

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 15, 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 November 1, 2021, or take other necessary action.
2. Discuss and take necessary action on Resolution 2880 from the Planning and Zoning Commission regarding the medical marijuana zoning classifications.

ADJOURN

Planning Commission

1.

Meeting Date: 11/15/2021

Initiator: Susan Ross, Office Admin I

Information

AGENDA ITEM TITLE:

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

LEGAL DESCRIPTION:

BACKGROUND:

Consider approval of Planning Commission Minutes of November 1, 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 NOVEMBER 1, 2021

The Planning and Zoning Commission of the City of Muskogee, Oklahoma, met in Regular Session at 9:00 a.m., on November 1, 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: Stacy Alexander, Chair; Darrell Russell, Vice Chair; Patrick Reeder, Commissioner; D'Elbie Walker, Commissioner; Leroy Walker Sr., Commissioner; Michelle Shirley, Commissioner

Absent: Paige Frix, Commissioner

Staff Present: Tish Callahan, City Planner
Leon Davis Jr. , Economic Development Manager
Susan Ross, Office Administrator

- 1 Chairperson Stacy Alexander presented the item to consider approval of Planning Commission Minutes of October 18, 2021, or take other necessary action.

Commissioner Darrell Russell made a motion to **approve** the minutes from the October 18, 2021 Planning Commission Meeting. Commissioner Leroy Walker seconded the motion.

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

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

Carried - Unanimously

- 2 Planning Director Tish Callahan presented the item to 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. Mrs. Callahan stated that 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.

Commissioner D'Elbie Walker made a motion to **approve** the Preliminary and Final Plat of Slims Addition. Commissioner Patrick Reeder seconded the motion.

Motion was made by Commissioner D'Elbie Walker, 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

- 3 Planning Director Tish Callahan presented the item to 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. Mrs. Callahan stated that 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.

Commissioner D'Elbie Walker made a motion to **approve** the Preliminary and Final Plat of Parks on Peak Addition. Commissioner Darrell 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 Leroy Walker Sr., Commissioner Michelle Shirley

Carried - Unanimously

- 4 Planning Director Tish Callahan presented the item to 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. Mrs. Callahan stated that 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.

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

Commissioner D'Elbie Walker made a motion to **approve** Resolution 2873 amending the Land Use Map regarding property located along Gulick on the east side, north of Solomon Street. Commissioner Leroy Walker seconded the motion.

Motion was made by Commissioner D'Elbie Walker, seconded by Commissioner Leroy Walker Sr.

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

Carried - Unanimously

- 5 Planning Director Tish Callahan presented the item to 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. 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. Planning Director Tish Callahan stated that 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

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

Commissioner D'Elbie Walker made a motion to **approve** 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. Commissioner Darrell 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 Leroy Walker Sr., Commissioner Michelle Shirley

Carried - Unanimously

- 6 Planning Director Tish Callahan presented the item to 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. Mrs. Callahan stated that Derek Harris, applicant (Tigerlilly Properites, owner) is 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

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

Commissioner Darrell Russell made a motion to **approve** 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. Commissioner D'Elbie Walker seconded the motion.

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

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

Carried - Unanimously

- 7 Commissioner D'Elbie Walker presented the item to discuss the Planning Commission's stance on Medical Marijuana zoning classifications. Commissioner D'Elbie Walker stated that the Planning Commission would like to ask for a Resolution from the Planning Commission stating that medical marijuana grow facilities should not be allowed in or near residential areas or within the city limits of Muskogee.

After a brief discussion, Commissioner D'Elbie Walker made a motion to formally request the creation of a Resolution stating that medical marijuana grow facilities should not be allowed in or near residential areas or within the city limits of Muskogee and to add said Resolution to the next Planning Commission Meeting. Commissioner Darrell 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 Leroy Walker Sr., Commissioner Michelle Shirley

Carried - Unanimously

There being no further business, the meeting was adjourned.

Planning Commission

2.

Meeting Date: 11/15/2021

Initiator: Tish Callahan, Planning Director

Information

AGENDA ITEM TITLE:

Discuss and take necessary action on Resolution 2880 from the Planning and Zoning Commission regarding the medical marijuana zoning classifications.

LEGAL DESCRIPTION:

BACKGROUND:

The Planning and Zoning Commission would like to make known their opposition to the current zoning classifications that allow for the medical marijuana grow facilities to be located within the city limits of Muskogee. If that is not feasible, they would like to eliminate the medical marijuana grow operations from the downtown business district and within or near residential developments.

RECOMMENDED STAFF ACTION:

Approve Resolution 2880.

Fiscal Impact

Attachments

Resolution 2880

RESOLUTION NO. 2880

A RESOLUTION EXPRESSING THE OPINION OF THE CITY OF MUSKOGEE PLANNING AND ZONING COMMISSION REGARDING MEDICAL MARIJUANA ZONING CLASSIFICATIONS WITHIN THE CITY OF MUSKOGEE.

WHEREAS, the City Planning and Zoning Commission and the Muskogee City Council have adopted the Muskogee Code of Ordinances, Comprehensive Plan and Future Land Use Map; and

WHEREAS, the Muskogee Code of Ordinances, Comprehensive Plan and Future Land Use Map function as the overall plan in consideration of matters affecting the orderly urbanization of the community; and

WHEREAS, the Muskogee Code of Ordinances, Comprehensive Plan and Future Land Use Map recognize the current zoning classifications that allow for Medical Marijuana operations; and,

WHEREAS, the City of Muskogee Planning and Zoning Commission by Resolution No. 2880 expresses their desire that the zoning regulations be amended to not allow Medical Marijuana grow operations in the city limits of Muskogee and especially the downtown vicinity or locations within or near residential development.

NOW, THEREFORE, BE IT RESOLVED by the Planning and Zoning Commission of the City of Muskogee, Oklahoma, that:

SECTION 1. The City Planning and Zoning Commission hereby opposes Medical Marijuana grow operations in the city limits of Muskogee and especially the downtown vicinity or locations within or near residential development.

PASSED and APPROVED by the City Planning and Zoning Commission of the City of Muskogee this 15th day of NOVEMBER, 2021.

Stacey Alexander, Chair

Darrell Russell, Vice Chair

Patrick Reeder, Commissioner

D'Elbie Walker, Commissioner

Leroy Walker Sr., Commissioner

Michelle Shirley, Commissioner

Paige Frix, Commissioner

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

ROY D. TUCKER, CITY ATTORNEY