NAME:	SC30000

FINAL PLAT
OF
NORTHEASTERN OKLAHOMA COMMUNITY HEALTH CENTERS ADDITION
IN SECTION 30, T15N, R19E OF I.B.&M.,
CITY OF MUSKOGEE, MUSKOGEE COUNTY, STATE OF OKLAHOMA

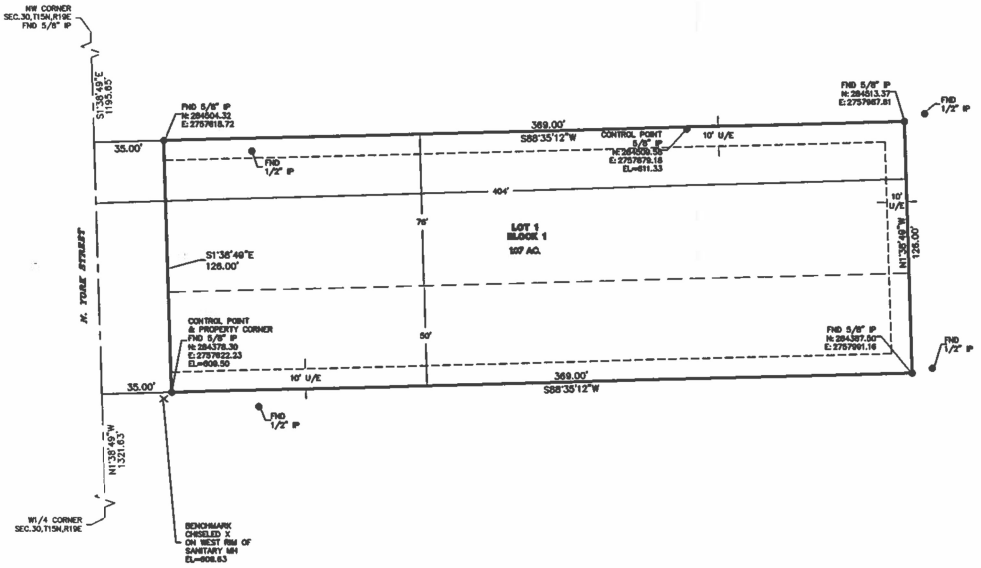


SECTION 30
LOCATION MAP
NOT TO SCALE



ZONING C-1

SETBACKS
FRONT = 25'
SIDE = 0'
CORNER SIDE = 25'
REAR = 10'



OFFSITE CONTROL
REF. YORK 88
N287,280.60
E2,757,840.805

PREPARED FOR:
NORTHEASTERN OKLAHOMA COMMUNITY HEALTH CENTERS, INC.

PREPARED BY:
Heartland Surveying & Mapping, PLLC
CA #4849
600 Emporia St., Ste."C"
Muskogee, Oklahoma 74401
(918) 682-7788

HORIZONTAL DATUM IS BASED ON NAD 83(93) OKLAHOMA STATE PLANE COORDINATE SYSTEM, OKLAHOMA NORTH ZONE.

30 0 30 60
SCALE IN FEET

STATE OF OKLAHOMA)
COUNTY OF MUSKOGEE)

KNOW ALL MEN BY THESE PRESENTS, that we, NORTHEASTERN OKLAHOMA COMMUNITY HEALTH CENTERS, INC., hereby certify that we are the Owner of the and the person or persons having any right, title or interests to the following described tract of land, to-Wit:

THE SOUTH 50 FEET OF THE WEST 404 FEET MEASURED ON THE SOUTH OF LOT 3 AND THE NORTH 76 FEET OF THE SOUTH 126 FEET OF THE WEST 404 FEET MEASURED ON THE SOUTH OF LOT 3 SUBJECT TO YORK STREET RIGHT OF WAY OF SECTION 30, T15N, R19E OF THE I.B.&M., MUSKOGEE COUNTY, STATE OF OKLAHOMA. CONTAINING 1.07 ACRES, MORE OR LESS.

We further certify that we have caused said tract of land to be platted into lot and block and I have caused this plat to be made of said tract showing accurate dimension of lots and streets. I hereby designate said tract of land as NORTHEASTERN OKLAHOMA COMMUNITY HEALTH CENTERS ADDITION and dedicate to public use all utility easements as shown hereon.

SCOTT ROSETHAL, CEO

ATTEST

STATE OF OKLAHOMA
COUNTY OF MUSKOGEE

Before me, the undersigned, a notary public in and for the State of Oklahoma, personally appeared SCOTT ROSETHAL, CEO, to me known to be the identical persons who signed the name of NORTHEASTERN OKLAHOMA COMMUNITY HEALTH CENTERS, INC., to the foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the purpose set forth.

WITNESS my hand and seal this _____ day of _____, 2021.

Notary Public

My Commission expires: _____

CERTIFICATE OF SURVEY
KNOW ALL MEN BY THESE PRESENTS, that I, Tony Robison, a resident of the State of Oklahoma, do hereby certify that I have carefully and accurately surveyed and platted into lot and block the above described property and that this plat is a true and correct representation thereof, I further certify that this plat meets the minimum standards for the practice of land surveying.

WITNESS my hand and seal this _____day of _____ 2021.

PRELIMINARY

Tony Robison, Land Surveyor 1686

STATE OF OKLAHOMA
COUNTY OF MUSKOGEE

Before me, the undersigned, a notary public in and for the State of Oklahoma, personally appeared Tony Robison to me known to be the identical person who executed the foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed for the purpose therein set forth.

WITNESS my hand and seal this _____ day of _____, 2021.

Notary Public

My Commission expires: _____

TREASURER'S CERTIFICATE
I hereby certify that as to all real estate involved in the plat, all taxes have been paid for 2020 as reflected by the current tax roll and that there are no taxes due for prior years, and security has been provided for 2021 taxes not as yet certified to me.

County Treasurer

CERTIFICATE OF COUNTY CLERK
This plat has been filed in the office of the County Clerk, Muskogee County, Oklahoma, this _____ day of _____, 2021. Book _____, Page _____

County Clerk

APPROVED: City of Muskogee

Date _____

Mayor

City Clerk

FLOOD CERTIFICATION
According to the U.S. Department of Housing & Urban Development Insurance Rate Map, Panel Number 40101C0115F, Effective Date February 4, 2011. The subject property is located in Zone "X", Areas determined to be outside the 0.2% annual chance floodplain.

This plat is approved by the City of Muskogee to have Public Sanitary Sewer and Public Water Systems.


JEFFERSON ST
N YORK ST
N EDMOND ST
IRVING ST
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Planning Commission **4.**

Meeting Date: 09/20/2021

Initiator: Tish Callahan, Planning Director

Information

AGENDA ITEM TITLE:

Hold a Public Hearing and take action on the approval of Ordinance 4129-A to rezone property addressed as 922 North York Street, being more particularly described in the ordinance from R-1, Single Family Local Commercial to C-1, Local Commercial, and if approved authorize staff to revise the Official Zoning Map of the City to reflect said change, or take other necessary action. (Tish Callahan)

LEGAL DESCRIPTION:

THE SOUTH 50 FEET OF THE WEST 404 FEET MEASURED ON THE SOUTH OF LOT 3 AND NORTH 76 FEET OF THE SOUTH 126 FEET OF THE WEST 404 FEET MEASURED ON THE SOUTH OF LOT 3 SUBJECT TO YORK STREET RIGHT OF WAY OF SECTION 30, T15N, R193, OF THE I.B.&M., MUSKOGEE COUNTY, STATE OF OKLAHOMA. CONTAINING 1.07 ACRES, MORE OR LESS.

BACKGROUND:

Northeastern Oklahoma Community Health Centers, Inc (Bravo Builders, LLC, agent) are requesting to rezone the property addressed as 922 North York, and being platted as Lot 1, Block 1, Northeastern Oklahoma Community Health Centers Addition from R-1, Single Family Residential to C-1, Local Commercial. The C-1, Local Commercial zoning classification will allow for the construction of a medical office facility for the Northeastern Oklahoma Community Health Center. The west 150' is currently zoned C-1, Local Commercial and rezoning the east portion of the property will line up with the property to the north and allow for the medical office to be constructed.
Existing zoning and land use:

Site: C-1, Local Commercial District and R-1, Single Family Residential

North: C-1, Local Commercial District
South: C-1, Local Commercial District and R-1, Single Family Residential
East: R-1, Single Family Residential
West: York Street; C-1, Local Commercial and C-2, General Commercial

The Comprehensive Plan/Land Use Map, adopted by the City of Muskogee, indicates commercial within this area. Therefore, the request to rezone to the C-1 Local Commercial District complies with the Comprehensive Plan and Land Use Map.

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

September 20, 2021 at 9:00 a.m.: City of Muskogee Planning & Zoning Commission
September 20, 2021 at 5:30 p.m.: Public Work Committee

September 27, 2021 at 5:30 p.m. Muskogee City Council Meeting

RECOMMENDED STAFF ACTION:

Approve Ordinance 4129-A rezoning of the property from R-1, Single Family Residential to C-1, Local Commercial District and authorize staff to revise the Official Zoning Map of the City to reflect said change.

Fiscal Impact

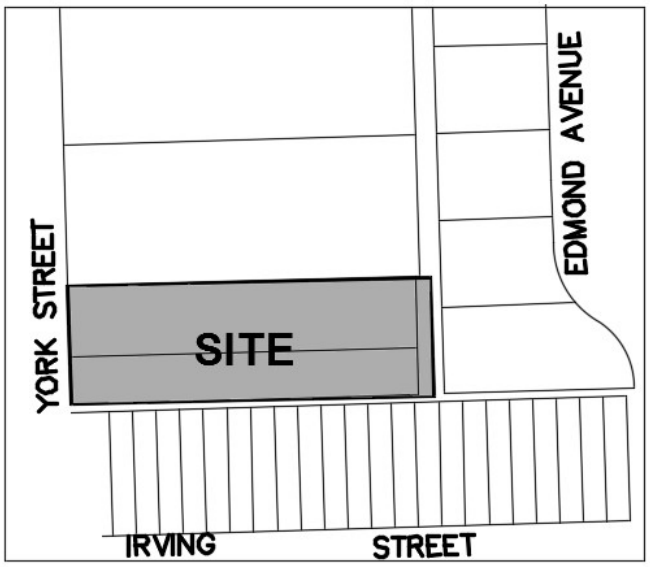
Attachments

Notice - NEO Health Centers Rezone 922 N York

922 N. York Aerial Map

Ordinance 4129-A

Public Hearing Notice



Proposal: To rezone property located at 922 N York Street, City of Muskogee, Muskogee County, State of Oklahoma, from "R-1" Single-Family Residential to "C-1" Local Commercial District.

The property is more particularly described as:

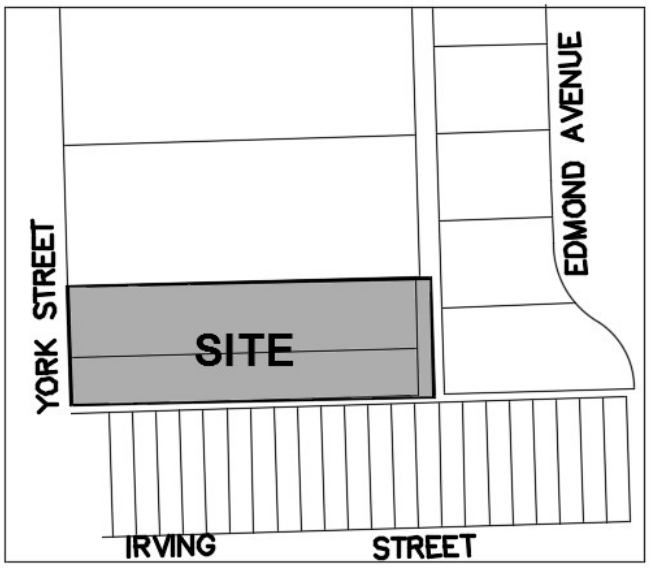
THE SOUTH 126 FEET OF THE WEST 404 FEET LOT 3 (NW NW) SECTION 30 TOWNSHIP 15 NORTH, RANGE 19 EAST OF THE INDIAN BASE AND MERIDIAN, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

Applicant: Bravo Builders LLC., Agent; Northeastern Oklahoma Community Health Centers, Owner

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:

September 20, 2021 at 9:00 a.m.: City of Muskogee Planning & Zoning Commission
September 20, 2021 at 5:30 p.m.: City of Muskogee Public Works Committee
September 27, 2021 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. You must sign up to speak 15 minutes prior to the Public Works Meeting and the City Council meeting. 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.



Applicant: Bravo Builders LLC., Agent; Northeastern Oklahoma Community Health Centers, Owner

PUBLIC NOTICE

Notice is hereby given that on September 20, 2021 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, and on September 20, 2021 at 5:30 p.m., by the Public Works Committee, and on September 27, 2021, at 5:30 p.m., by the City Council to consider an application to rezone property located at 922 N York Street, City of Muskogee, Muskogee County, State of Oklahoma, from "R-1" Single-Family Residential to "C-1" Local Commercial District.

(Please note that if you wish to speak at the Public Works and/or City Council meeting you must sign up 15 minutes before the meeting starts)

The property is more particularly described as:

THE SOUTH 126 FEET OF THE WEST 404 FEET LOT 3 (NW NW) SECTION 30 TOWNSHIP 15 NORTH, RANGE 19 EAST OF THE INDIAN BASE AND MERIDIAN, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

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

Stacy Alexander, Chairperson
City of Muskogee Planning & Zoning Commission


JEFFERSON ST
N YORK ST
N EDMOND ST
IRVING ST
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ORDINANCE NO. 4129-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 PROPERTY LOCATED AT 922 N. YORK STREET. THE PROPERTY IS LOCATED IN THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 15 NORTH, RANGE 19 EAST OF THE INDIAN BASE AND MERIDIAN, MUSKOGEE COUNTY, STATE OF OKLAHOMA. THE PROPERTY IS MORE PARTICULARLY DESCRIBED AS:

THE SOUTH 126 FEET OF THE WEST 404 FEET LOT 3 (NW NW) SECTION 30 TOWNSHIP 15 NORTH, RANGE 19 EAST OF THE INDIAN BASE AND MERIDIAN, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

(Bravo Builders, Agent; Northeastern Oklahoma Community Health Centers, Owner)

FROM "R-1" SINGLE-FAMILY DISTRICT

TO

"C-1" LOCAL COMMERCIAL DISTRICT

WHEREAS, the City of Muskogee Planning and Zoning Commission, in a meeting held September 20, 2021, did recommend the approval of the rezoning of the property set out above in the title of the Ordinance, and did authorize the director of the Commission to advise the Council of the City of Muskogee of this recommendation,
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA,

Section 1. THAT, the official zoning map of the City of Muskogee as provided by Chapter 90, Section 01-03, of the Muskogee City Code, September 2014, is hereby amended by changing the District Classification by rezoning;

THE SOUTH 126 FEET OF THE WEST 404 FEET LOT 3 (NW NW) SECTION 30 TOWNSHIP 15 NORTH, RANGE 19 EAST OF THE INDIAN BASE AND MERIDIAN, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

(Bravo Builders, Agent; Northeastern Oklahoma Community Health Centers, Owner)

FROM "R-1" SINGLE-FAMILY DISTRICT

TO

"C-1" LOCAL COMMERCIAL 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, and THIS 27TH DAY OF SEPTEMBER 2021.

_____
MARLON J. COLEMAN, MAYOR

ATTEST:

_____
TAMMY L. TRACY, CITY CLERK
(SEAL)

APPROVED as to form and legality this _____ day of _____, 2021.

_____
ROY D. TUCKER, CITY ATTORNEY

Planning Commission **5.**

Meeting Date: 09/20/2021

Initiator: Tish Callahan, Planning Director

Information

AGENDA ITEM TITLE:

Hold a Public Hearing and consider approval of Ordinance 4130-A to rezone property addressed as 3329 South Cherokee Drive, being more particularly described in the ordinance from R-1, Single Family Local Commercial to I-1, Light Industrial, and if approved authorize staff to revise the Official Zoning Map of the City to reflect said change, or take other necessary action. (Tish Callahan)

LEGAL DESCRIPTION:

A TRACT OF LAND SITUATED IN THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF MUSKOGEE, STATE OF OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE S01?47'47"E ALONG THE EAST LINE THEREOF A DISTANCE OF 791.76 FEET; THENCE S88?41'42"W A DISTANCE OF 41.25 FEET TO THE CHEROKEE STREET RIGHT-OF-WAY AND THE POINT OF BEGINNING; THENCE S01?47'47"E PARALLEL TO SAID EAST LINE A DISTANCE OF 1248.62 FEET; THENCE S10?02'59"W A DISTANCE OF 38.85 FEET; THENCE S39?22'21"W A DISTANCE OF 325.22 FEET TO A POINT ON THE EASTERLY U.S. HIGHWAY NO. 64 RIGHT-OF-WAY; THENCE N25?11'06"W ALONG SAID RIGHT-OF-WAY A DISTANCE OF 1331.51 FEET TO THE INTERSECTION OF U.S. HIGHWAY AND THE RAILROAD ROW; THENCE N06?37'41"E ALONG SAID RAILROAD RIGHT-OF-WAY A DISTANCE OF 85.94 FEET TO A POINT ON A CURVE; THENCE ALONG SAID CURVE TO THE RIGHT HAVING A RADIUS OF 2814.19, AN ARC LENGTH OF 234.74 FEET AND A CHORD WHICH BEARS N09?17'50"E A DISTANCE OF 234.67 FEET; THENCE N88?41'2"E A DISTANCE OF 692.90 FEET TO THE POINT OF BEGINNING.

BACKGROUND:

Wendy Qualls (Charles E. and Debora Yandell, owners) is requesting to rezone the property addressed as 3329 South Cherokee, from R-1, Single Family Residential to I-1, Light Industrial. The I-1, Light Industrial zoning classification will allow for the construction of a landscape nursery and retail store on the property. The property is located south of Tower Inspections, Inc., which is zoned I-1, Light Industrial zone.

Existing zoning and land use:

Site: R-1, Single Family Residential (vacant land)

North: I-1, Light Industrial
South: R-1, Single Family Residential (vacant land)
East: South Cherokee Drive; PUD, Planned Unit Development (golf course vacant land)

West: Hwy 64

The Comprehensive Plan/Land Use Map, adopted by the City of Muskogee, indicates light industrial within this area. Therefore, the request to rezone to the I-1, Light Industrial District complies with the Comprehensive Plan and Land Use Map.

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

September 20, 2021 at 9:00 a.m.: City of Muskogee Planning & Zoning Commission
September 20, 2021 at 5:30 p.m.: Public Work Committee
September 27, 2021 at 5:30 p.m. Muskogee City Council Meeting

RECOMMENDED STAFF ACTION:

Approve Ordinance 4130-A rezoning of the property from R-1, Single Family Residential to I-1, Light Industrial District and authorize staff to revise the Official Zoning Map of the City to reflect said change.

Fiscal Impact

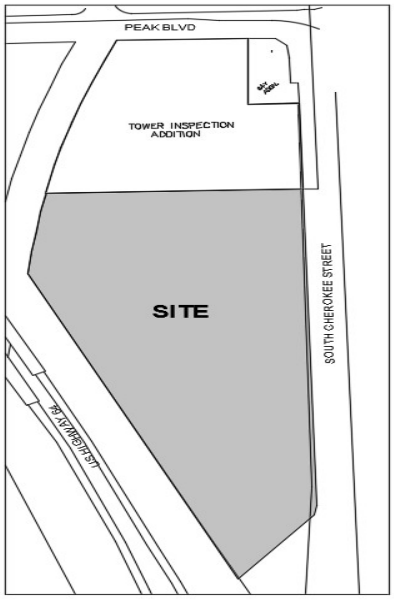
Attachments

Notice - 3329 S Cherokee Qualls Rezone

Aerial Map - Qualls Rezone 3329 S Cherokee

Ordinance 4130-A

Public Hearing Notice



Proposal: To rezone property located at 3329 South Cherokee Drive, City of Muskogee, Muskogee County, State of Oklahoma, from "R-1" Single Family Residential to "I-1" Light Industrial District.

The property is more particularly described as:

A TRACT OF LAND SITUATED IN THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF MUSKOGEE, STATE OF OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE S01°47'47"E ALONG THE EAST LINE THEREOF A DISTANCE OF 791.76 FEET; THENCE S88°41'42"W A DISTANCE OF 41.25 FEET TO THE CHEROKEE STREET RIGHT-OF-WAY AND THE POINT OF BEGINNING; THENCE S01°47'47"E PARALLEL TO SAID EAST LINE A DISTANCE OF 1248.62 FEET; THENCE S10°02'59"W A DISTANCE OF 38.85 FEET; THENCE S39°22'21"W A DISTANCE OF 325.22 FEET TO A POINT ON THE EASTERLY U.S. HIGHWAY NO. 64 RIGHT-OF-WAY; THENCE N25°11'06"W ALONG SAID RIGHT-OF-WAY A DISTANCE OF 1331.51 FEET TO THE INTERSECTION OF U.S. HIGHWAY AND THE RAILROAD ROW; THENCE N06°37'41"E ALONG SAID RAILROAD RIGHT-OF-WAY A DISTANCE OF 85.94 FEET TO A POINT ON A CURVE; THENCE ALONG SAID CURVE TO THE RIGHT HAVING A RADIUS OF 2814.19, AN ARC LENGTH OF 234.74 FEET AND A CHORD WHICH BEARS N09°17'50"E A DISTANCE OF 234.67 FEET; THENCE N88°41'2"E A DISTANCE OF 692.90 FEET TO THE POINT OF BEGINNING.

Applicant: Charles Yandell, owner; Wendy Qualls, applicant

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:

September 20, 2021 at 9:00 a.m.: City of Muskogee Planning & Zoning Commission
September 20, 2021 at 5:30 p.m.: City of Muskogee Public Works Committee
September 27, 2021 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. You must sign up to speak 15 minutes prior to the Public Works Meeting and the City Council meeting. 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.


S MAIN ST
S CHEROKEE
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RODMAN CIR
GRANDVIEW PARK BLVD
DAL TILE RD
SHWY 64
S CHEROKEE DR
S CHEROKEE DR
S CHE
DIVOT LN
SHEFFIELD AVE
CLUB HOUSE DR
CARDINAL RD
CARDINAL CIR
SHEFFIEL
CARD

ORDINANCE NO. 4130-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 PROPERTY LOCATED AT 3329 SOUTH CHEROKEE DRIVE. THE PROPERTY IS LOCATED IN THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE INDIAN BASE AND MERIDIAN, MUSKOGEE COUNTY, STATE OF OKLAHOMA. THE PROPERTY IS MORE PARTICULARLY DESCRIBED AS:

A TRACT OF LAND SITUATED IN THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF MUSKOGEE, STATE OF OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE S01°47'47"E ALONG THE EAST LINE THEREOF A DISTANCE OF 791.76 FEET; THENCE S88°41'42"W A DISTANCE OF 41.25 FEET TO THE CHEROKEE STREET RIGHT-OF-WAY AND THE POINT OF BEGINNING; THENCE S01°47'47"E PARALLEL TO SAID EAST LINE A DISTANCE OF 1248.62 FEET; THENCE S10°02'59"W A DISTANCE OF 38.85 FEET; THENCE S39°22'21"W A DISTANCE OF 325.22 FEET TO A POINT ON THE EASTERLY U.S. HIGHWAY NO. 64 RIGHT-OF-WAY; THENCE N25°11'06"W ALONG SAID RIGHT-OF-WAY A DISTANCE OF 1331.51 FEET TO THE INTERSECTION OF U.S. HIGHWAY AND THE RAILROAD ROW; THENCE N06°37'41"E ALONG SAID RAILROAD RIGHT-OF-WAY A DISTANCE OF 85.94 FEET TO A POINT ON A CURVE; THENCE ALONG SAID CURVE TO THE RIGHT HAVING A RADIUS OF 2814.19, AN ARC LENGTH OF 234.74 FEET AND A CHORD WHICH BEARS N09°17'50"E A DISTANCE OF 234.67 FEET; THENCE N88°41'2"E A DISTANCE OF 692.90 FEET TO THE POINT OF BEGINNING.

Applicant: Charles Yandell, owner; Wendy Qualls, applicant

FROM "R-1" SINGLE-FAMILY DISTRICT

TO

"I-1" LIGHT INDUSTRIAL DISTRICT

WHEREAS, the City of Muskogee Planning and Zoning Commission, in a meeting held September 20, 2021, 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 TRACT OF LAND SITUATED IN THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF MUSKOGEE, STATE OF OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE S01°47'47"E ALONG THE EAST LINE THEREOF A DISTANCE OF 791.76 FEET; THENCE S88°41'42"W A DISTANCE OF 41.25 FEET TO THE CHEROKEE STREET RIGHT-OF-WAY AND THE POINT OF BEGINNING; THENCE S01°47'47"E PARALLEL TO SAID EAST LINE A DISTANCE OF 1248.62 FEET; THENCE S10°02'59"W A DISTANCE OF 38.85 FEET; THENCE S39°22'21"W A DISTANCE OF 325.22 FEET TO A POINT ON THE EASTERLY U.S. HIGHWAY NO. 64 RIGHT-OF-WAY; THENCE N25°11'06"W ALONG SAID RIGHT-OF-WAY A DISTANCE OF 1331.51 FEET TO THE INTERSECTION OF U.S. HIGHWAY AND THE RAILROAD ROW; THENCE N06°37'41"E ALONG SAID RAILROAD RIGHT-OF-WAY A DISTANCE OF 85.94 FEET TO A POINT ON A CURVE; THENCE ALONG SAID CURVE TO THE RIGHT HAVING A RADIUS OF 2814.19, AN ARC LENGTH OF 234.74 FEET AND A CHORD WHICH BEARS N09°17'50"E A DISTANCE OF 234.67 FEET; THENCE N88°41'2"E A DISTANCE OF 692.90 FEET TO THE POINT OF BEGINNING.

Applicant: Charles Yandell, owner; Wendy Qualls, applicant

Ordinance No._____

FROM "R-1" SINGLE-FAMILY DISTRICT

TO

"I-1" LIGHT INDUSTRIAL 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, and THIS 27TH DAY OF SEPTEMBER 2021.

_____

MARLON J. COLEMAN, MAYOR

ATTEST:

_____

TAMMY L. TRACY, CITY CLERK
(SEAL)

APPROVED as to form and legality this _____ day of _____, 2021.

_____

ROY D. TUCKER, CITY ATTORNEY

Planning Commission **6.**

Meeting Date: 09/20/2021

Initiator: Tish Callahan, Planning Director

Information

AGENDA ITEM TITLE:

Consider approval of the request from Captive Aire to consolidate a portion of Tract 4 with Lot 2, Block 1 of Eastpointe Business Park 3 into Tract A, Eastpointe Business Park 3, or take other necessary action. (Tish Callahan)

LEGAL DESCRIPTION:

A CERTAIN TRACT OF LAND LOCATED IN LOT 2 AND TRACT 4 LOT SPLIT & CONSOLIDATION OF BLOCK 1 OF EASTPOINTE BUSINESS PARK NO. 3, BEING PART OF WEST ½ OF THE NORTHEAST ¼ AND THE EAST ½ OF THE NORTHWEST ¼ OF SECTION 32 – TOWNSHIP 15 NORTH – RANGE 19 EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF MUSKOGEE, MUSKOGEE COUNTY, STATE OF OKALHOMA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;
ALL OF LOT 2 OF THE ORIGINAL PLAT OF SAID EASTPOINTE BUSINESS PARK NO. 3 AND ALL OF TRACT 4 AS SHOWN ON LOT SPLIT AND CONSOLIDATION PLAT BY HEARTLAND SURVEYING & PAMMPIN, PLLC W.O. # 5880 FOR KATHY MICHAELS REVISED DATE OF APRIL 5, 2017 AND CONTAINING 19.42 ACRES MORE OR LESS, BEING SUBJECT TO ANY EASEMENTS AND RIGHT-OF WAYS OF RECORD AND AS SHOWN ON MORRISON-SHIPLEY PROJECT NO. SS1-13. THE PURPOSE OF THIS SURVEY IS TO CONSOLIDATE AND COMBINE TWO TRACTS OF LAND NOW OWNED BY CAPTIVE AIRE, LLC. AND LUDDY MUSKOGEE, LLC INTO ONE TRACT OF LAND.

BACKGROUND:

The applicant, Captive Aire is requesting approval to consolidate a portion of Tract 4 with Lot 2, Block 1 of Eastpointe Business Park 3 into Tract A, Eastpointe Business Park 3. Tract A will consist of 19.42 acres and will allow for the expansion of the Captive Aire facility. The Tract A complies with all of the area regulations within the Zoning Ordinance.

RECOMMENDED STAFF ACTION:

Approve the Lot Consolidation.

Fiscal Impact

Attachments

Lot Consolidation - Captive Aire Tract A

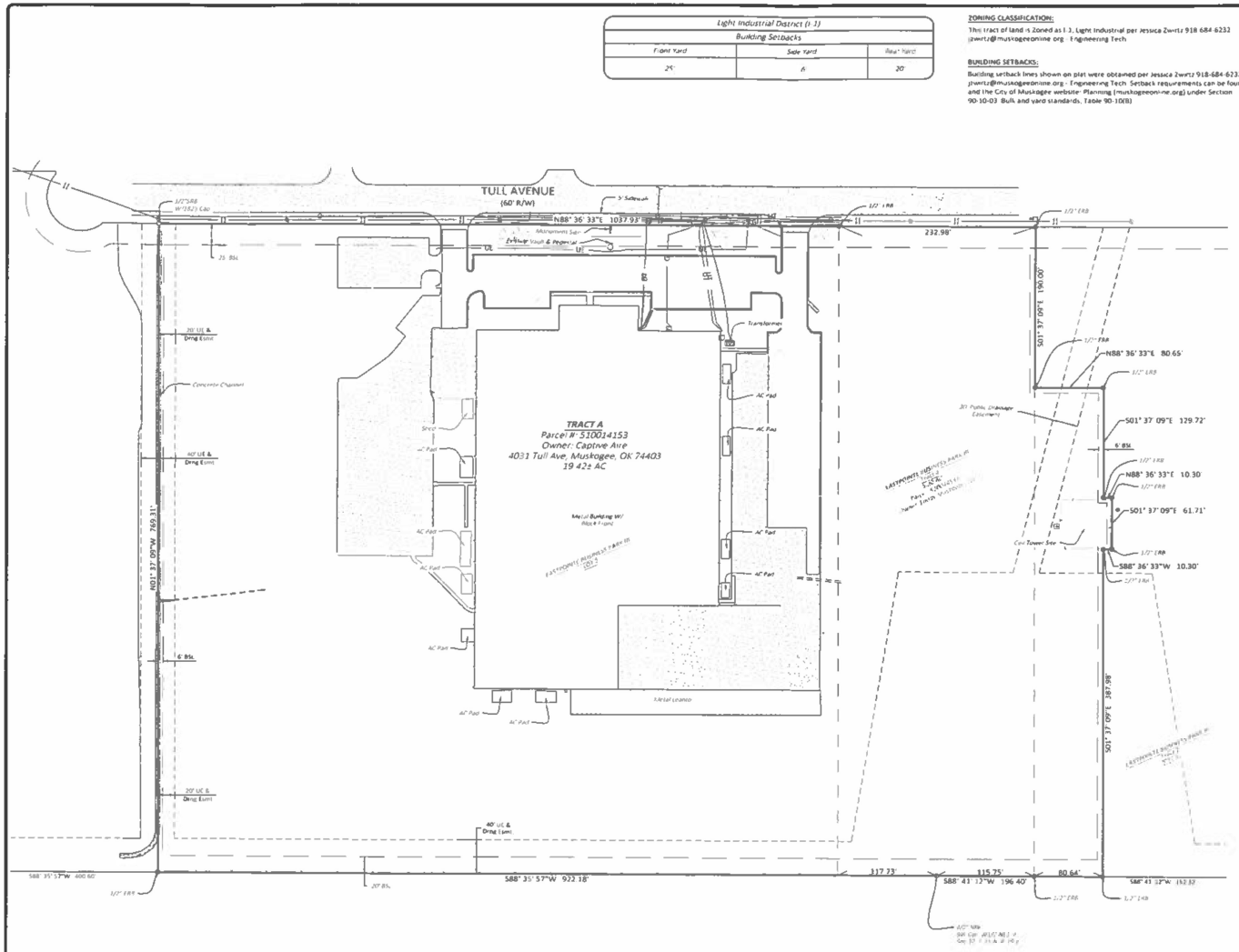
Light Industrial District (I-1)		
Building Setbacks		
Front Yard	Side Yard	Rear Yard
25'	6'	20'

ZONING CLASSIFICATION:

This tract of land is zoned as I-1, Light Industrial per Jessica Zwartz 918 684 6232 jzwartz@muskogeeonline.org - Engineering Tech

BUILDING SETBACKS:

Building setback lines shown on plat were obtained per Jessica Zwartz 918-684-6232 jzwartz@muskogeeonline.org - Engineering Tech. Setback requirements can be found and the City of Muskogee website: Planning (muskogeeonline.org) under Section 90-10-03 Bulk and yard standards, Table 90-10(B)



LEGEND

- Property Line
- Existing Asphalt Pavement
- Existing Concrete Pavement
- Existing Storm Drain W/Size
- Existing Grade Contours
- Existing Swale
- Existing Water Line
- Existing Sewer Line
- Existing Electric Line
- Existing Electric Line
- Existing Gas Line
- Existing Tele/Com Line
- Existing Fiber Optic Line
- Existing Gate Valve
- Existing Fire Hydrant
- Existing Water Meter
- Existing Electric Meter
- Existing Gas Meter
- Existing Telephone Pedestal
- Existing Power Pole
- Existing Light Pole
- Existing 1/2" Iron Rebar
- Set 1/2" Iron Rebar

60 0 60
Scale in Feet

TRACT A - LOT CONSOLIDATION SURVEY

LEGAL DESCRIPTION

A certain tract of land located in Lot 2 and Tract 4 Lot Split & Consolidation of Block 1 of Eastpointe Business Park No. 3, being part of West 1/2 of the Northwest 1/4 and the East 1/2 of the Northwest 1/4 of Section 32 - Township 15 North - Range 19 East of the Indian Base and Meridian, City of Muskogee, Muskogee County, State of Oklahoma being more particularly described as follows;

All of Lot 2 of the Original Plat of said Eastpointe Business Park No. 3 and All of Tract 4 as shown on Lot Split & Consolidation plat by Heartland Surveying & Mapping, PLLC W.O. # 5880 for Kathy Michaels revised date of April 5, 2017 and containing 19.42 acres more or less, being subject to any easements and right-of-ways of record and as shown on Morrison-Shipley Project no. 55-13.

The purpose of this survey is to consolidate and combine two tracts of land now owned by Captive Aire, LLC and Luddy Muskogee, LLC into one tract of land

I Certify That This Survey Accurately Represents The Action Of The City Of Muskogee Planning And Zoning Commission Taken

On _____

Planning Commission

Chairman _____ date _____

Surveyor Certification:

I Wade Wilson Powell Certify The Subject Plat And Survey Upon Which It Is Based Was Performed By Me Or Under My Direct Supervison And Was Executed In Accordance With The Oklahoma Minimum Standards.

Wade Wilson Powell PLS# 1825 — 8-26-20

LICENSED PROFESSIONAL LAND SURVEYOR — WILSON POWELL — 1825 — OKLAHOMA

Revision	By	Date

MORRISON SHIPLEY
C.O.A. #3055 Exp. Date 06.30.2023
5704 EUPER LANE, SUITE 200 • FORT SMITH, AR 72903 • 479.452.1933 • MORRISONSHIPLEY.COM

Drawn By	PWH
Approved By	WWP
Date	8.26.2021
Project No.	55-13

Vertical Scale	
Horizontal Scale	1"=60'
Plotting Scale	1
Drawing Name	Survey

TRACT-A LOT CONSOLIDATION SURVEY

Muskogee, Muskogee County, Oklahoma

Captive Aire
4031 Tull Ave, Muskogee,
Oklahoma 74403

Issued for Review – 8/26/2021

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