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 18, 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 October 4, 2021, or take other necessary action.

2. Hold a Public Hearing and take action on the approval of Ordinance 4133-A to rezone property located on the south side of Peak Boulevard, west of South 24th Street, being more particularly described in the ordinance from R-1, Single Family Residential 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)

ADJOURN

Planning Commission **1.**

Meeting Date: 10/18/2021

Initiator: Susan Ross, Office Admin I

Information

AGENDA ITEM TITLE:

Consider approval of Planning Commission Minutes of October 4, 2021, or take other necessary action.

LEGAL DESCRIPTION:

BACKGROUND:

Consider approval of Planning Commission Minutes of October 4, 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 OCTOBER 4, 2021

The Planning and Zoning Commission of the City of Muskogee, Oklahoma, met in Regular Session at 9:00 a.m., on October 4, 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 D'Elbie Walker; Commissioner Leroy Walker Sr.; Commissioner Michelle Shirley
Absent:	Commissioner Paige Frix
Staff Present:	Tish Callahan, City Planner; Leon Davis Jr. , Economic Development Manager; Roy Tucker, City Attorney; Susan Ross, Office Administrator

1 Chairperson Stacy Alexander presented the Planning Commission Minutes of September 20, 2021 for approval or take other necessary action.

Commissioner Leroy Walker Sr. made a motion to APPROVE the Minutes of the September 20, 2021 Planning Commission meeting. Commissioner Darrell Russell seconded the motion.

Motion was made by Commissioner Leroy Walker Sr., seconded by Vice Chair Darrell Russell

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

Carried - Unanimously

2 City Attorney Roy Tucker presented the staff report to 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.

Attorney for PL Finance Group Nate Ellis presented by phone the Port of Muskogee Economic Development Project Plan which had been approved by the TID Committee to the Planning Commission members. The Planning Commission members were given a printout of the presentation and it was reviewed in detail. Commissioner Leroy Walker Sr. expressed concerns about the public school system being affected by this project and the schools losing money. Nate Ellis replied that the school system would not have a substantial loss to their funding. Chairperson Stacy Alexander who is also a member of the TID Committee stated that the Muskogee Public School Superintendent was pleased with the idea of the project and not concerned about funding for the schools. Chairperson Stacy Alexander stated that after the 10 years there will be a benefit but the flooding issue at the Port must be addressed. Mrs. Alexander stated that if the flooding issue is not corrected we could lose businesses at the Port. Commissioner Leroy Walker expressed concerns that the company that is supposed to locate at the Port may not follow through and asked if it is a guarantee that they are locating in Muskogee. City Attorney Roy Tucker stated that it is not a guarantee that they are coming. Nate Ellis responded that everything goes in a step by step process and the Planning Commission is the first meeting and the project will also be presented to City Council on October 11th and October 25th.

After some discussion Commissioner D'Elbie Walker made a motion to APPROVE the Resolution and Project Plan. Commissioner Darrel Russell seconded the motion.

Motion was made by Commissioner D'Elbie Walker, seconded by Vice Chair Darrell Russell

AYE: Chair Stacy Alexander, Vice Chair Darrell Russell, Commissioner Patrick Reeder, Commissioner D'Elbie Walker, Commissioner Michelle Shirley

NAY: Commissioner Leroy Walker Sr.

Carried

3 Planning Director Tish Callahan presented the item to 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.

Mrs. Callahan stated that 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

Chairperson Stacy Alexander expressed concerns about the property becoming a medical marijuana grow facility so close to a residential area. Commissioner Leroy Walker asked if anything could be done to limit the amount of grow facilities close to neighborhoods. City Attorney Roy Tucker stated that there is a proposed Ordinance that is still in the discussion process that would change the City Ordinance to allow grows only in Industrial and Agriculture zoning. Chairperson Stacy Alexander expressed her concerns about the smell that would possibly come from the growing facility being located so close to a residential area.

Chairperson Stacy Alexander opened the Public Hearing.

Patricia Kaseca, 5003 Oklahoma Street, stated that the area is a tourist area because of Honor Heights Park. Ms Kaseca stated that there is already noise issues and semi truck parking issues in the area. Ms. Kaseca stated that she has made several code enforcement complaints and that the code enforcement and police department do not communicate and police are not aware of the city codes. Ms. Kaseca asked the Planning Commission to deny the request to rezone the property located at 5028 W. Okmulgee.

Chairperson Stacy Alexander closed the Public Hearing.

After some discussion Commissioner Darrell Russell made a motion to DENY the rezoning request for 5028 W. Okmulgee. Commissioner 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 D'Elbie Walker, Commissioner Leroy Walker Sr., Commissioner Michelle Shirley

Carried - Unanimously

There being no further business, the meeting was adjourned at 9:46 a.m.

Planning Commission **2.**

Meeting Date: 10/18/2021

Initiator: Tish Callahan, Planning Director

Information

AGENDA ITEM TITLE:

Hold a Public Hearing and take action on the approval of Ordinance 4133-A to rezone property located on the south side of Peak Boulevard, west of South 24th Street, being more particularly described in the ordinance from R-1, Single Family Residential 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:

THE EAST HALF OF THE NW1/4 OF THE NE1/4 OF THE NE1/4 IN SECTION 9, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE INDIAN BASE AND MERIDIAN, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

BACKGROUND:

Mackenzie Parks, owner, is requesting to rezone the property on the south side of West Peak Boulevard, west of South 24th Street from R-1, Single Family Residential to I-1, Light Industrial. The property has been vacant and undeveloped since the annexation of the area in 1996. At that time the property was used for shale mining and that use continued until the most recent transfer of ownership and new development plans. Mr. Parks stated the request is to allow for the development of a trucking facility.

Existing zoning and land use:

Site: R-1, Single Family Residential

North: Peak Boulevard/Hwy 165 and across the highway is C-1, Local Commercial vacant, undeveloped land.
South: R-1, Single Family Residential; vacant, undeveloped land
East: C-2, General Commercial
West: R-1, Single Family Residential, C-2, General Commercial and C-3, Regional Commercial

The Comprehensive Plan/Land Use Map, adopted by the City of Muskogee, indicates industrial zoning 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:

October 18, 2021 at 9:00 a.m.: City of Muskogee Planning & Zoning Commission

October 18, 2021 at 5:30 p.m.: Public Work Committee
October 25, 2021 at 5:30 p.m. Muskogee City Council Meeting

RECOMMENDED STAFF ACTION:

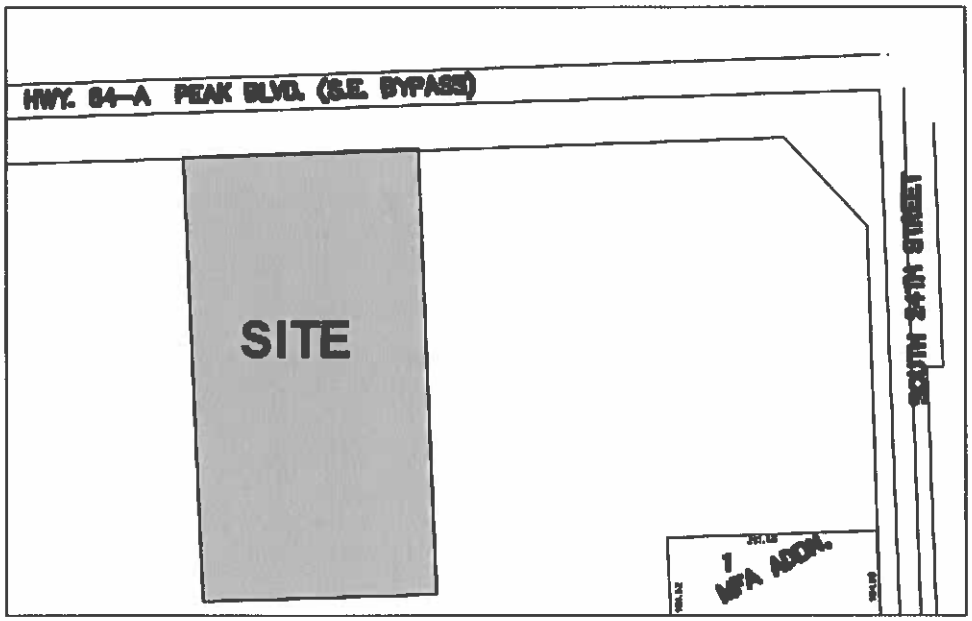
Approve Ordinance 4133-A rezoning of the property from R-1, Single Family Residential to I-1, Light Industrial, and authorize staff to revise the Official Zoning Map of the City to reflect said change.

Fiscal Impact

Attachments

Notice - Park Rezone
Aerial Map - Parks Rezone
Ord 4133-A Parks Rezone

Public Hearing Notice



Proposal: To rezone property located in the East half of the NW1/4 of the NE1/4 of the NE1/4 in Section 9, Township 14 North, Range 18 East of the Indian Base and Meridian, Muskogee County, State of Oklahoma, from "R-1" Single Family Residential to "I-1" Light Industrial District.

The property is more particularly described as:

THE EAST HALF OF THE NW1/4 OF THE NE1/4 OF THE NE1/4 IN SECTION 9, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE INDIAN BASE AND MERIDIAN, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

Applicant: MacKenzie Parks, 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:

October 18, 2021 at 9:00 a.m.: City of Muskogee Planning & Zoning Commission
October 18, 2021 at 5:30 p.m.: City of Muskogee Public Works Committee
October 25, 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.


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01/12/2021 - 01/29/2021

ORDINANCE NO. 4133-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 IN THE EAST HALF OF THE NW1/4 OF THE NE1/4 OF THE NE1/4. THE PROPERTY IS LOCATED IN THE NORTHEAST QUARTER OF SECTION 09, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE INDIAN BASE AND MERIDIAN, MUSKOGEE COUNTY, STATE OF OKLAHOMA. THE PROPERTY IS MORE PARTICULARLY DESCRIBED AS:

THE EAST HALF OF THE NW1/4 OF THE NE1/4 OF THE NE1/4 IN SECTION 09, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE INDIAN BASE AND MERIDIAN, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

Applicant: MacKenzie Parks, owner

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 October 18, 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 EAST HALF OF THE NW1/4 OF THE NE1/4 OF THE NE1/4 IN SECTION 09, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE INDIAN BASE AND MERIDIAN, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

Applicant: MacKenzie Parks, owner

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 25TH 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