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
OCTOBER 4, 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 September 20, 2021, or take other necessary action.

2. Consider and take action with respect to Resolution No. 2873 recommending that the City of Muskogee through its City Council create a Tax Increment District and approve the Port of Muskogee Economic Development Project Plan. (Roy D. Tucker)

3. Hold a Public Hearing and take action on the approval of Ordinance 4131-A to rezone property addressed as 5028 West Okmulgee, being more particularly described in the ordinance 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. (Tish Callahan)

LOTS 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 AND 28 IN BLOCK 8 LESS THE HIGHWAY, IN KERSHAW HEIGHTS ADDITION TO THE CITY OF MUSKOGEE, ACCORDING TO THE OFFICIAL PLAT THEREOF, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

ADJOURN

Planning Commission **1.**

Meeting Date: 10/04/2021

Initiator: Susan Ross, Office Admin I

Information

AGENDA ITEM TITLE:

Consider approval of Planning Commission Minutes of September 20, 2021, or take other necessary action.

LEGAL DESCRIPTION:

BACKGROUND:

Consider approval of Planning Commission Minutes of September 20, 2021, or take other necessary action.

RECOMMENDED STAFF ACTION:

Approve the Minutes.

Fiscal Impact

Attachments

Minutes

MINUTES

OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF MUSKOGEE, OKLAHOMA MET IN COUNCIL CHAMBERS OF CITY HALL SEPTEMBER 20, 2021

The Planning and Zoning Commission of the City of Muskogee, Oklahoma, met in Regular Session at 9:00 a.m., on September 20, 2021, in the Council Chambers, Municpal Building, 229 W. Okmulgee Ave., Muskogee, Oklahoma.

The meeting was called to order and the roll was called as follows:

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

1 Stacy Alexander presented the item to consider approval of Planning Commission Minutes of August 2, 2021, or take other necessary action.

Board Member Darrell Russell made a motion to approve the Minutes of the August 2, 2021 Planning Commission meeting. Board Member Michelle Shirley seconded the motion.

Motion was made by Vice Chair Darrell Russell, seconded by Commissioner Michelle Shirley

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

Carried - Unanimously

2 Planning Director Tish Callahan presented the staff report on the item to 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.

Mrs. Callahan stated that 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.

Board Member Michelle Shirley made a motion to approve the Preliminary and Final Plant of Andrews Addition. Board Member Patrick Reeder seconded the motion.

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

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

Carried - Unanimously

3 Planning Director Tish Callahan presented the item to 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.

Mrs. Callahan stated that 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.

Board Member Darrell Russell made a motion to approve the Preliminary and Final plat of Northeastern Oklahoma Community Health Centers. Board Member Leroy Walker Sr. seconded the motion.

4 Planning Director Tish Callahan presented the item to 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.

Mrs. Callahan stated 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

Chairperson Stacy Alexander opened the Public Hearing.

CEO of Northeastern Oklahoma Community Health Centers Scott Rosenthal, PO Box 751 Hulbert Ok., stated that the facility is currently in a smaller office on South York and they are waitng for a 10 year lease to expire so that they can build a new builiding. Mr. Rosenthal stated that the office has one doctor and one nurse practionor on staff at this time. Mr. Rosenthal also states that the new building will allow for the office to serve a larger part of the community and expand their services by adding more doctors.

Chairperson Stacy Alexander closed the Public Hearing.

Board Member Darrell Russell made a motion to approve Ordinance 4129-A to rezone property located at 922 N York from R-1 Single-Family Residential to C-1 Local Commercial. Board Member Paige Frix seconded the motion.

Motion was made by Vice Chair Darrell Russell, seconded by Commissioner Paige Frix

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

Carried - Unanimously

5 Planning Director Tish Callahan presented the item to 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.

Mrs. Callahan stated that 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

Chairperson Stacy Alexander opened the Public Hearing. No one was present to speak on the item and Stacy Alexander closed the Public Hearing.

Board Member Darrell Russell made a motion to approve Ordinance 4130-A to rezone property located at 3329 S Cherokee from R-1 Single Family Residential to I-1 Light Industrial. Board Member Patrick Reeder seconded the motion.

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 Leroy Walker Sr., Commissioner Michelle Shirley

Carried - Unanimously

6 Planning Director Tish Callahan presented the item to 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.

Mrs. Callahan stated that 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.

Board Member Leroy Walker Sr. made a motion to approve the Lot Conolidation for Captive Aire. Board Member Michelle Shirley seconded the motion.

Motion was made by Commissioner Leroy Walker Sr., seconded by Commissioner Michelle Shirley

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

Carried - Unanimously

There being no further business, the meeting was adjourned at 9:23 a.m.

Planning Commission **2.**

Meeting Date: 10/04/2021

Initiator: Roy Tucker, City Attorney

Information

AGENDA ITEM TITLE:

Consider and take action with respect to Resolution No. 2873 recommending that the City of Muskogee through its City Council create a Tax Increment District and approve the Port of Muskogee Economic Development Project Plan. (Roy D. Tucker)

LEGAL DESCRIPTION:

BACKGROUND:

The TIF Review Committee met and unanimously recommended approval of the creation of the TIF Project Plan and the creation of an Ordinance creating TIF District No. 5. As is required by statute, the Planning Commission should consider whether the proposed project is consistent with the City of Muskogee Comprehensive Plan. Nate Ellis, from Public Finance Law Group will be present to present the Plan and Resolution.

RECOMMENDED STAFF ACTION:

Approve the Resolution and Project Plan.

Fiscal Impact

Attachments

Proposed Resolution

RESOLUTION NO. 2873

PURSUANT TO THE LEGAL NOTICE AS IS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT INCLUDING THE POSTING OF NOTICE AND AGENDA AS IS REQUIRED BY THE TERMS THEREOF, THE PLANNING AND ZONING COMMISSION OF THE CITY OF MUSKOGEE, OKLAHOMA, MET IN REGULAR SESSION AT THE CITY OF MUSKOGEE MUNICIPAL BUILDING, 229 WEST OKMULGEE, IN SAID CITY ON THE 4TH DAY OF OCTOBER, 2021, AT 9:00 O'CLOCK A.M.

PRESENT:

ABSENT:

(OTHER PROCEEDINGS)

Thereupon, the following resolution was introduced and caused to be read by the Secretary. Commissioner _____ moved passage of the Resolution and Commissioner _____ seconded the motion. The motion carrying with it the approval of said Resolution was approved by the following vote:

AYE:

NAY:

The Resolution so approved is as follows:

RESOLUTION

A RESOLUTION RECOMMENDING THAT THE CITY OF MUSKOGEE THROUGH ITS CITY COUNCIL CREATE A TAX INCREMENT DISTRICT AND APPROVE THE PORT OF MUSKOGEE ECONOMIC DEVELOPMENT PROJECT PLAN.

WHEREAS, the City of Muskogee (the "City") is working to promote economic development in the area, in order to provide increased opportunity for residents of the area and to improve the overall standard of living; and

WHEREAS, the City aspires to attract business interests with the potential to invest in an industrial development project within the City, subject to certain conditions including economic development incentives and financing; and

PWHEREAS, the Local Development Act, Title 62, Oklahoma Statutes Section 850 *et seq*. (the "Local Development Act"), was passed by the Oklahoma Legislature to implement Section 6C of Article X of the Oklahoma Constitution, which empowers the governing bodies of cities, towns, and counties to apportion tax increments to help finance the public costs of economic development; and

WHEREAS, the proposed project depends upon the utilization of tax increment financing to help finance the project costs; and

WHEREAS, at the direction of the City Council of the City, this Commission has reviewed the Port of Muskogee Economic Development Project Plan (the "Project Plan"); and

WHEREAS, the creation of new opportunities for investment in Port of Muskogee facilities (all as described in the Project Plan) is in the best interests of the City; and

WHEREAS, the proposed project is consistent with the City of Muskogee Comprehensive Plan, as heretofore adopted by the City.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF MUSKOGEE, OKLAHOMA:

Section 1. The Planning and Zoning Commission of the City of Muskogee, Oklahoma, recommends to the City Council of the City of Muskogee the creation of a tax increment district and approval of the Port of Muskogee Economic Development Project Plan.

PASSED AND APPROVED THIS 4TH DAY OF OCTOBER, 2021.

(SEAL) By: _____
ATTEST: Chairman

By: _____
Secretary

STATE OF OKLAHOMA)
)SS
COUNTY OF MUSKOGEE)

I, the undersigned, Secretary of the Planning and Zoning Commission of the City of Muskogee, Oklahoma, do hereby certify that the above and foregoing is a true, full and correct copy of an excerpt from the minutes of a meeting of the Planning and Zoning Commission of said City held on the date above stated, all as recorded in the official minutes of such meeting. I further certify that the "Open Meeting Law" was complied with for such meeting.

GIVEN UNDER MY HAND THIS 4TH DAY OF OCTOBER, 2021.

(SEAL)

_____
Secretary

Planning Commission **3.**

Meeting Date: 10/04/2021

Initiator: Tish Callahan, Planning Director

Information

AGENDA ITEM TITLE:

Hold a Public Hearing and take action on the approval of Ordinance 4131-A to rezone property addressed as 5028 West Okmulgee, being more particularly described in the ordinance 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. (Tish Callahan)

LEGAL DESCRIPTION:

LOTS 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 AND 28 IN BLOCK 8 LESS THE HIGHWAY, IN KERSHAW HEIGHTS ADDITION TO THE CITY OF MUSKOGEE, ACCORDING TO THE OFFICIAL PLAT THEREOF, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

BACKGROUND:

Ronnie Boswell, applicant (Inhofe Land & Cattle Company, owner) is requesting to rezone the property addressed as 5028 West Okmulgee from C-1, Local Commercial to C-2, General Commercial. Mr. Boswell stated the request is to allow for expanded leasing opportunities for the buildings.

Existing zoning and land use:

Site: C-1, Local Commercial District

North: R-1, Single Family Residential
South: West Okmulgee/Highway 16
East: C-1, Local Commercial and C-2, General Commercial
West: C-1, Local 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-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:

October 4, 2021 at 9:00 a.m.: City of Muskogee Planning & Zoning Commission
October 4, 2021 at 5:30 p.m.: Public Work Committee
October 11, 2021 at 5:30 p.m. Muskogee City Council Meeting

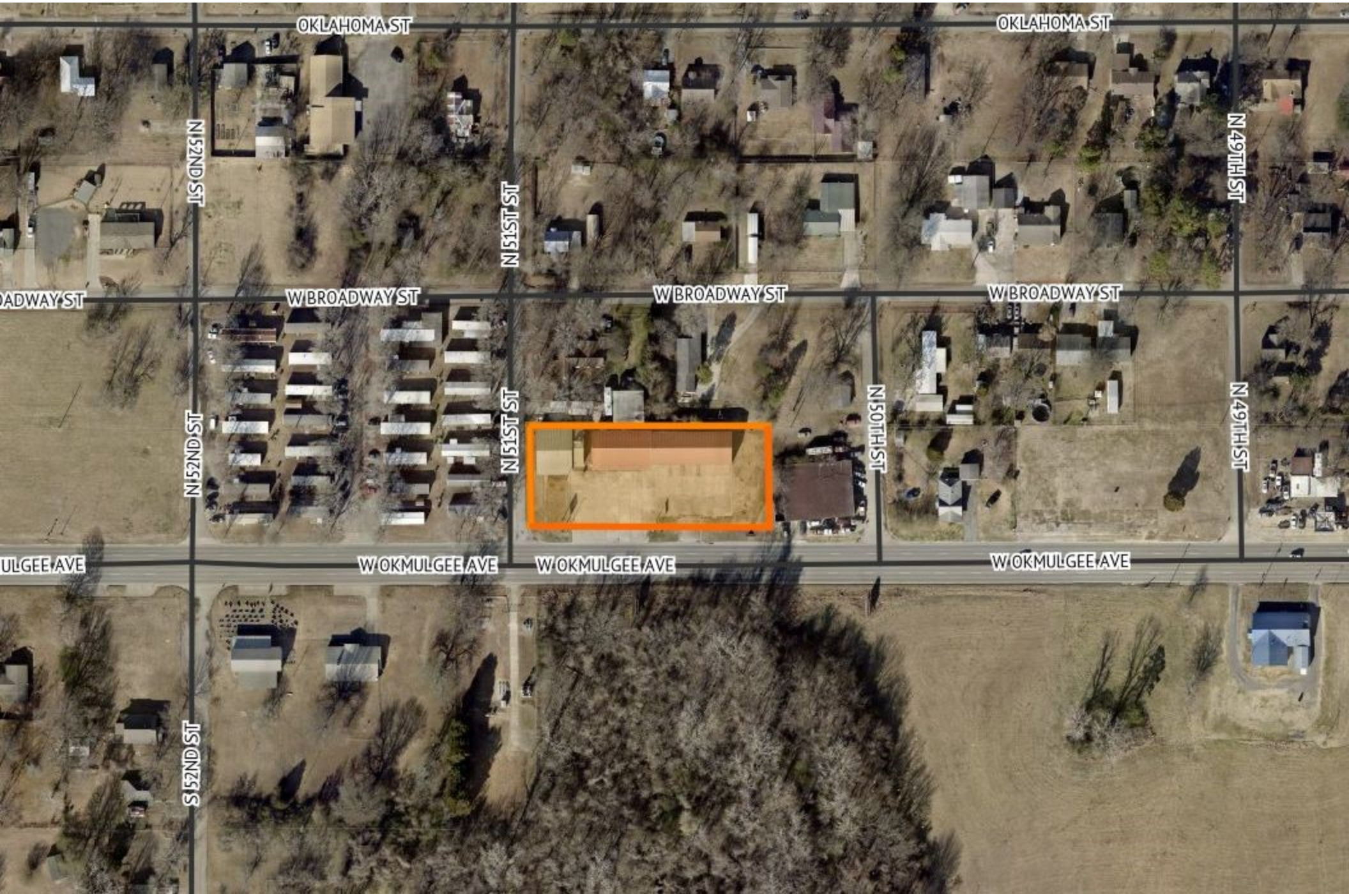
RECOMMENDED STAFF ACTION:

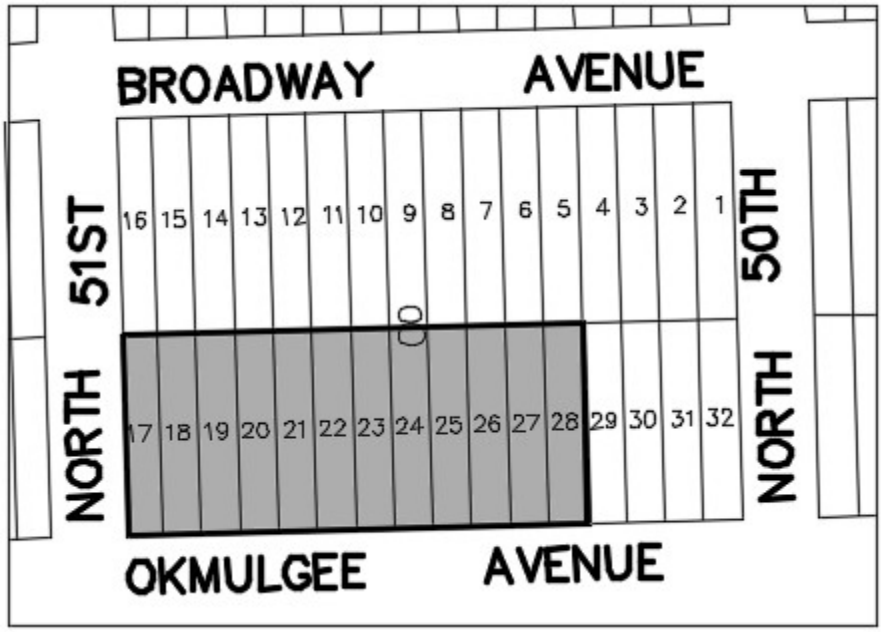
Approve Ordinance 4131-A rezoning of the property from C-1, Local Commercial to C-2, General Commercial, and authorize staff to revise the Official Zoning Map of the City to reflect said change.

Fiscal Impact

Attachments

Aerial Map - 5028 W Okmulgee
Notice - 5028 West Okmulgee
Ordinance 4131-A


OKLAHOMA ST
OKLAHOMA ST
N 52ND ST
N 51ST ST
N 49TH ST
W BROADWAY ST
W BROADWAY ST
W BROADWAY ST
N 52ND ST
N 51ST ST
N 50TH ST
N 49TH ST
W OKMULGEE AVE
W OKMULGEE AVE
W OKMULGEE AVE
S 52ND ST



Applicant: Ronnie Boswell, applicant; Inhofe Land & Cattle Company, owner

PUBLIC NOTICE

Notice is hereby given that on October 4, 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 October 4, 2021 at 5:30 p.m., by the Public Works Committee, and on October 11, 2021, at 5:30 p.m., by the City Council to consider an application to rezone property located at 5028 West Okmulgee Street, City of Muskogee, Muskogee County, State of Oklahoma, from "C-1" Local Commercial to "C-2" General 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:

LOTS 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 AND 28 IN BLOCK 8 LESS THE HIGHWAY, IN KERSHAW HEIGHTS ADDITION TO THE CITY OF MUSKOGEE, ACCORDING TO THE OFFICIAL PLAT THEREOF, 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

ORDINANCE NO. 4131-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 5028 W. OKMULGEE. THE PROPERTY IS LOCATED IN THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 15 NORTH, RANGE 18 EAST OF THE INDIAN BASE AND MERIDIAN, MUSKOGEE COUNTY, STATE OF OKLAHOMA. THE PROPERTY IS MORE PARTICULARLY DESCRIBED AS:

LOTS 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 AND 28 IN BLOCK 8 LESS THE HIGHWAY, IN KERSHAW HEIGHTS ADDITION TO THE CITY OF MUSKOGEE, ACCORDING TO THE OFFICIAL PLAT THEREOF, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

Applicant: Ronnie Boswell, applicant; Inhofe Land & Cattle Company, owner

FROM "C-1" LOCAL COMMERCIAL DISTRICT

TO

"C-2" GENERAL COMMERCIAL DISTRICT

WHEREAS, the City of Muskogee Planning and Zoning Commission, in a meeting held October 4, 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;

LOTS 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 AND 28 IN BLOCK 8 LESS THE HIGHWAY, IN KERSHAW HEIGHTS ADDITION TO THE CITY OF MUSKOGEE, ACCORDING TO THE OFFICIAL PLAT THEREOF, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

Applicant: Ronnie Boswell, applicant; Inhofe Land & Cattle Company, owner

FROM "C-1" LOCAL COMMERCIAL DISTRICT

TO

"C-2" GENERAL 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 11TH DAY OF OCTOBER 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