

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
NOVEMBER 1, 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 18, 2021, or take other necessary action.
2. Consider approval of the Preliminary and Final Plat of Slims Addition, consisting of one (1) lot on 1.12 acres, located at 3112 Azalea Park Drive, or take any other necessary action. (Tish Callahan)
3. Consider approval of the Preliminary and Final Plat of Parks on Peak Addition, consisting of one (1) lot on 4.14 acres, located on Peak Boulevard west of South 24th Street, or take any other necessary action. (Tish Callahan)
4. Hold a Public Hearing and take action on the approval of Resolution 2873 amending the Land Use Map regarding property located along Gulick on the east side, north of Solomon Street, more particularly described in the Resolution from Residential to Local Commercial, and if approved authorize staff to revise the Land Use Map of the City to reflect said change. (Tish Callahan)
5. Hold a Public Hearing and take action on the approval of Ordinance 4135-A to rezone 2516 Gulick, being more particularly described in the ordinance 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. (Tish Callahan)

6. Hold a Public Hearing and take action on the approval of Ordinance 4134-A to rezone 331 South 32nd Street, 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)
7. Discuss the Planning Commission's recommendation on Medical Marijuana zoning classifications.

ADJOURN

Planning Commission

1.

Meeting Date: 11/01/2021

Initiator: Susan Ross, Office Admin I

Information

AGENDA ITEM TITLE:

Consider approval of Planning Commission Minutes of October 18, 2021, or take other necessary action.

LEGAL DESCRIPTION:

BACKGROUND:

Consider approval of Planning Commission Minutes of October 18, 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 18, 2021

The Planning and Zoning Commission of the City of Muskogee, Oklahoma, met in Regular Session at 9:00 a.m., on October 18, 2021, in the Council Chambers, Municipal Building, 229 W. Okmulgee Ave., Muskogee, Oklahoma.

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

Present: Darrell Russell, Vice Chair; Patrick Reeder, Commissioner; D'Elbie Walker, Commissioner; Leroy Walker Sr., Commissioner; Michelle Shirley, Commissioner

Absent: Stacy Alexander, Chair; Paige Frix, Commissioner

Staff Present: Tish Callahan, Planning Director
Leon Davis Jr. , Economic Development Manager

- 1 Vice Chairman Darrell Russell presented the item to consider approval of Planning Commission Minutes of October 4, 2021, or take other necessary action.

Commissioner Leroy Walker Sr. made a motion to approve the Planning Commission Minutes from the October 4, 2021 meeting. Commissioner Patrick Reeder seconded the motion.

Motion was made by Commissioner Leroy Walker Sr., seconded by Commissioner Patrick Reeder

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

Carried - Unanimously

Planning Director Tish Callahan presented the item to 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.

Planning Director Tish Callahan stated that 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

Commissioner Patrick Reeder made a motion to approve 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. Commissioner Leroy Walker Sr. seconded the motion.

Motion was made by Commissioner Patrick Reeder, seconded by Commissioner Leroy Walker Sr.

AYE: 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.

Meeting Date: 11/01/2021

Initiator: Tish Callahan, Planning Director

Information

AGENDA ITEM TITLE:

Consider approval of the Preliminary and Final Plat of Slims Addition, consisting of one (1) lot on 1.12 acres, located at 3112 Azalea Park Drive, or take any other necessary action. (Tish Callahan)

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE NW/4 NE/4 OF SECTION 21, T15N, R18E OF THE I.B.&M., CITY OF MUSKOGEE, MUSKOGEE COUNTY, STATE OF OKLAHOMA: SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, COMMENCING AT THE NW CORNER OF SAID NW/4 NE/4, THENCE ALONG THE WEST LINE OF SAID NW/4 NE/4 S1°38'45"E 145.00 FEET; THENCE N88°10'23"E A DISTANCE OF 334.09 FEET; THENCE S42°52'39"W A DISTANCE OF 147.14 FEET; THENCE S1°40'31"E A DISTANCE OF 54.76 FEET TO THE POINT OF BEGINNING; THENCE S89°55'45"E A DISTANCE OF 266.00 FEET; THENCE S1°40'31"E A DISTANCE OF 104.79 FEET; THENCE S46°15'42"E A DISTANCE OF 57.25 FEET; THENCE S43°40'13"W A DISTANCE OF 99.17 FEET; THENCE N46°15'42"W A DISTANCE OF 66.86 FEET; THENCE N89°55'45"W A DISTANCE OF 188.67 FEET; THENCE N1°40'31"W A DISTANCE OF 170.00 FEET TO THE POINT OF BEGINNING. CONTAINING 1.12 ACRES, MORE OR LESS.

BACKGROUND:

The applicant and owner, Chris Moses has submitted the Preliminary and Final Plat of Slims Addition consisting of one (1) lot on 1.12 acres, located at 3112 Azalea Park Drive. The request for the plat is to allow for a Slim Chicken's Restaurant to be constructed.

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 Slims Addition consisting of one (1) lot on 1.12 acres, located at 3112 Azalea Park Drive.

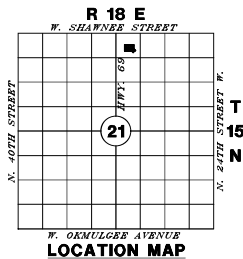
Fiscal Impact

Attachments

Final Plat - Slims Addition

Aerial Map - Slims Addition

DRAWN BY: A. MOHAY DATE: 10/15/2021
CHECKED BY: T. ROBINSON D.L.C. NO.: W09933



LEGEND

- IRON PIN
- CHISELED SQUARE

LNA= LIMITS OF NO ACCESS

OWNER:
Chris Moses
Muskogee Slims Development, LLC,
ADDRESS:
200 River Market Ave., Suite 501,
Little Rock, AR, 72201

DEVELOPMENT SUMMARY:
ZONING: "C-2" Regional Commercial
TOTAL AREA: 1.12 ACRES

--- SETBACK AND UTILITY EASEMENT

FRONT LOT = 35'
SIDE LOT = 6'
REAR LOT = 20'

OFFSITE CONTROL

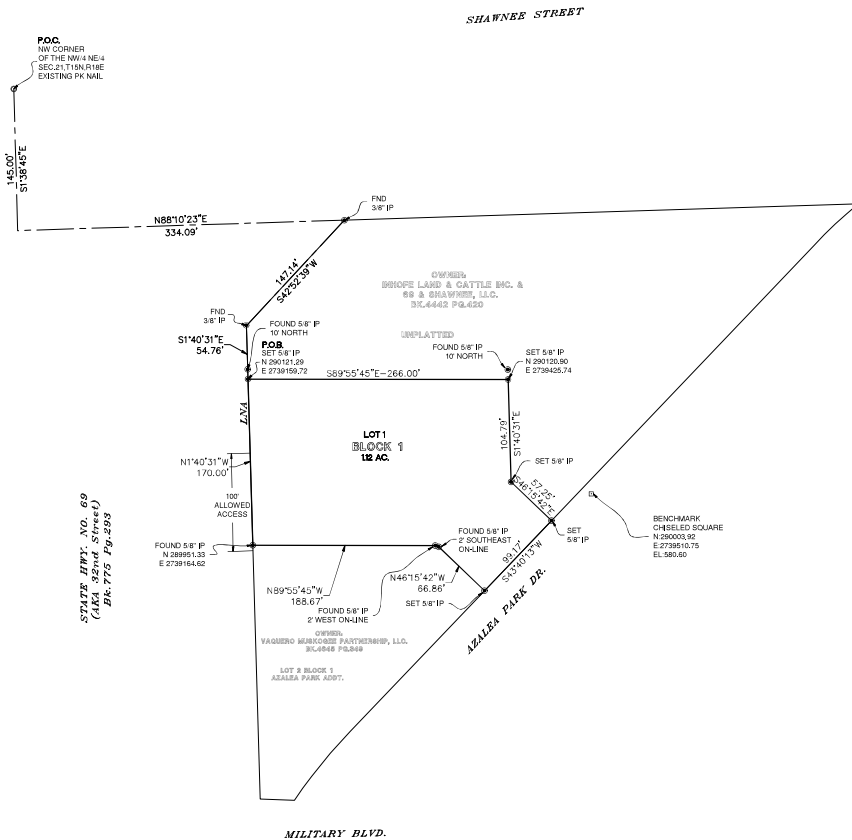
NSUT
N=290,720.901
E=2,741,446.793
EL.=620.94

Heartland Surveying & Mapping, PLLC

2110 E. 10th
PO Box 1000
Muskogee, Oklahoma 74401
(918) 932-7799

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

FINAL PLAT OF SLIMS ADDITION SECTION 21, T15N, R18E, CITY OF MUSKOGEE MUSKOGEE COUNTY, STATE OF OKLAHOMA



STATE OF OKLAHOMA)
COUNTY OF MUSKOGEE)

KNOW ALL MEN BY THESE PRESENTS, that we, Muskogee Slims Development, LLC, 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:

A PARCEL OF LAND LOCATED IN THE NW 1/4 NE 1/4 OF SECTION 21, T15N, R18E OF THE 18.6M. CITY OF MUSKOGEE, MUSKOGEE COUNTY, STATE OF OKLAHOMA. SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, COMMENCING AT THE NW CORNER OF SAID NW 1/4 NE 1/4, THENCE ALONG THE WEST LINE OF SAID NW 1/4 NE 1/4 S17°48'45"E 140.00 FEET; THENCE N89°10'23"E A DISTANCE OF 334.09 FEET; THENCE S42°23'20"W A DISTANCE OF 147.14 FEET; THENCE S1°40'31"E A DISTANCE OF 54.76 FEET TO THE POINT OF BEGINNING; THENCE S89°55'45"E A DISTANCE OF 266.00 FEET; THENCE S1°40'31"E A DISTANCE OF 104.29 FEET; THENCE S42°23'20"W A DISTANCE OF 57.25 FEET; THENCE S42°23'20"W A DISTANCE OF 98.17 FEET; THENCE N46°15'42"W A DISTANCE OF 66.86 FEET; THENCE N89°55'45"W A DISTANCE OF 188.67 FEET; THENCE N1°40'31"W A DISTANCE OF 170.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1.12 ACRES, MORE OR LESS.

We further certify that we have caused said tract of land to be platted into lot and block and have caused this plat to be made of said tract showing accurate dimension of lots and streets. We hereby designate said tract of land as Slims Addition and dedicate to public use all utility easements as shown herein.

Chris Moses

STATE OF OKLAHOMA
COUNTY OF MUSKOGEE

Before me, the undersigned, a notary public in and for the State of Oklahoma, personally appeared Chris Moses, to me known to be the identical persons who signed the name of Muskogee Slims Development, LLC, to 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: _____

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 and Urban Development Insurance Rate Map, Panel Number 40101C0095F, 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.

60 0 60 120
SCALE: IN FEET



Planning Commission

3.

Meeting Date: 11/01/2021

Initiator: Tish Callahan, Planning Director

Information

AGENDA ITEM TITLE:

Consider approval of the Preliminary and Final Plat of Parks on Peak Addition, consisting of one (1) lot on 4.14 acres, located on Peak Boulevard west of South 24th Street, or take any other necessary action. (Tish Callahan)

LEGAL DESCRIPTION:

THE EAST HALF OF THE NW1/4 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:

The applicant and owner, MacKenzie Parks has submitted the Preliminary and Final Plat of Parks on Peak Addition consisting of one (1) lot on 4.14 acres, located on Peak Boulevard west of South 24th Street. The request for the plat is to allow for a new industrial development for ID Transportation, Inc. 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 Parks on Peak Addition consisting of one (1) lot on 4.14 acres, located on Peak Boulevard west of South 24th Street.

Fiscal Impact

Attachments

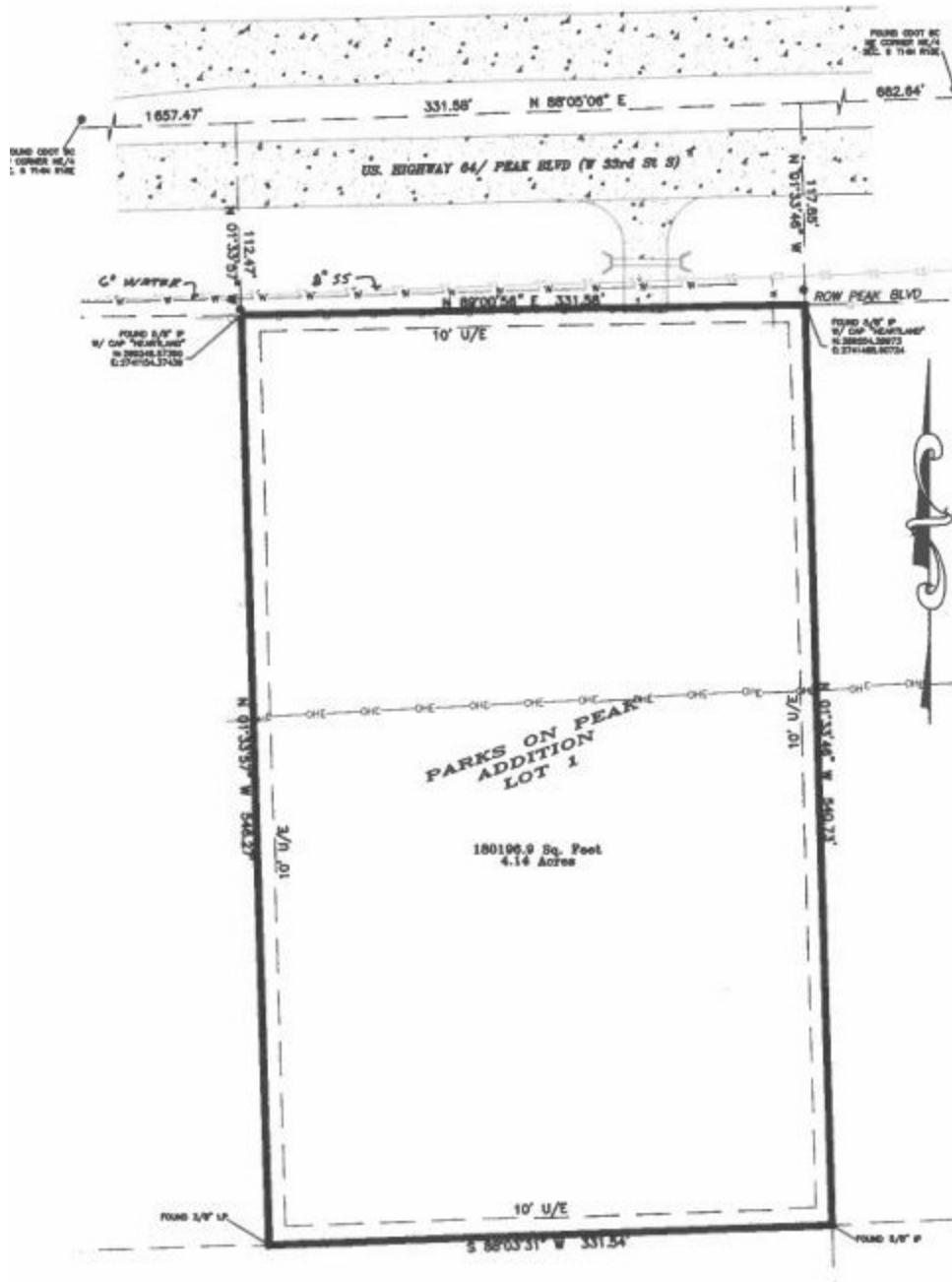
Final Plat - Parks on Peak Addition

Aerial Map - Parks on Peak Addition

FINAL PLAT

PARKS ON PEAK ADDITION

A PART OF THE NE/4 OF THE NE/4 OF SECTION 9, TOWNSHIP 14 NORTH,
RANGE 18 EAST OF THE LB.&M., MUSKOGEE COUNTY, STATE OF OKLAHOMA





Meeting Date: 11/01/2021

Initiator: Tish Callahan, Planning Director

Information

AGENDA ITEM TITLE:

Hold a Public Hearing and take action on the approval of Resolution 2873 amending the Land Use Map regarding property located along Gulick on the east side, north of Solomon Street, more particularly described in the Resolution from Residential to Local Commercial, and if approved authorize staff to revise the Land Use Map of the City to reflect said change. (Tish Callahan)

LEGAL DESCRIPTION:

THE SOUTH 200 FEET OF THE WEST HALF OF LOT 4 (NW/4 NW/4) LESS THE NORTH 2 FEET OF THE WEST 307.32 FEET AND LESS THE EAST 353.88, ALL IN SECTION 1, TOWNSHIP 14, NORTH, RANGE 18 EAST OF THE INDIAN BASE AND MERIDIAN, MUSKOGEE COUNTY, STATE OF OKLAHOMA. AND THE SOUTH 13 FEET OF THE WEST 185 FEET OF LOT 24 IN BLOCK 3 IN ROLLING HILLS ADDITION TO THE CITY OF MUSKOGEE, ACCORDING TO THE OFFICIAL PLAT THEREOF, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

BACKGROUND:

The City of Muskogee is requesting an amendment to the Land Use Map in order to rezone property from R-1, Single Family Residential to C-1, Local Commercial. The rezoning request is to allow for the property addressed as 2516 Gulick to be used commercially. Currently, the rezoning request for C-1, Local Commercial does not comply with the Land Use Map; therefore, an amendment is required in order to approve the rezoning.

When the area was annexed into the City Limits, the property received the residential zoning classification per the City Code of Ordinances. At the time, the existing building was actively used as a convenience store and car wash and was allowed to continue that use as legal non-conforming. The property has been vacant over 90 days and lost the legal nonconforming use and now must conform with the regulations and requirements of the district. As the request for a commercial use does not conform with the regulations or requirements, the owner has requested the correct zoning classification for commercial use.

RECOMMENDED STAFF ACTION:

Approve Resolution 2873 amending the Land Use Map from Residential to Local Commercial and authorize staff to revise the Land Use Map of the City of Muskogee to reflect said change.

Fiscal Impact

Attachments

Res 2873 for 2516 Gulick

Aerial Map - 2516 Gulick

Notice

RESOLUTION NO. 2873

**A RESOLUTION APPROVING AN AMENDMENT TO THE FUTURE
LAND USE MAP FOR THE CITY OF MUSKOGEE FROM SINGLE-
FAMILY RESIDENTIAL DISTRICT TO LOCAL COMMERCIAL
DISTRICT.**

WHEREAS, the City Planning Commission and the Muskogee City Council have adopted the Future Land Use Map; and

WHEREAS, the Future Land Use Map functions as the comprehensive plan in consideration of matters affecting the orderly urbanization of the community; and

WHEREAS, Title 11, Section 43-103, Oklahoma State Statutes, requires zoning districts to be in accordance with the comprehensive plan (Future Land Use Map); and

WHEREAS, the Future Land Use Map recognizes that changes may occur in the community which may cause the necessity of amending said plan; and,

WHEREAS, a public hearing has been held on November 1, 2021, before the City Planning Commission on the property described in Section 1 hereof; and

WHEREAS, in accordance with Title 11 Oklahoma Statutes, Section 43-105, the Muskogee City Council shall approve any amendment to the Land Use Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Muskogee, Oklahoma, that:

SECTION 1. An amendment to the Future Land Use Map from SINGLE-FAMILY RESIDENTIAL District to LOCAL COMMERCIAL District located on the tract of land described as:

**THE SOUTH 200 FEET OF THE WEST HALF OF LOT 4 (NW/4 NW/4) LESS THE
NORTH 2 FEET OF THE WEST 307.32 FEET AND LESS THE EAST 353.88, ALL IN
SECTION 1, TOWNSHIP 14, NORTH, RANGE 18 EAST OF THE INDIAN BASE AND
MERIDIAN, MUSKOGEE COUNTY, STATE OF OKLAHOMA. AND THE SOUTH 13
FEET OF THE WEST 185 FEET OF LOT 24 IN BLOCK 3 IN ROLLING HILLS
ADDITION TO THE CITY OF MUSKOGEE, ACCORDING TO THE OFFICIAL PLAT
THEREOF, MUSKOGEE COUNTY, STATE OF OKLAHOMA.**

PASSED and APPROVED by the Mayor and Council of the City of Muskogee this 8th day of NOVEMBER, 2021.

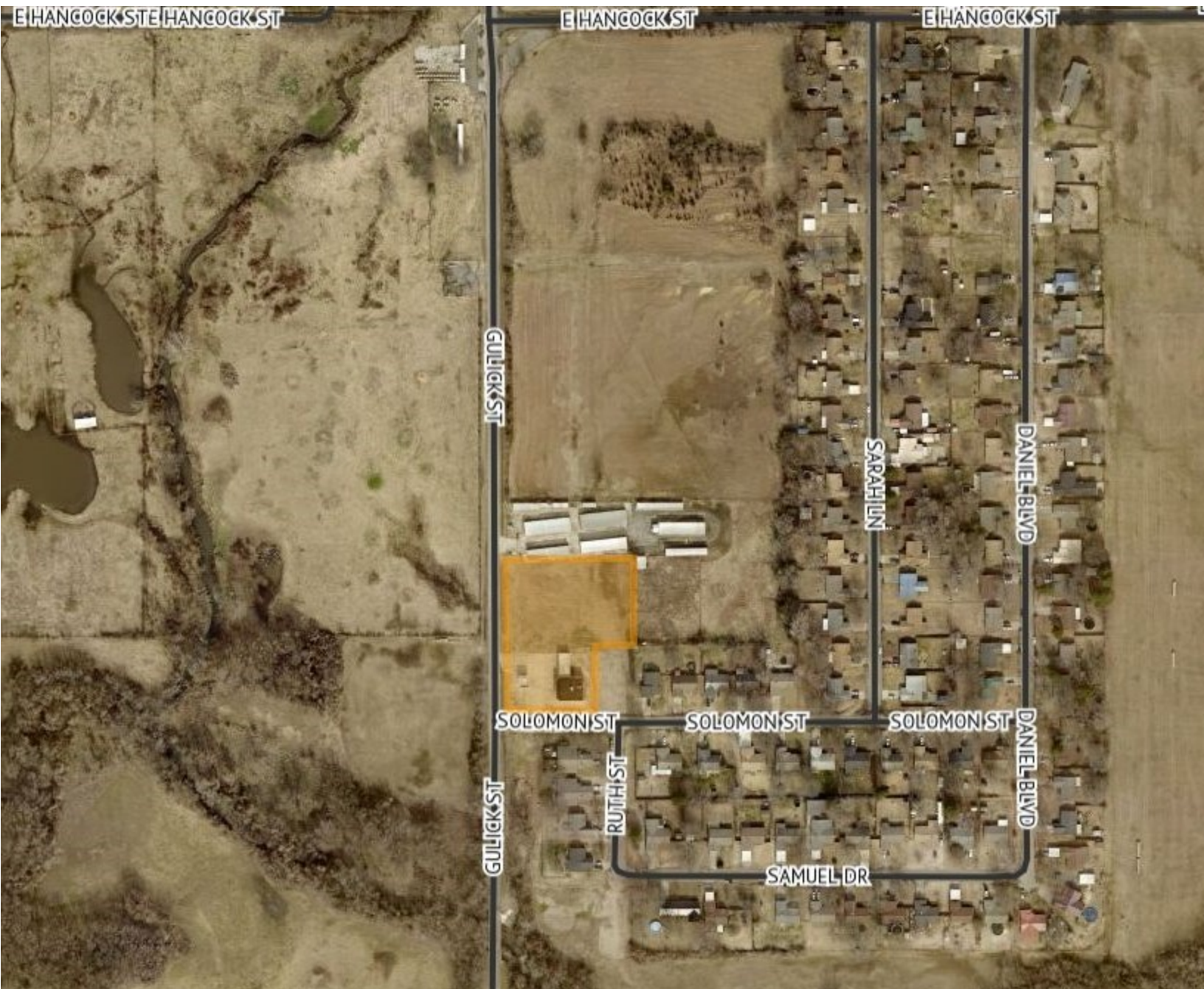
MARLON COLEMAN, MAYOR

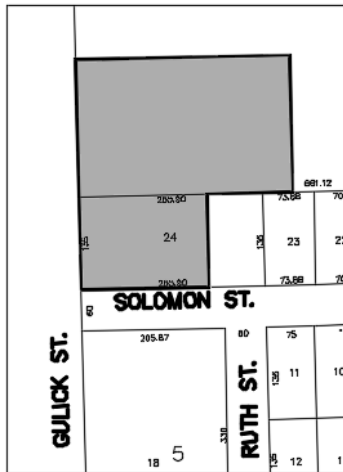
ATTEST:

TAMMY L. TRACY, CITY CLERK

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

ROY D. TUCKER, CITY ATTORNEY





City of Muskogee, applicant

PUBLIC NOTICE

Notice is hereby given that on **November 1, 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, on **November 1, 2021 at 5:30 p.m.** by the Public Works Committee, and on **November 8, 2021 at 5:30 p.m.** by the City Council to consider a resolution **amending the Future Land Use Map**. The property is more particularly described in the resolution from a Single-Family Residential District to a Local Commercial District, and if approved authorize the staff to revise the Future Land Use Map of the City to reflect change. The property is more particularly described as:

THE SOUTH 200 FEET OF THE WEST HALF OF LOT 4 (NW/4 NW/4) LESS THE NORTH 2 FEET OF THE WEST 307.32 FEET AND LESS THE EAST 353.88, ALL IN SECTION 1, TOWNSHIP 14, NORTH, RANGE 18 EAST OF THE INDIAN BASE AND MERIDIAN, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

AND

THE SOUTH 13 FEET OF THE WEST 185 FEET OF LOT 24 IN BLOCK 3 IN ROLLING HILLS 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

Meeting Date: 11/01/2021

Initiator: Tish Callahan, Planning Director

Information

AGENDA ITEM TITLE:

Hold a Public Hearing and take action on the approval of Ordinance 4135-A to rezone 2516 Gulick, being more particularly described in the ordinance 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. (Tish Callahan)

LEGAL DESCRIPTION:

THE SOUTH 200 FEET OF THE WEST HALF OF LOT 4 (NW/4 NW/4) LESS THE NORTH 2 FEET OF THE WEST 307.32 FEET AND LESS THE EAST 353.88, ALL IN SECTION 1, TOWNSHIP 14, NORTH, RANGE 18 EAST OF THE INDIAN BASE AND MERIDIAN, MUSKOGEE COUNTY, STATE OF OKLAHOMA. AND THE SOUTH 13 FEET OF THE WEST 185 FEET OF LOT 24 IN BLOCK 3 IN ROLLING HILLS ADDITION TO THE CITY OF MUSKOGEE, ACCORDING TO THE OFFICIAL PLAT THEREOF, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

BACKGROUND:

Bob and Janette Davis, applicants (John Bailey and Judy Davis, owners) are requesting to rezone the property addressed as 2516 Gulick from R-1, Single Family Residential to C-1, Local Commercial. The applicants, Bob and Janette Davis are purchasing the property for use as a Mama Tigs pizza restaurant. When the area was annexed into the City Limits, the property received the residential zoning classification per the City Code of Ordinance. At the time, the existing building was actively used as a convenience store and car wash and was allowed to continue that use as legal non-conforming. The property has been vacant over 90 days and the legal nonconforming use is void. In order to come into compliance with the regulations and requirements of the City's zoning regulations, the business must be zoned correctly. Therefore, the applicants are requesting the appropriate commercial zoning classification for commercial use as a restaurant.

Existing zoning and land use:

Site: R-1, Single Family Residential

North: R-1, Single Family Residential (industrial use – mini storage facility)

South: R-1, Single Family Residential

East: R-1, Single Family Residential

West: A, Agriculture (vacant, undeveloped land in a flood plain)

The Comprehensive Plan/Land Use Map, adopted by the City of Muskogee, amended by Resolution 2873 now indicates commercial zoning 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:

November 1, 2021 at 9:00 a.m.: City of Muskogee Planning & Zoning Commission

November 1, 2021 at 5:30 p.m.: Public Work Committee

November 8, 2021 at 5:30 p.m. Muskogee City Council Meeting

RECOMMENDED STAFF ACTION:

Approve Ordinance 4135-A rezoning the property from R-1, Single Family Residential to C-1, Local Commercial, and authorize staff to revise the Official Zoning Map of the City to reflect said change.

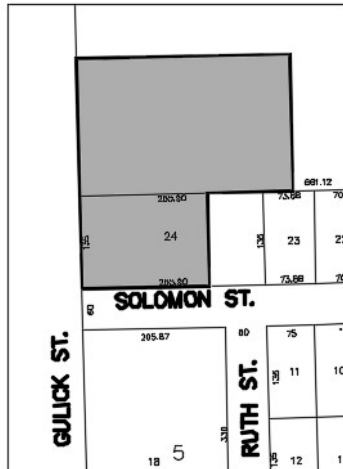
Fiscal Impact

Attachments

Notice - 2516 Gulick

Aerial Map - 2516 Gulick

Ord 4135-A Rezone



Applicant: Baily and Judy Davis, Owner; Bob and Janette Davis, applicant

PUBLIC NOTICE

Notice is hereby given that on November 1, 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 November 1, 2021 at 5:30 p.m., by the Public Works Committee, and on November 8, 2021, at 5:30 p.m., by the City Council to consider an application to rezone property located at 2516 S. Gulick, 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:

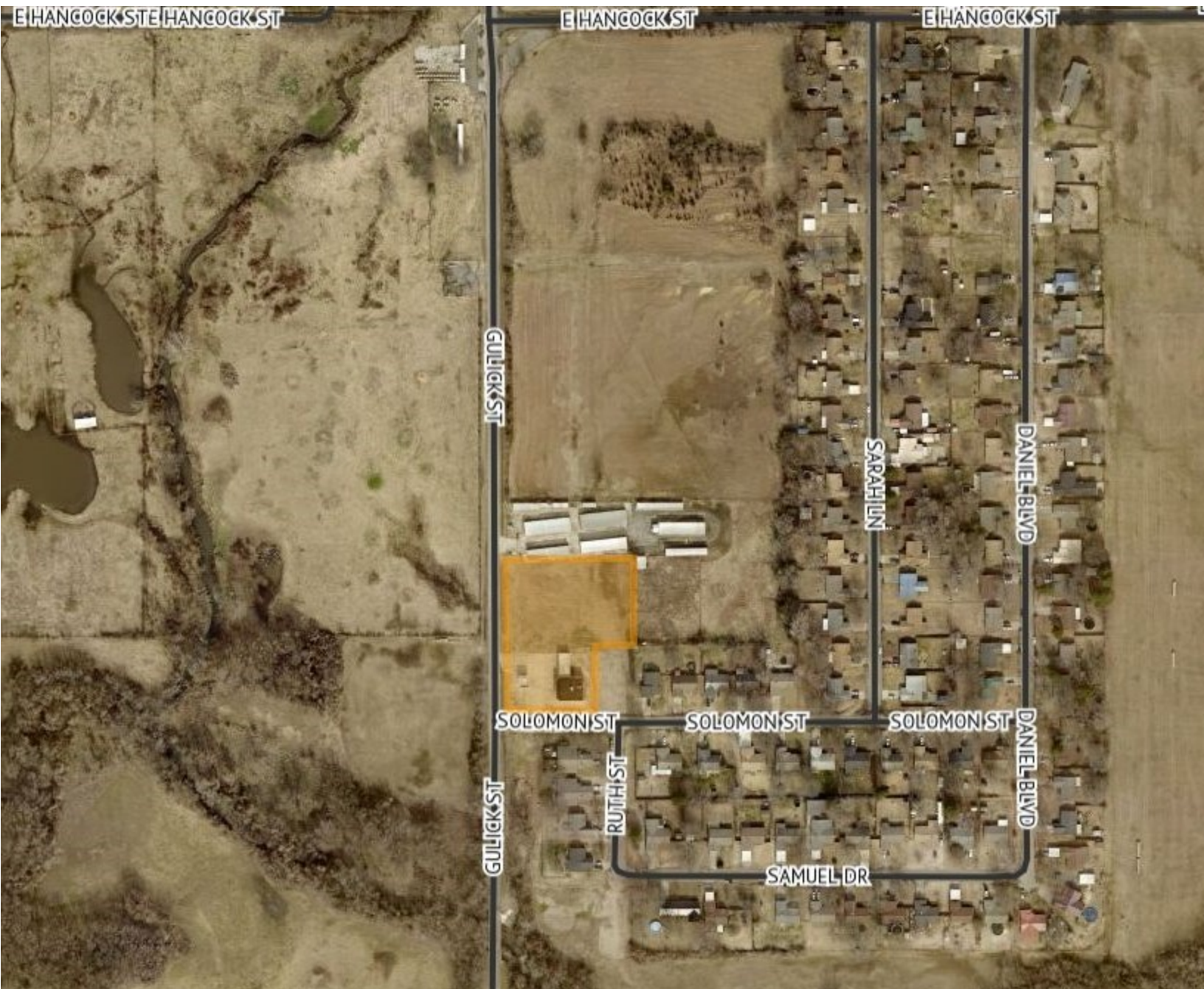
THE SOUTH 200 FEET OF THE WEST HALF OF LOT 4 (NW/4 NW/4) LESS THE NORTH 2 FEET OF THE WEST 307.32 FEET AND LESS THE EAST 353.88, ALL IN SECTION 1, TOWNSHIP 14, NORTH, RANGE 18 EAST OF THE INDIAN BASE AND MERIDIAN, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

AND

THE SOUTH 13 FEET OF THE WEST 185 FEET OF LOT 24 IN BLOCK 3 IN ROLLING HILLS 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. 4135-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 2516 S. GULICK STREET. THE PROPERTY IS LOCATED IN THE NORTHWEST QUARTER OF SECTION 01, 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 SOUTH 200 FEET OF THE WEST HALF OF LOT 4 (NW/4 NW/4) LESS THE NORTH 2 FEET OF THE WEST 307.32 FEET AND LESS THE EAST 353.88, ALL IN SECTION 1, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE INDIAN BASE AND MERIDIAN, MUSKOGEE COUNTY, STATE OF OKLAHOMA. AND THE SOUTH 135 FEET OF THE WEST 185 FEET OF LOT 24 IN BLOCK 3 IN ROLLING HILLS ADDITION TO THE CITY OF MUSKOGEE, ACCORDING TO THE OFFICIAL PLAT THEREOF, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

(Bailey and Judy Davis, Owner; Bob and Janette Davis, applicant)

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 November 1, 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 200 FEET OF THE WEST HALF OF LOT 4 (NW/4 NW/4) LESS THE NORTH 2 FEET OF THE WEST 307.32 FEET AND LESS THE EAST 353.88, ALL IN SECTION 1, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE INDIAN BASE AND MERIDIAN, MUSKOGEE COUNTY, STATE OF OKLAHOMA. AND THE SOUTH 135 FEET OF THE WEST 185 FEET OF LOT 24 IN BLOCK 3 IN ROLLING HILLS ADDITION TO THE CITY OF MUSKOGEE, ACCORDING TO THE OFFICIAL PLAT THEREOF, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

(Bailey and Judy Davis, Owner; Bob and Janette Davis, applicant)

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.

Ordinance No. 4135-A

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 8TH DAY OF NOVEMBER 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

Meeting Date: 11/01/2021

Initiator: Tish Callahan, Planning Director

Information

AGENDA ITEM TITLE:

Hold a Public Hearing and take action on the approval of Ordinance 4134-A to rezone 331 South 32nd Street, 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 14 TO 21, BOTH INCLUSIVE, IN BLOCK 9 IN MELROSE PLACE TO THE CITY OF MUSKOGEE, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

BACKGROUND:

Derek Harris, applicant (Tigerlilly Properites, owner) are requesting to rezone the property addressed as 331 South 32nd Street from C-1, Local Commercial to C-2, General Commercial. The request is to allow for the demolition and rebuild of the Wendy's Restaurant to be in compliance with the City's zoning regulations.

Existing zoning and land use:

Site: C-1, Local Commercial (Wendy's Restaurant)

North: C-1, Local Commercial (Medical Offices)

South: C-2, General Commercial and C-1, Local Commercial

East: South 32nd Street – C-1, Local Commercial (vacant lot)

West: R-1, Single Family Residential and Public Property (St. Francis Muskogee)

The Comprehensive Plan/Land Use Map indicates commercial zoning 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:

November 1, 2021 at 9:00 a.m.: City of Muskogee Planning & Zoning Commission

November 1, 2021 at 5:30 p.m.: Public Work Committee

November 8, 2021 at 5:30 p.m. Muskogee City Council Meeting

RECOMMENDED STAFF ACTION:

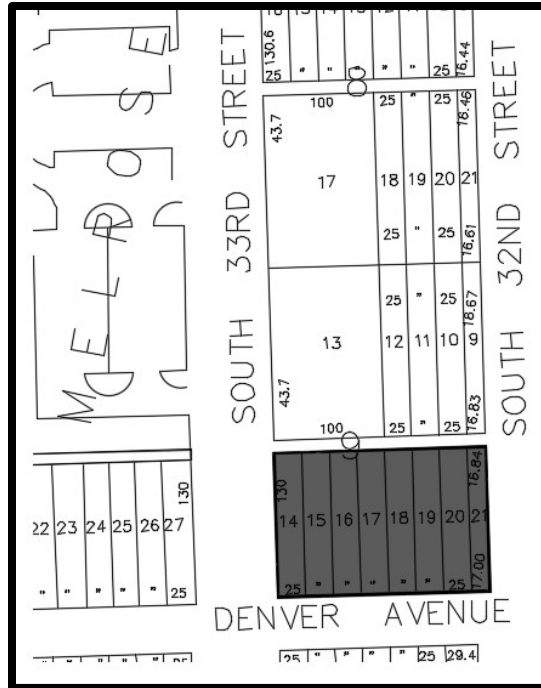
Approve Ordinance 4134-A rezoning the property from C-1, Local Commercial, to C-2, General Commercial and authorize staff to revise the Official Zoning Map of the City to reflect said change.

Fiscal Impact**Attachments**

Notice - 331 S 32 Rezone

Aerial Map - 331 S 32 Wendy's

Ord 4134-A Rezone



Applicant: Tigerlilly Properites, owner; Derek Harris, applicant

PUBLIC NOTICE

Notice is hereby given that on November 1, 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 November 1, 2021 at 5:30 p.m., by the Public Works Committee, and on November 8, 2021, at 5:30 p.m., by the City Council to consider an application to rezone property located at 331 S. 32nd Street, City of Muskogee, Muskogee County, State of Oklahoma, from “C-1” Local Commercial to “C-2” General Commercial District.

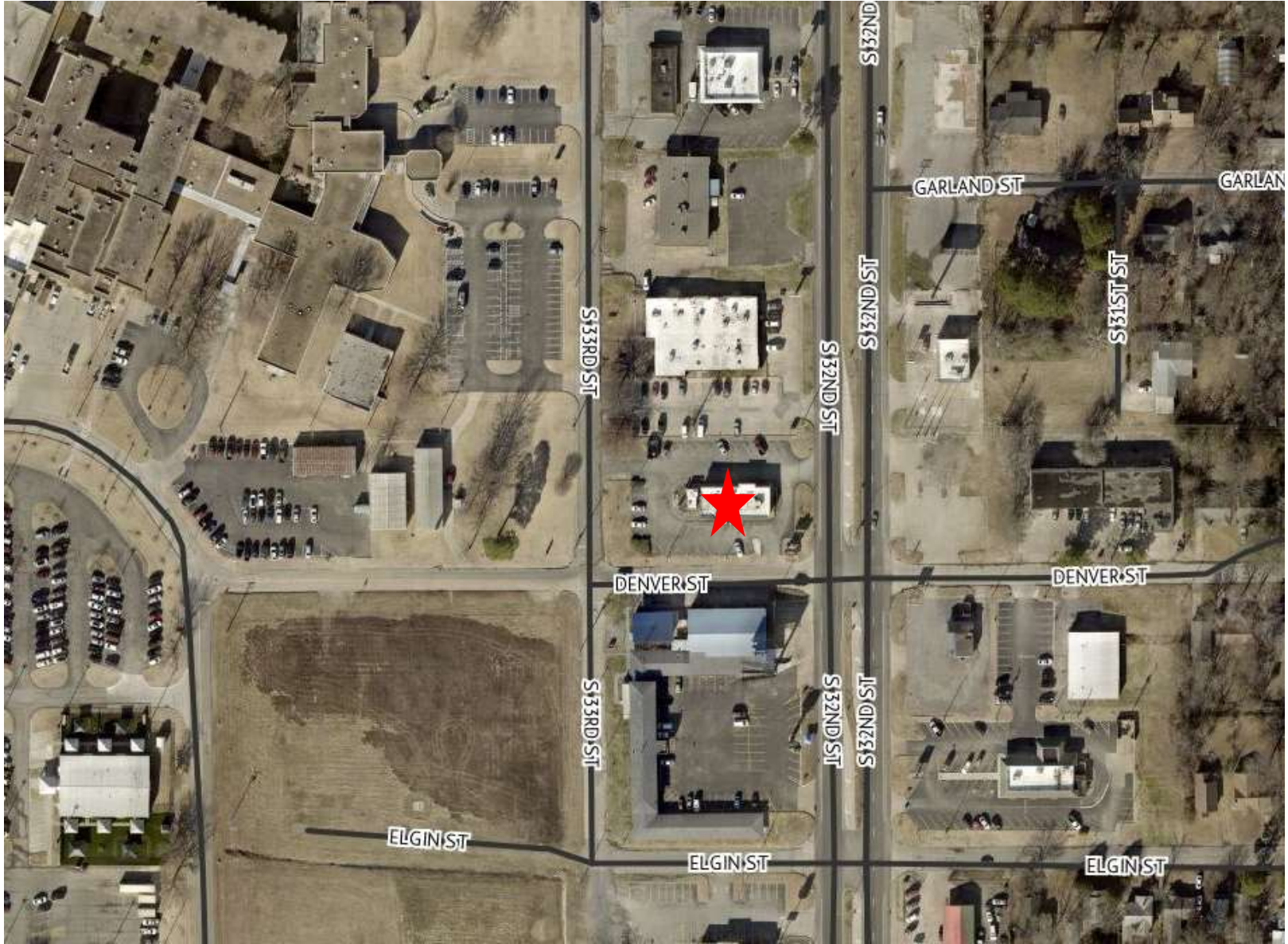
(Please note that if you wish to speak at the Public Works and/or City Council meeting you must sign up 15 minutes before the meeting starts)

The property is more particularly described as:

**LOTS 14 TO 21, BOTH INCLUSIVE, IN BLOCK 9 IN MELROSE PLACE TO
THE CITY OF MUSKOGEE, 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. 4134-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 331 S. 32ND STREET. THE PROPERTY IS LOCATED IN THE NORTHWEST QUARTER OF SECTION 28, 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 14 TO 21, BOTH INCLUSIVE, IN BLOCK 9 IN MELROSE PLACE TO THE CITY OF MUSKOGEE, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

Applicant: Tigerlilly Properties, owner; Derek Harris, applicant

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 November 1, 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 14 TO 21, BOTH INCLUSIVE, IN BLOCK 9 IN MELROSE PLACE TO THE CITY OF MUSKOGEE, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

Applicant: Tigerlilly Properties, owner; Derek Harris, applicant

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.

Ordinance No. 4134-A

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE,
OKLAHOMA, and THIS 8TH DAY OF NOVEMBER 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