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
JANUARY 3, 2022

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 December 6, 2021, or take other necessary action.

2. Hold a Public Hearing and take action on the approval of Ordinance 4148-A to rezone property addressed as 2408 West Broadway, being more particularly described in the ordinance from C-1, Local Commercial to R-1, Single Family Residential, 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: 01/03/2022

Initiator: Susan Ross, Office Admin I

Information

AGENDA ITEM TITLE:

Consider approval of Planning Commission Minutes of December 6, 2021, or take other necessary action.

LEGAL DESCRIPTION:

BACKGROUND:

Consider approval of Planning Commission Minutes of December 6, 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 DECEMBER 6, 2021

The Planning and Zoning Commission of the City of Muskogee, Oklahoma, met in Regular Session at 9:00 a.m., on December 6, 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:	Stacy Alexander, Chair; Darrell Russell, Vice Chair; Patrick Reeder, Commissioner; Leroy Walker Sr., Commissioner
Absent:	Paige Frix, Commissioner; D'Elbie Walker, Commissioner; Michelle Shirley, Commissioner
Staff Present:	Jennifer Swezey, Assistant City Manager
	Matt Beese, Assistant City Attorney
	Susan Ross, Office Administrator

1 Chair Stacy Alexander presented the item to consider approval of Planning Commission Minutes of November 15, 2021, or take other necessary action.

Commissioner Leroy Walker Sr. made a motion to **approve** the minutes of the November 15, 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 Leroy Walker Sr.

Carried - Unanimously

2 Planning Office Administrator Susan Ross presented the item to hold a Public Hearing and take action on the approval of Ordinance 4141-A to rezone approximately 23 acres, being more particularly described in the ordinance, from R-1, Single Family Residential to R-5, Mobile Home, and if approved authorize staff to revise the Official Zoning Map of the City to reflect said change, or take other necessary action. Mrs. Ross stated that Ashley Campbell, the applicant is requesting to rezone the property located south of the Orchard Park Subdivision, which is across the road from the Hilldale Middle and High School campus. The request is to go from R-1, Single Family Residential to R-5, Mobile Home. The request is to allow for one (1) mobile home to be located on the property. This request is to zone the entire 23 acres to R-5, Mobile Home but only allows for one dwelling.

Existing zoning and land use:

Site: R-1, Single Family Residential

North: R-1, Single Family Residential
South: Outside City Limits
East: R-1, Single Family Residential
West: Outside City Limits

The Comprehensive Plan/Land Use Map indicates residential zoning within this area. Therefore, the request to rezone to the R-5 Mobile Home residential zone 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:

December 6, 2021 at 9:00 a.m.: City of Muskogee Planning & Zoning Commission
December 6, 2021 at 5:30 p.m.: Public Work Committee
December 13, 2021 at 5:30 p.m. Muskogee City Council Meeting

Chair Stacy Alexander stated that she is concerned about property values and how it could open the door for more mobile homes in the future. Ms. Alexander stated that there are some mobile homes in Orchard Park but those have affected the value of other homes. Commissioner Leroy Walker Sr. stated that he doesn't like the idea of spot zoning but he does understand that she is just trying to put a home on her land. Mr. Walker stated that for possible future use he doesn't feel as though we should rezone it.

Chair Stacy Alexander opened the Public Hearing.

Ron Thomas, 4753 Gulick Street, stated that he has 60 acres directly to the East and he believes the property values will go down if the rezoning is allowed. Mr. Thomas stated that he would like to see it stay zoned for single family residential homes. Mr. Thomas also stated that there is a pond nearby and they have had issues with trespassers and have now installed cameras. Mr. Thomas asked that the zoning stay R-1 Single Family Residential.

Ashley Campbell, 1712 Chandler Rd., applicant, stated that she bought the property in hopes of building a home. Ms. Campbell stated that since prices have gone up she is not able to afford to build a house or a modular home. Ms. Campbell stated that she is not interested in building a mobile home park and that she wants to be able to put in a mobile home for her and her children. Ms. Campbell stated that her property is at the end of a dead end road and has a gate to access the land.

Tim Elam, 4999 Orchard Pkwy., stated that he has a two story house with 5 acres that directly joins Ms. Campbell's property. Mr. Elam stated that he has lived there for 15 years and that he is against a possible mobile home park being on the land. Mr. Elam also stated that the property value will go down.

Gary Poitevent, 601 Jonathan Place, stated that he has lived there for 36 years. Mr. Poitevent stated that the homes in Orchard Park are mobile homes that have brick around them and not skirting. Mr. Poitievent also stated that adding a mobile home or a possible mobile home park would cause the property values to go down and also cause a strain on the sewer system and traffic in the area.

Chair Stacy Alexander stated that the applicant is not asking to put in a mobile home park, but is asking to put in (1) one mobile home. Ms. Alexander also stated that any further addition of mobile homes would have to be approved by the City throught the platting process.

Applicant Ashley Campbell stated that it will be a nice mobile home and she will make it look identical to the current mobile homes in Orchard Park.

Kathy Rodden, 607 Elberta Court, stated that it's easy to say you are only putting in one unit but that we do not know about the future use of the property. Ms. Rodden stated that she believes low income people live in trailers and stated that she does not want the crime and added traffic to the area. Ms. Rodden stated that she believes the decision should be to deny the request.

Ron Thomas, 4753 Gulick, stated that he has valuable property on 60 acres and he is willing to do a cash offer for the property.

Chair Stacy Alexander stated that she would like it to be on record that this request is for one mobile home and that her goal is to look at what is best for the area which does not negatively affect property values. Ms. Alexander stated that the overall image should not be assumed that low income people live in mobile homes. Ms. Alexander stated that we need to consider the future use of the property and that life happens and what if the applicant is unable to stay on the property or decided to sell the property.

After a brief discussion among Planning Commission members, Chair Stacy Alexander closed the Public Hearing.

Commissioner Darrell Russell made a motion to **deny** the request to rezone the property from "R-1" Single-family residential to "R-5" Mobile Home. Commissioner Leroy Walker Sr. 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 Leroy Walker Sr.

Carried - Unanimously

3 Planning Office Administrator Susan Ross presented the item to hold a Public Hearing and take action on the approval of Ordinance 4137-A to close the twenty (20) foot wide alley located within Block 276, Muskogee Original Townsite, more particularly described in the Ordinance, providing for severability and setting an effective date. Mrs. Ross stated that the applicant, Antonio Perrotta, is requesting approval to close the twenty (20) foot wide alley that is lying between Lots 4, 5 and 6 in Block 276, Muskogee Original Townsite. The alley is located between North 5th and Altamont Street, north of Tower Hill Boulevard. The alley closure is being requested to allow the property owner to vacate the alley and then consolidate a part of Lot 6 and Lot 4 in order to construct a garage building on Lot 4. There are no utilities located within the alley proposed to be closed. The Subdivision Review Committee reviewed the request and recommended approval.

Notices have been sent to the abutting property owners, as required, and published in the paper twenty (20) days prior to the Public Hearing. A Public Hearing will be held on the following days:

December 6, 2021 at 9:00 a.m.: City of Muskogee Planning & Zoning Commission
December 6, 2021 at 5:30 p.m.: City of Muskogee Public Works Committee
December 13, 2021 at 5:30 p.m.: City Council

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

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

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

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

Carried - Unanimously

There being no further business, the meeting was adjourned.

Planning Commission **2.**

Meeting Date: 01/03/2022

Initiator: Tish Callahan, Planning Director

Information

AGENDA ITEM TITLE:

Hold a Public Hearing and take action on the approval of Ordinance 4148-A to rezone property addressed as 2408 West Broadway, being more particularly described in the ordinance from C-1, Local Commercial to R-1, Single Family Residential, 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:

LOT 17, BLOCK 18 IN WEST ALTA VISTA ADDITION, CITY OF MUSKOGEE, ACCORDING TO THE PLAT THEREOF, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

BACKGROUND:

Haven House, Inc., owner and applicant, represented by Forest Kirk, is requesting to rezone the property located at 2408 West Broadway, known as the Haven House The request is to go from C-1, Local Commercial to R-1, Single Family Residential to allow for the house to be sold as a residential home. The mortgage company requires the property to have the correct zoning classification under their lending requirements.

Existing zoning and land use:

Site: C-1, Local Commercial

North: R-1, Single Family Residential
South: C-1, Local Commercial
East: C-1, Local Commercial
West: C-1, Local Commercial

The Comprehensive Plan/Land Use Map indicates residential zoning within this area. Therefore, the request to rezone to the R-1, Single Family Residential zone 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:

January 3, 2022 at 9:00 a.m.: City of Muskogee Planning & Zoning Commission
January 3, 2022 at 5:30 p.m.: Public Work Committee
January 10, 2022 at 5:30 p.m. Muskogee City Council Meeting

RECOMMENDED STAFF ACTION:

Approve Ordinance 4148-A to rezone property addressed as 2408 West Broadway, from C-1, Local Commercial to R-1, Single Family Residential, and authorize staff to revise the Official Zoning Map of the City to reflect said change.

Fiscal Impact

Attachments

Ord 4148-A Rezone 2408 W Bdwy

Notice - 2408 W Bdwy rezone

Aerial Map - 2408 W Bdwy

ORDINANCE NO. 4148-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 2408 WEST BROADWAY STREET. THE PROPERTY IS LOCATED IN THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 15 NORTH, RANGE 18 EAST OF THE INDIAN BASE AND MERIDIAN, MUSKOGEE COUNTY, STATE OF OKLAHOMA. THE PROPERTY IS MORE PARTICULARLY DESCRIBED AS:

LOT 17 IN BLOCK 18 IN WEST ALTA VISTA ADDITION TO THE CITY OF MUSKOGEE, ACCORDING TO THE PLAT THEREOF, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

(Haven House Inc., applicant)

FROM "C-1" LOCAL COMMERCIAL DISTRICT

TO

"R-1" SINGLE FAMILY RESIDENTIAL DISTRICT

WHEREAS, the City of Muskogee Planning and Zoning Commission, in a meeting held January 3, 2022, 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;

LOT 17 IN BLOCK 18 IN WEST ALTA VISTA ADDITION TO THE CITY OF MUSKOGEE, ACCORDING TO THE PLAT THEREOF, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

(Haven House Inc., applicant)

FROM "C-1" LOCAL COMMERCIAL DISTRICT

TO

"R-1" SINGLE FAMILY RESIDENTIAL 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 10TH DAY OF JANUARY 2022.

_____
MARLON J. COLEMAN, MAYOR

ATTEST:

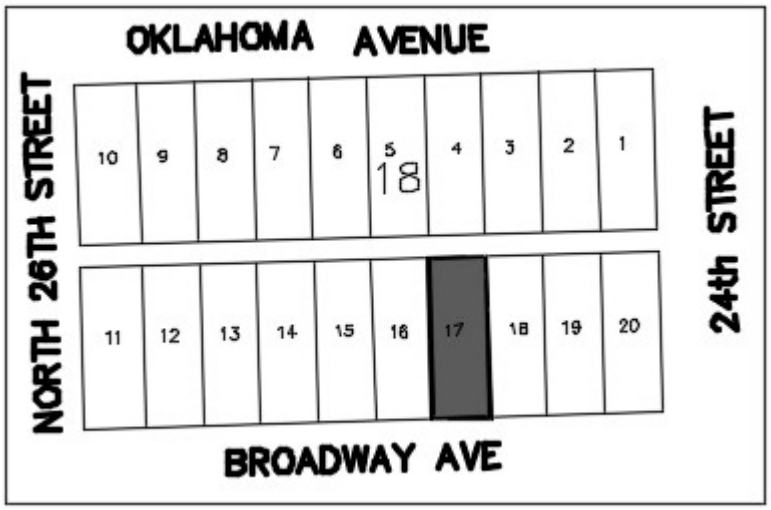
_____
TAMMY L. TRACY, CITY CLERK

(SEAL)

APPROVED as to form and legality this ____ day of _____, 2022.

_____
ROY D. TUCKER, CITY ATTORNEY

Public Hearing Notice



Proposal: To rezone property located at 2408 W. Broadway, City of Muskogee, Muskogee County, State of Oklahoma, from "C-1" Local Commercial to "R-1" Single-Family Residential District.

The property is more particularly described as:

LOT 17 IN BLOCK 18 IN WEST ALTA VISTA ADDITION TO THE CITY OF MUSKOGEE, ACCORDING TO THE PLAT THEREOF, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

Applicant: Haven House Inc., 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:

January 3, 2022 at 9:00 a.m.: City of Muskogee Planning & Zoning Commission
January 3, 2022 at 5:30 p.m.: City of Muskogee Public Works Committee
January 10, 2022 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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