

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
FEBRUARY 7, 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 January 3, 2022, or take other necessary action.
2. Consider approval of the request from O'Reilly Auto Parts to consolidate Lots 11-15 and the south 7.5 feet of the 15 foot vacated alley adjacent to Lots 12 – 15 in Block 7, all within Block 7 of the Alamo Addition into Tract 1, Block 7, Alamo Addition, or take other necessary action. (Tish Callahan)
3. Consider approval of the request from Antonio Perrotta to consolidate Lots 4, 5 and the East 70' of Lot 6, along with the vacated portion of the alley abutting those lots into Tract 1, in Block 276 in the Muskogee Original Townsite, or take other necessary action. (Tish Callahan)

4. Consider approval of the Preliminary and Final Plat of Saylor Place Addition, consisting of one (1) lot on 2.18 acres, located southwest of the Silo at Doering Crossing Addition and north of Clubview Estates #4 at the end of Putter Place, or take any other necessary action. (Tish Callahan)
5. Hold a Public Hearing and take action on the approval of Resolution 2889 amending the Land Use Map regarding property located on the northeast corner of North 40th Street and West Shawnee, 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)
6. Hold a Public Hearing and take action on the approval of Ordinance 4149-A to rezone property located on the east side of North 40th Street north of West Shawnee, being more particularly described in the ordinance from R-4, Multi-Family 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)
7. Hold a Public Hearing and take action on the approval of Ordinance 4150-A to rezone property located west of South 55th Street between Tennyson and Estelle, being more particularly described in the ordinance from R-1, Single-Family Residential to R-5, Mobile Home zone, 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)
8. Hold a Public Hearing and take action on the approval of Ordinance 4151-A to rezone property located at the west end of 301 N. York Street, being more particularly described in the ordinance from R-1, Single-Family Residential to C-2, General Commercial District, 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)
9. Hold a Public Hearing and take action on the approval of Ordinance 4152-A to rezone property addressed as 3701 South York Street, being more particularly described in the ordinance from R-1, Single-Family Residential to A-1, Agriculture District, 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)
10. Hold a Public Hearing and take action on the approval of Ordinance 4154-A amending the City of Muskogee Code of Ordinances, Chapter 90, Zoning, adding Article XXIII, Specific Use Permits, Sections 90-23-01 Purposes, 90-23-02 Conditions for Approval, 90-23-03 Specific Use Permit List, 90-23-04 Use Conditions, 90-23-05 Administration, providing for Repealer, Severability and Declaring an Emergency, or take other necessary action. (Tish Callahan)

ADJOURN

Planning Commission

1.

Meeting Date: 02/07/2022

Initiator: Susan Ross, Office Admin I

Information

AGENDA ITEM TITLE:

Consider approval of Planning Commission Minutes of January 3, 2022, or take other necessary action.

LEGAL DESCRIPTION:

BACKGROUND:

Consider approval of Planning Commission Minutes of January 3, 2022, 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
JANUARY 3, 2022

The Planning and Zoning Commission of the City of Muskogee, Oklahoma, met in Regular Session at 9:00 a.m., on January 3, 2022, 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; Patrick Reeder, Commissioner; Leroy Walker Sr., Commissioner; Michelle Shirley, Commissioner

Absent: Darrell Russell, Vice Chair; Paige Frix, Commissioner; D'Elbie Walker, Commissioner

Staff Present: Tish Callahan, Planning Director
Susan Ross, Office Administrator

- 1 Chair Stacy Alexander presented the item to consider approval of Planning Commission Minutes of December 6, 2021, or take other necessary action.

Board Member Leroy Walker Sr. made a motion to **approve** the minutes of the December 6, 2021 Planning Commission meeting. Board Member Patrick Reeder seconded the motion.

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

AYE: Chair Stacy Alexander, Commissioner Patrick Reeder, Commissioner Leroy Walker Sr., Commissioner Michelle Shirley

Carried - Unanimously

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

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

Board Member Patrick Reeder made a motion to **approve** Ordinance 4148-A to rezone property addressed as 2408 West Broadway. Board Member Michelle Shirley seconded the motion.

There being no further business, the meeting was adjourned.

Planning Commission

2.

Meeting Date: 02/07/2022

Initiator: Tish Callahan, Planning Director

Information

AGENDA ITEM TITLE:

Consider approval of the request from O'Reilly Auto Parts to consolidate Lots 11-15 and the south 7.5 feet of the 15 foot vacated alley adjacent to Lots 12 – 15 in Block 7, all within Block 7 of the Alamo Addition into Tract 1, Block 7, Alamo Addition, or take other necessary action. (Tish Callahan)

LEGAL DESCRIPTION:

**LOTS 11-15 AND THE SOUTH 7.5 FEET OF THE 15 FOOT VACATED ALLEY
ADJACENT TO LOTS 12 – 15 IN BLOCK 7, ALL WITHIN BLOCK 7 OF THE ALAMO
ADDITION, MUSKOGEE, OKLAHOMA.**

BACKGROUND:

The applicant, O'Reilly Auto Parts is requesting approval to consolidate the newly acquired Lot 11, Block 7 in Alamo Addition with their existing property in order to expand the existing store. Tract 1 will consist of 33,974 square feet and once zoned and consolidated will comply with the area regulations within the Zoning Ordinance.

RECOMMENDED STAFF ACTION:

Approve the Lot Consolidation.

Fiscal Impact

Attachments

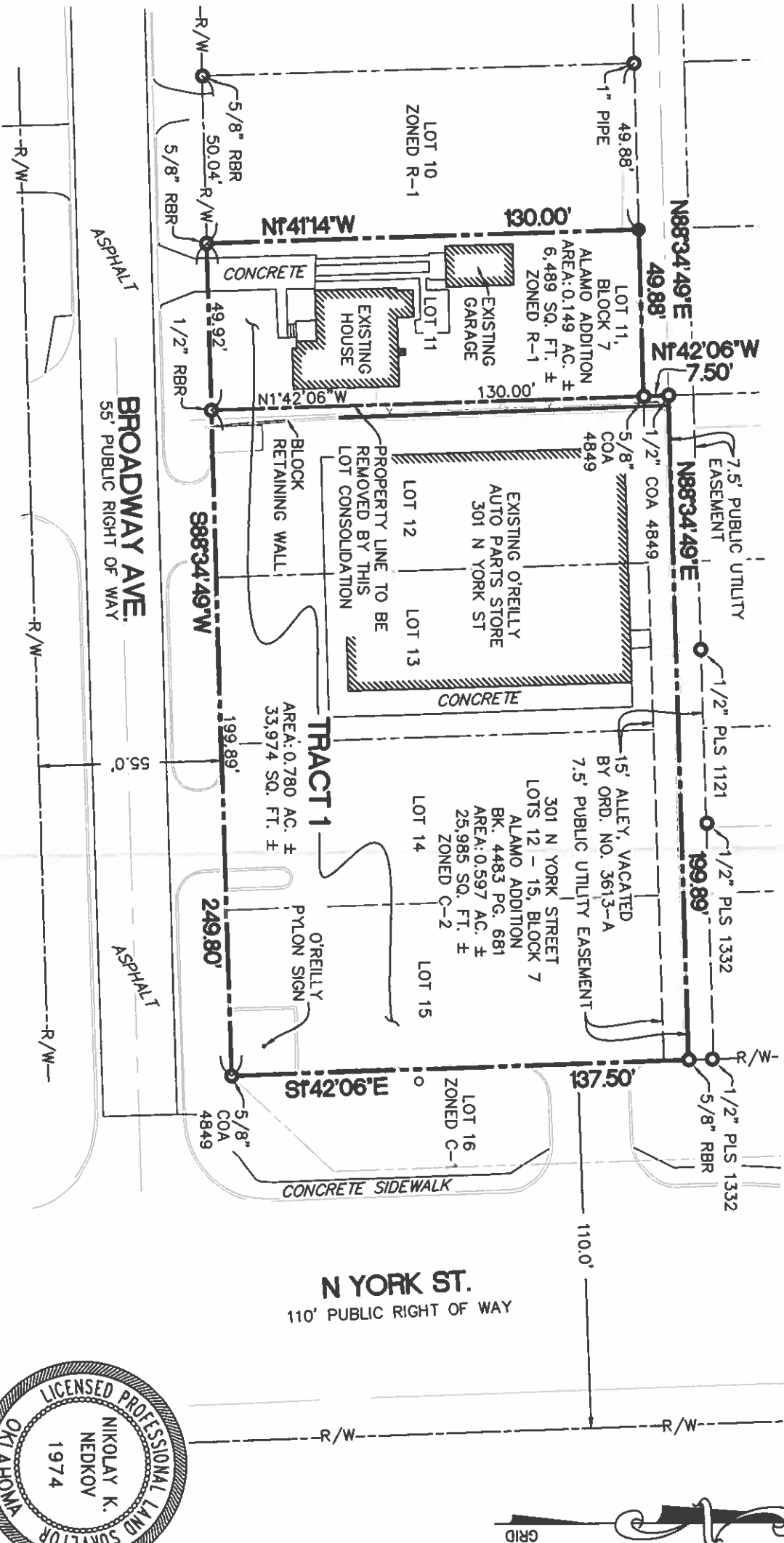
Lot Consolidation - O'Reilly

GRAPHIC SCALE



(IN FEET)
1 inch = 40 ft.

CONVERGENCE = 01°34'09"
COMBINED SCALE FACTOR = 0.999949303
COMPUTED AT THE SET BENCHMARK
SOUTH OF SUBJECT TRACT "B"
LATITUDE = N35°44'29.76796"
LONGITUDE = W95°20'27.32788"
ELEVATION = 589.06'



FIRM NUMBER: 631

DRAWING NO.
NWA-100-0192

SHEET NUMBER

2
OF 2

O'REILLY AUTOMOTIVE STORES, INC.

LOT CONSOLIDATION
SURVEY

301 N YORK ST
CITY OF MUSKOGEE
MUSKOGEE COUNTY, OKLAHOMA

REVISIONS		DRAWING INFO.	
NO.	DESCRIPTION	FIELD BY:	KP/JP
		DRAWN BY:	NON
		CHECK BY:	NON
		DATE:	12/08/2021
		FIELD BOOK:	
		JOB NUMBER:	219P10185

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ANDERSON
ENGINEERING
EMPLOYEE OWNED

ENGINEERS SURVEYORS LABORATORIES DRILLING GIS
5311 N. VILLAGE PKWY, ROGERS, AR 72756 PHONE (479) 286-8181

NOTES

- 1. THIS REPRESENTS A LOT CONSOLIDATION AS SHOWN HEREON, CREATING TRACT 1. TRACT 1 IS LOCATED WITHIN THE CITY LIMITS OF MUSKOGEE, MUSKOGEE COUNTY, OKLAHOMA.
- 2. BASIS OF BEARINGS: GRID NORTH OF THE OKLAHOMA STATE PLANE COORDINATE SYSTEM OF 1983, NORTH ZONE ESTABLISHED BY OPUS REFERENCE FRAME: (2011)(EPOCH: 2010.0000).
- 3. BASIS OF ELEVATIONS: NAVD88 (GEOID18) ESTABLISHED BY OPUS REFERENCE FRAME: (2011)(EPOCH: 2010.0000).
- 4. ALL DISTANCES SHOWN HEREON ARE IN U.S. SURVEY FEET.
- 5. A ZONING REPORT OR ZONING LETTER WAS NOT PROVIDED TO THE SURVEYOR.
- 6. NO MASTER STREET PLAN, PER CITY OF MUSKOGEE PLANNING DEPARTMENT.
- 7. ENVIRONMENTAL AND SUBSURFACE CONDITIONS WERE NOT EXAMINED AS PART OF THIS SURVEY.
- 8. DECLARATION IS MADE TO THE ORIGINAL PURCHASER OF THE SURVEY AND IS NOT TRANSFERABLE.
- 9. SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR PRESENT.

FLOOD NOTE

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE X OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 40101C0255E, MUSKOGEE COUNTY, OKLAHOMA, WHICH BEARS AN EFFECTIVE DATE OF FEBRUARY 4TH, 2011, AND IT IS NOT IN A SPECIAL FLOOD HAZARD AREA. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE.

LEGAL DESCRIPTION OF TRACT 1

LOTS 11, 12, 13, 14, AND 15 IN BLOCK 7 OF THE ALAMO ADDITION TO THE CITY OF MUSKOGEE, ACCORDING TO THE OFFICIAL PLAT THEREOF, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

AND ALSO

THE SOUTH 7.5 FEET OF THE 15.00 FOOT VACATED ALLEY ADJACENT TO LOTS 12, 13, 14, AND 15 IN SAID BLOCK 7.

LEGEND

- PROPERTY LINE
- CENTERLINE
- RIGHT-OF-WAY LINE
- LOT LINE
- EASEMENT LINE
- FENCE, AS NOTED
- CURB
- EDGE OF CONCRETE OR ASPHALT, AS NOTED
- BUILDING/STRUCTURE
- FOUND PROPERTY CORNER, AS NOTED
- SET 5/8" RBR WITH CAP PLS 1974
- RBR REBAR

I CERTIFY THAT THIS SURVEY ACCURATELY REPRESENTS THE ACTION OF THE CITY OF MUSKOGEE PLANNING AND ZONING COMMISSION TAKEN ON _____

PLANNING COMMISSION CHAIRPERSON _____

DATE _____

I, NIKOLAY K. NEDKOV, HEREBY DECLARE THAT I HAVE COMPLETED A SURVEY ON THE HEREON DESCRIBED PROPERTY AND CORNER MONUMENTS WERE FOUND OR SET AS SHOWN TO THE BEST OF MY KNOWLEDGE AND ABILITY.

FIELD WORK COMPLETED: 8/26/2020 AND 01/06/2021

DATE OF PLAT OR MAP: 12/09/2021

NIKOLAY K. NEDKOV
OKLAHOMA PLS NO 1974



FIRM NUMBER: 631

DRAWING NO.
NWA-100-0192

SHEET NUMBER
1
OF 2

O'REILLY AUTOMOTIVE STORES, INC.

LOT CONSOLIDATION
SURVEY

301 N YORK ST
CITY OF MUSKOGEE
MUSKOGEE COUNTY, OKLAHOMA

REVISIONS		DRAWING INFO.	
NO.	DESCRIPTION	FIELD BY:	KP/IP
		DRAWN BY:	NKN
		CHECK BY:	NKN
		DATE:	12/09/2021
		FIELD BOOK:	
		JOB NUMBER:	21SP10165

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ENGINEERS SURVEYORS LABORATORIES DRILLING GIS
5311 W. VILLAGE PKWY, ROGERS, AR 72758 PHONE (479) 226-8181

Meeting Date: 02/07/2022

Initiator: Tish Callahan, Planning Director

Information

AGENDA ITEM TITLE:

Consider approval of the request from Antonio Perrotta to consolidate Lots 4, 5 and the East 70' of Lot 6, along with the vacated portion of the alley abutting those lots into Tract 1, in Block 276 in the Muskogee Original Townsite, or take other necessary action. (Tish Callahan)

LEGAL DESCRIPTION:

LOT 4, LOT 5 AND THE EAST 70 FEET OF LOT 6 IN BLOCK 276, MUSKOGEE ORIGINAL TOWNSITE, AND THE 20 FOOT RIGHT OF WAY/ALLEY LOCATED IN BLOCK 276, BETWEEN LOTS 4, 5 AND 6, LESS THE SOUTH 10 FEET OF SAID RIGHT OF WAY, ADJACENT TO THE NORTH LINE OF THE WEST 70 FEET OF LOT 6, LOCATED IN THE SW/4 OF SECTION 23, T15N, R18E, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

BACKGROUND:

The applicant, Antonio Perrotta, is requesting approval to consolidate Lots 4, 5 and the East 70' of Lot 6, along with the vacated portion of the alley abutting those lots. Mr. Perrotta did an alley closure application and has had the alley vacated through District Court. Mr. Perrotta now is consolidating the lots in order to construct a garage building within the tract. The Tract 1 will consist of 67,861.59 square feet and complies with the area regulations within the Zoning Ordinance.

RECOMMENDED STAFF ACTION:

Approve the Lot Consolidation.

Fiscal Impact

Attachments

Lot Consolidation - Perrotta

Aerial Map - Perrotta Lot Consolidation

LOT CONSOLIDATION

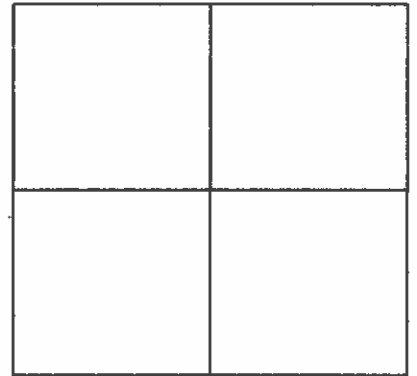
R E

LEGEND

IRON PIN	•
FENCE	X X
ELEVATION	100 °
SECTION LINE	---
EASEMENT LINE	- - -
ELECTRIC LINE	— E —
WATER LINE	— W —
TELEPHONE LINE	— T —
GAS LINE	— G —
SANITARY SEWER	— SS —



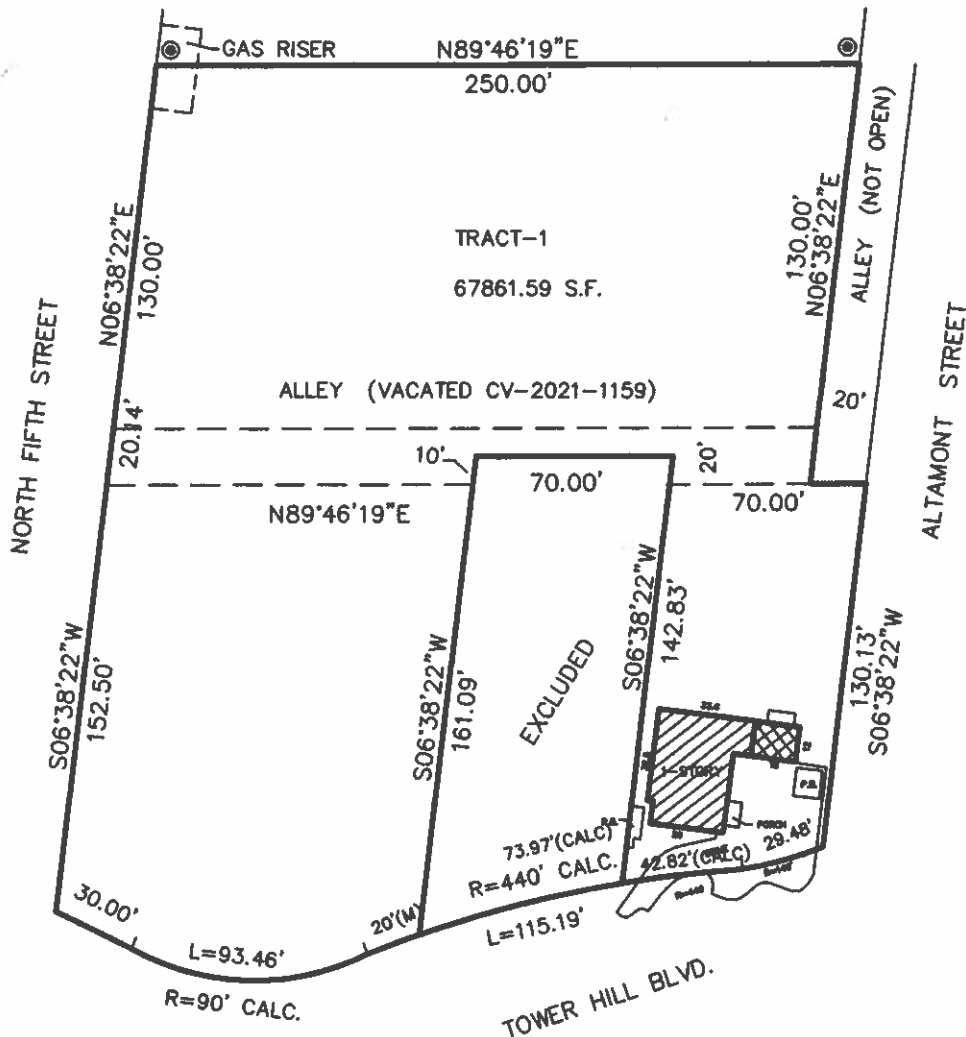
T
N



SCALE 1" = 70'

BEARINGS ARE ASSUMED

SECTION _____
COUNTY _____



OWNER: ANTONIO PERROTTA
ADDRESS: 460 TOWER HILL BLVD., MUSKOGEE, OKLA.

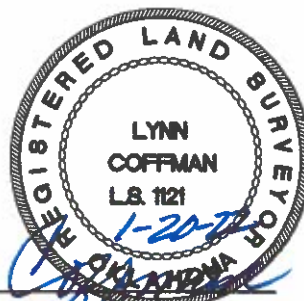
DESCRIPTION
LOT 4, LOT 5 AND THE EAST 70 FEET OF LOT 6, IN BLOCK 276, CITY OF MUSKOGEE, AND THE 20 FOOT RIGHT OF WAY /ALLEY LOCATED IN BLOCK 276, BETWEEN LOTS 4, 5, AND 6, LESS THE SOUTH 10 FEET OF SAID RIGHT OF WAY, ADJACENT TO THE NORTH LINE OF THE WEST 70 FEET OF LOT 6, LOCATED IN THE SW/4 OF SECTION 23, T15N, R18E, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

I certify that this survey accurately represents the action of the City of Muskogee Planning and Zoning Commission taken on _____.

Planning Commision Chairman _____ Date _____

THIS PLAT OF SURVEY MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

REGISTERED PROFESSIONAL LAND SURVEYOR LS#1121
DATE OF LAST SITE VISIT 1-20-22 DATE 1-20-22



COFFMAN SURVEYING
218 EASTSIDE BLVD.
MUSKOGEE, OK 74403
(918)-682-6144
CA# 2100

W.O.# 15516C



Meeting Date: 02/07/2022

Initiator: Tish Callahan, Planning Director

Information

AGENDA ITEM TITLE:

Consider approval of the Preliminary and Final Plat of Saylor Place Addition, consisting of one (1) lot on 2.18 acres, located southwest of the Silo at Doering Crossing Addition and north of Clubview Estates #4 at the end of Putter Place, or take any other necessary action. (Tish Callahan)

LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN THE E/2 E/2 NE/4 NW/4 OF SECTION 17, TOWNSHIP 15 NORTH, RANGE 19 EAST MUSKOGEE COUNTY OKLAHOMA. MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE NORTHEAST CORNER OF SAID E/2 E/2 NE/4 NW/4 THENCE S88°52'14"W 330.45 FEET TO THE NW CORNER OF SAID E/2 E/2 NE/4 NW/4, THENCE S01°36'36"E 937.04 FEET ALONG THE WEST LINE THEREOF TO THE POINT OF BEGINNING SAID POINT ALSO BEING THE SW CORNER OF THE SILO AT DOERING CROSSING SUBDIVISION THENCE ALONG THE BOUNDARY OF SAID SUBDIVISION, N83°00'41"E 182.37 FEET. THENCE S00°24'08"W 103.54 FEET. THENCE S28°49'04"E 129.42 FEET. THENCE N89°42'41"E 93.26 FEET THENCE S01°36'17"E ALONG THE EAST LINE OF SAID E/2 E/2 NE/4 NW/4 166.73 FEET TO A POINT ON THE NORTH LINE OF CLUBVIEW ESTATES 4TH ADDITION. THENCE ALONG SAID LINE N89°33'48"W 313.18 FEET. THENCE S24°29'40"W 40.04 FEET TO A POINT ON THE WEST LINE OF SAID E/2 E/2 NE/4 NW/4, THENCE N01°36'36"W 394.95 FEET TO THE POINT OF BEGINNING CONTAINING 2.18 ACRES.

BACKGROUND:

The applicant and current owner, R Triple C, LLC has submitted the Preliminary and Final Plat of Saylor Place Addition consisting of one (1) lot on 2.18 acres, located southwest of the Silo at Doering Crossing Addition and north of Clubview Estates #4 at the end of Putter Place The request for the plat is to allow for a new single family home to be built.

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 Saylor Place Addition consisting of one (1) lot on 2.18 acres, located at the end of Putter Place in Clubview Estates #4 Addition.

Fiscal Impact

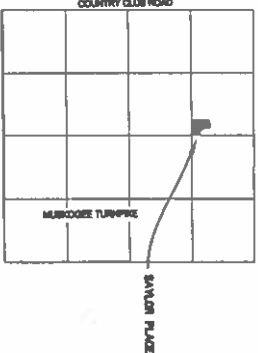
Attachments

Prelim Plat - Saylor Place Addition

Final Plat - Saylor Place Addition

Aerial Map - Saylor Place Addn

SECTION 17, T15N, R19E



TOTAL ACRES PLATTED: 2.18
NUMBER OF LOTS: 1
NUMBER OF BLOCKS: 1

IRON PIN WITH CAP BEARING N88° 00' 41"E
SET ON ALL LOT AND BOUNDARY CORNERS

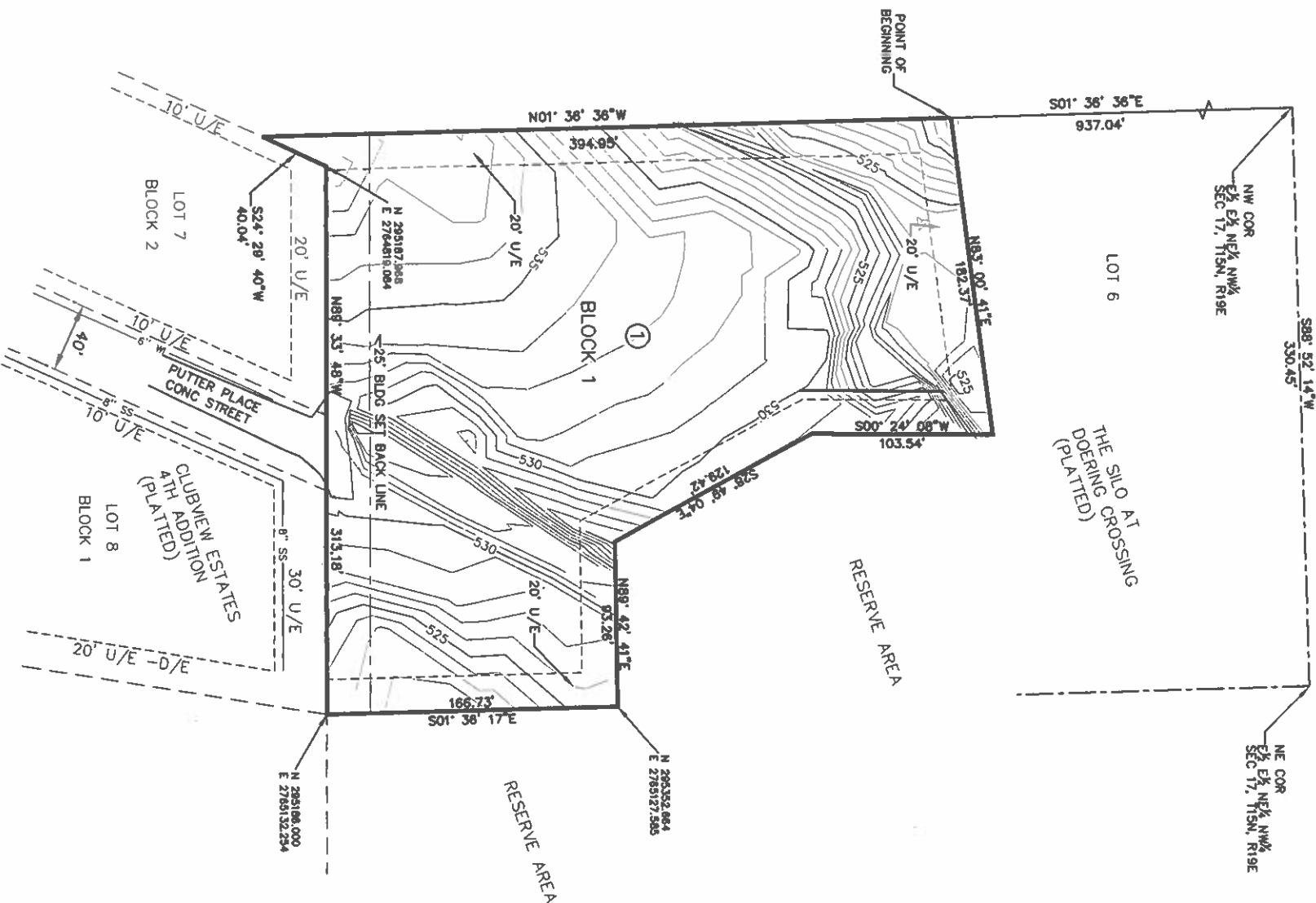
RECORD OWNER/DEVELOPER:
R Triple C, LLC
719 N. 41st St. E.
Muskogee, OK 74403

READINGS SHOWN ON THIS PLAT ARE BASED ON THE
OKLAHOMA STATE PLANE COORDINATE SYSTEM
NORTH ZONE



PREPARED: JANUARY 2022

LEGEND	
	BUILDING SET BACK
	UTILITY EASEMENT
	DRAINAGE & UTIL. EASE
	PROPERTY BOUNDARY
	LOT NUMBER



PRELIMINARY PLAT OF SAYLOR PLACE

A TRACT OF LAND LOCATED IN THE E/2 E/2 NE/4 NW/4 OF SECTION 17, TOWNSHIP 15 NORTH, RANGE 19 EAST, MUSKOGEE COUNTY, OKLAHOMA, MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE NORTHEAST CORNER OF SAID E/2 E/2 NE/4 NW/4, THENCE S88°52'14\"/>

Owner's Certificate and Dedication
We, the undersigned, do hereby certify that we are the owners of and the only persons having any right, title or interest in the land shown on the Plat of Saylor Place and that the plat represents a correct survey of the above described property made with our consent, and that we hereby dedicate to the public use all streets as shown on the plat, that the easements as shown on the plat are created for the installation and maintenance of public utilities; that we hereby guarantee a clear title to all lands so dedicated from ourselves, our heirs, or assigns forever and have caused the same to be released from all encumbrances so the title is clear, except as shown in the abstracts certificate.

In witness thereof, R Triple C, LLC, being the owner of Saylor Place, hereby approves the foregoing Deed of Dedication.
This ____ day of ____, 20__.

ACKNOWLEDGEMENT

Signature

Surveyor's Certificate

I, _____, a duly licensed land surveyor in the State of Oklahoma, hereby certify that I have Charles Warren Chastain carefully and accurately surveyed, subdivided and platted the tract of land described above, and that said plat designated herein as Saylor Place, a subdivision in Muskogee County, State of Oklahoma, is a true and correct representation of said survey.

Witness my hand and seal this ____ day of ____, 20__.

Signature and SEAL

ACKNOWLEDGEMENT

County Clerk Certificate

The County Clerk of Muskogee County, Oklahoma, does hereby now certify that the Plat of Survey for the subdivision known as Saylor Place has been filed into the Muskogee County records.

County Clerk

County Treasurer's Certificate

I, Robyn Boswell, County Treasurer of Muskogee County, Oklahoma, hereby certify that I have examined the records pertaining to ad valorem taxes on the tract described in the accompanying plat and find that all the ad valorem taxes have been paid to and including 20__.

Dated this ____ day of ____, 20__.

Signature

Improvement Assurance

I, _____, owner, developer, successor, or assignee, hereby agree that no transfer of deeds or building permits will be transacted until all streets and utility improvements have been completed and accepted by the city or appropriate financial guarantees as required by section 70-80(d) have been submitted and accepted.

City of Muskogee Approval

I hereby certify that this action was approved by the Muskogee City Council on the ____ day of ____, 20__.

Mayor
Attest:
City Clerk

ENGINEER/SURVEYOR:
Holloway, Updike and Beilan, Inc.



CA 219 EXPIRES 06-2023

FINAL PLAT OF
SAYLOR PLACE

A TRACT OF LAND LOCATED IN THE E/2 E/2 NE/4 NW/4 OF SECTION 17, TOWNSHIP 15 NORTH, RANGE 19 EAST, MUSKOGEE COUNTY, OKLAHOMA, MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE NORTHEAST CORNER OF SAID E/2 E/2 NE/4 NW/4, THENCE S88°52'14"W 330.45 FEET TO THE NW CORNER OF SAID E/2 E/2 NE/4 NW/4; THENCE S01°36'36"E 937.04 FEET ALONG THE WEST LINE THEREOF TO THE POINT OF BEGINNING, SAID POINT ALSO BEING THE SW CORNER OF THE SILO AT DOERING CROSSING SUBDIVISION; THENCE ALONG THE BOUNDARY OF SAID SUBDIVISION, N83°00'41"E 182.37 FEET; THENCE S00°24'08"W 103.54 FEET; THENCE S28°49'04"E 129.42 FEET; THENCE N89°42'41"E 93.26 FEET; THENCE S01°36'17"E ALONG THE EAST LINE OF SAID E/2 E/2 NE/4 NW/4 166.73 FEET TO A POINT ON THE NORTH LINE OF CLUBVIEW ESTATES 4TH ADDITION; THENCE ALONG SAID LINE N89°33'48"W 313.18 FEET; THENCE S24°29'40"W 40.04 FEET TO A POINT ON THE WEST LINE OF SAID E/2 E/2 NE/4 NW/4; THENCE N01°36'36"W 394.95 FEET TO THE POINT OF BEGINNING. CONTAINING 2.18 ACRES.

Owner's Certificate and Dedication

We, the undersigned, do hereby certify that we are the owners of and the only persons having any right, title or interest in the land shown on the Plat of Saylor Place and that the plat represents a correct survey of the above described property made with our consent, and that we hereby dedicate to the public use all streets as shown on the plat, that the easements as shown on the plat are created for the installation and maintenance of public utilities; that we hereby guarantee a clear title to all lands so dedicated from ourselves, our heirs, or assigns forever and have caused the same to be released from all encumbrances so the title is clear, except as shown in the abstracters certificate.

In witness thereof, R Triple C, LLC, being the owner of Saylor Place, hereby approves the foregoing Deed of Dedication.
This _____ day of _____, 20____.

Signature

ACKNOWLEDGEMENT

Surveyor's Certificate

I, _____, a duly licensed land surveyor in the State of Oklahoma, hereby certify that I have Charles Warren Chastain carefully and accurately surveyed, subdivided and platted the tract of land described above, and that said plat designated herein as Saylor Place, a subdivision in Muskogee County, State of Oklahoma, is a true and correct representation of said survey.

Witness my hand and seal this _____ day of _____, 20____.

Signature and SEAL

ACKNOWLEDGEMENT

County Clerk Certificate

The County Clerk of Muskogee County, Oklahoma, does hereby now certify that the Plat of Survey for the subdivision known as Saylor Place has been filed into the Muskogee County records.

County Clerk

County Treasurer's Certificate

I, Robyn Boswell, County Treasurer of Muskogee County, Oklahoma, hereby certify that I have examined the records pertaining to ad valorem taxes on the tract described in the accompanying plat and find that all the ad valorem taxes have been paid to and including 20____.

Dated this _____ day of _____, 20____.

Signature

Improvement Assurance

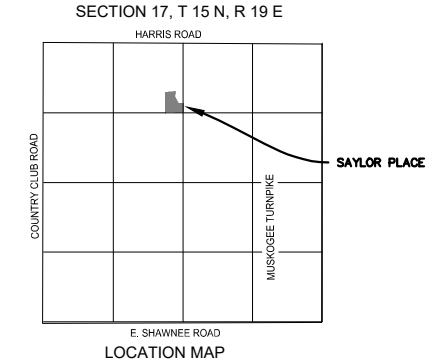
"I, _____, owner, developer, successor, or assignee, hereby agree that no transfer of deeds or building permits will be transacted until all streets and utility improvements have been completed and accepted by the city or appropriate financial guarantees as required by section 70-80(d) have been submitted and accepted."

City of Muskogee Approval

I hereby certify that this action was approved by the Muskogee City Council on the _____ day of _____, 20____.

Mayor

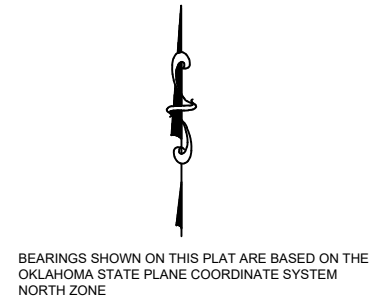
Attest:
City Clerk



TOTAL ACRES PLATTED: 2.18
NUMBER OF LOTS: 1 (2.18 ac)
NUMBER OF BLOCKS: 1
ZONED: A-1

$\frac{1}{4}$ " IRON PIN WITH CAP BEARING HUB
1352 SET ON ALL LOT AND BOUNDARY
CORNERS

RECORD OWNER/DEVELOPER:
R Triple C, LLC
719 N. 41st St. E.
Muskogee, OK 74403



LEGEND	
STBK	BUILDING SETBACK
U/E	UTILITY EASEMENT
D&U/E	DRAINAGE & UTIL. EASE.
	PROPERTY BOUNDARY
	LOT NUMBER



E HARRIS RD

3733 E HARRIS RD

E HARRIS RD

E HARRIS RD

E HARRIS RD

E HARRIS RD

2951 N 41ST ST E

2901 N 41ST ST E

2800 N 43RD ST

AE

COUNTRY CLUB RD

4113 PUTTER PL

4106 PUTTER PL

4105 PUTTER PL

4016 PUTTER PL

4015 PUTTER PL

4009 PUTTER PL

N 41ST ST E

MUSKOGEE

N 43RD ST E

Meeting Date: 02/07/2022

Initiator: Tish Callahan, Planning Director

Information

AGENDA ITEM TITLE:

Hold a Public Hearing and take action on the approval of Resolution 2889 amending the Land Use Map regarding property located on the northeast corner of North 40th Street and West Shawnee, 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:

A TRACT OF LAND LOCATED IN SECTION 16, TOWNSHIP 15 NORTH, RANGE 18 EAST, CONTAINING 17 ACRES MORE OR LESS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

- 1. T15N R18E S16 FARMLAND IN MUSKOGEE PART W1/2 SW SW BEGINNING NW/C SW SW S208.4 E208.4 S208.4 E208.4 S104.20 E34.20 S557 E209 N1078 TO NE/C NW SW SW W660 TO POINT OF BEGINNING, MUSKOGEE COUNTY, 8.45 ACRES.**
- 2. T15N R18E S16 FARMLAND IN MUSKOGEE W451 S139 NW SW SW LESS RD MUSKOGEE COUNTY, 1.36 ACRES**
- 3. T15N R18E S16 FARMLAND IN MUSKOGEE N110 W420 SW SW SW LESS ROAD MUSKOGEE COUNTY, 0.99 ACRES**
- 4. T15N R18E S16 FARMLAND IN MUSKOGEE S110 N220 E180 W420 SW SW SW MUSKOGEE COUNTY, 0.45 ACRES**
- 5. T15N R18E S16 FARMLAND IN MUSKOGEE S220 W420 N440 & W31 E240 N418 SW SW SW LESS ROAD & S110 N220 W240 SW SW SW & W1/2 S242 E240 SW SW SW MUSKOGEE COUNTY, 3.43 ACRES**
- 6. T15N R18E S16 FARMLAND IN MUSKOGEE S220 W420 SW SW SW LESS RD MUSKOGEE COUNTY, 1.76 ACRES**
- 7. T15N R18E S16 FARMLAND IN MUSKOGEE E1/2 S242 E240 SW SW SW LESS RD MUSKOGEE COUNTY, 0.60 ACRES**

BACKGROUND:

The City of Muskogee is requesting an amendment to the Land Use Map in order to rezone property from Residential use to Local Commercial use. The rezoning request is to allow for a proposed commercial development on the corner of North 40th and West Shawnee. Currently, the rezoning request for a Local Commercial use does not comply with the Land Use Map; therefore, an amendment is required in order to approve the rezoning.

The area being requested for rezoning has been vacant for a number of years. On the north portion of the property there had been a multifamily facility that has subsequently been demolished. The applicant is requesting to rezone the property for a commercial use in order to develop the property commercially, initially on the south portion, at the corner of North 40th and West Shawnee. As the request for a commercial use does not conform to the regulations or requirements, the owner has requested the correct zoning classification for commercial use and this requires an amendment to the

land use map.

RECOMMENDED STAFF ACTION:

Approve Resolution 2889 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

Notice - Land Use Amendment 40th & W Shawnee

Resolution 2889 Land Use Amend

Aerial Map - N 40 & W Shawnee

**PUBLISHED IN THE
MUSKOGEE PHOENIX**

JANUARY 21, 2022

Notice is hereby given that on the **7th day of February, 2022**, at 9:00 a.m. in the Council Chambers, 3rd Floor of the Municipal Building, 3rd and Okmulgee Streets, Muskogee, Oklahoma, a public hearing will be conducted by the City of Muskogee Planning and Zoning Commission and also by the Muskogee City Council during a Special Call City Council meeting will conduct a public hearing on the **7th day of February, 2022**, at 5:30 p.m., also in the Council Chambers, 3rd Floor of the Municipal Building, 3rd and Okmulgee Streets, Muskogee Oklahoma, to consider a new ordinance amending the City of Muskogee Code of Ordinances, Chapter 90, Zoning, adding Article XXIII, Specific Use Permits, Sections 90-23-01 Purposes, 90-23-02 Conditions for Approval, 90-23-03 Specific Use Permit List, 90-23-04 Use Conditions, 90-23-05 Administration. The Ordinance is indicated below:

**AN ORDINANCE OF THE CITY OF MUSKOGEE, OKLAHOMA
AMENDING CHAPTER 90, ZONING, ADDING ARTICLE XXIII,
SPECIFIC USE PERMITS, SECTIONS 90-23-01 PURPOSES, 90-23-02
CONDITIONS FOR APPROVAL, 90-23-03 SPECIFIC USE PERMIT
LIST, 90-23-04 USE CONDITIONS, 90-23-05 ADMINISTRATION; BY
PROVIDING FOR CODIFICATION, REPEALER AND
SEVERABILITY.**

Copies of the above ordinance and the proposed revisions are available from the Planning Department located on the 3rd Floor of the Municipal Building at 3rd Street and Okmulgee Street, Muskogee, Oklahoma. If you have questions, you may call 918-684-6232.

Stacy Alexander, Chair
City of Muskogee Planning and Zoning Commission

RESOLUTION NO. 2889

A RESOLUTION APPROVING AN AMENDMENT TO THE FUTURE LAND USE MAP FOR THE CITY OF MUSKOGEE FROM MULTI-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 February 7, 2022, 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 MULTI-FAMILY RESIDENTIAL District to LOCAL COMMERCIAL District located on the tract of land described as:

A TRACT OF LAND LOCATED IN SECTION 16, TOWNSHIP 15 NORTH, RANGE 18 EAST, CONTAINING 17 ACRES MORE OR LESS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

1. T15N R18E S16 FARMLAND IN MUSKOGEE PART W1/2 SW SW BEGINNING NW/C SW SW S208.4 E208.4 S208.4 E208.4 S104.20 E34.20 S557 E209 N1078 TO NE/C NW SW SW W660 TO POINT OF BEGINNING, MUSKOGEE COUNTY, 8.45 ACRES.
2. T15N R18E S16 FARMLAND IN MUSKOGEE W451 S139 NW SW SW LESS RD MUSKOGEE COUNTY, 1.36 ACRES
3. T15N R18E S16 FARMLAND IN MUSKOGEE N110 W420 SW SW SW LESS ROAD MUSKOGEE COUNTY, 0.99 ACRES
4. T15N R18E S16 FARMLAND IN MUSKOGEE S110 N220 E180 W420 SW SW SW MUSKOGEE COUNTY, 0.45 ACRES
5. T15N R18E S16 FARMLAND IN MUSKOGEE S220 W420 N440 & W31 E240 N418 SW SW SW LESS ROAD & S110 N220 W240 SW SW SW & W1/2 S242 E240 SW SW SW

MUSKOGEE COUNTY, 3.43 ACRES

**6. T15N R18E S16 FARMLAND IN MUSKOGEE S220 W420 SW SW SW LESS RD
MUSKOGEE COUNTY, 1.76 ACRES**

**7. T15N R18E S16 FARMLAND IN MUSKOGEE E1/2 S242 E240 SW SW SW LESS RD
MUSKOGEE COUNTY, 0.60 ACRES**

PASSED and APPROVED by the Mayor and Council of the City of Muskogee this 14th
day of FEBRUARY, 2022.

MARLON COLEMAN, MAYOR

ATTEST:

TAMMY L. TRACY, CITY CLERK

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

ROY D. TUCKER, CITY ATTORNEY



Meeting Date: 02/07/2022

Initiator: Tish Callahan, Planning Director

Information

AGENDA ITEM TITLE:

Hold a Public Hearing and take action on the approval of Ordinance 4149-A to rezone property located on the east side of North 40th Street north of West Shawnee, being more particularly described in the ordinance from R-4, Multi-Family 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:

A TRACT OF LAND LOCATED IN SECTION 16, TOWNSHIP 15 NORTH, RANGE 18 EAST, CONTAINING 17 ACRES MORE OR LESS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

1. **T15N R18E S16 FARMLAND IN MUSKOGEE PART W1/2 SW SW BEGINNING NW/C SW SW S208.4 E208.4 S208.4 E208.4 S104.20 E34.20 S557 E209 N1078 TO NE/C NW SW SW W660 TO POINT OF BEGINNING, MUSKOGEE COUNTY, 8.45 ACRES.**
2. **T15N R18E S16 FARMLAND IN MUSKOGEE W451 S139 NW SW SW LESS RD MUSKOGEE COUNTY, 1.36 ACRES**
3. **T15N R18E S16 FARMLAND IN MUSKOGEE N110 W420 SW SW SW LESS ROAD MUSKOGEE COUNTY, 0.99 ACRES**
4. **T15N R18E S16 FARMLAND IN MUSKOGEE S110 N220 E180 W420 SW SW SW MUSKOGEE COUNTY, 0.45 ACRES**
5. **T15N R18E S16 FARMLAND IN MUSKOGEE S220 W420 N440 & W31 E240 N418 SW SW SW LESS ROAD & S110 N220 W240 SW SW SW & W1/2 S242 E240 SW SW SW MUSKOGEE COUNTY, 3.43 ACRES**
6. **T15N R18E S16 FARMLAND IN MUSKOGEE S220 W420 SW SW SW LESS RD MUSKOGEE COUNTY, 1.76 ACRES**
7. **T15N R18E S16 FARMLAND IN MUSKOGEE E1/2 S242 E240 SW SW SW LESS RD MUSKOGEE COUNTY, 0.60 ACRES**

BACKGROUND:

The area being requested for rezoning has been vacant for a number of years. On the north portion of the property there had been a multifamily facility that has been demolished. The applicant is requesting to rezone the property in order to develop the property commercially, initially on the corner of North 40th and West Shawnee.

Existing zoning and land use:

Site: R-4, Multi-Family Residential

North: Outside City Limits

South: West Shawnee and R-1, Single Family Residential

East: R-4, Multi-Family Residential

West: Park/Public Property – Single Family Residential use and vacant land

As the Future Land Use Map was amended by Resolution 2889 to commercial, the request to rezone to the C-1, Local Commercial zone now 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:

February 7, 2022 at 9:00 a.m.: City of Muskogee Planning & Zoning Commission

February 7, 2022 at 5:30 p.m.: Public Work Committee

February 14, 2022 at 5:30 p.m. Muskogee City Council Meeting

RECOMMENDED STAFF ACTION:

Approve Ordinance 4149-A to rezone property on the east side of North 40th Street north of West Shawnee from R-4, Multi-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

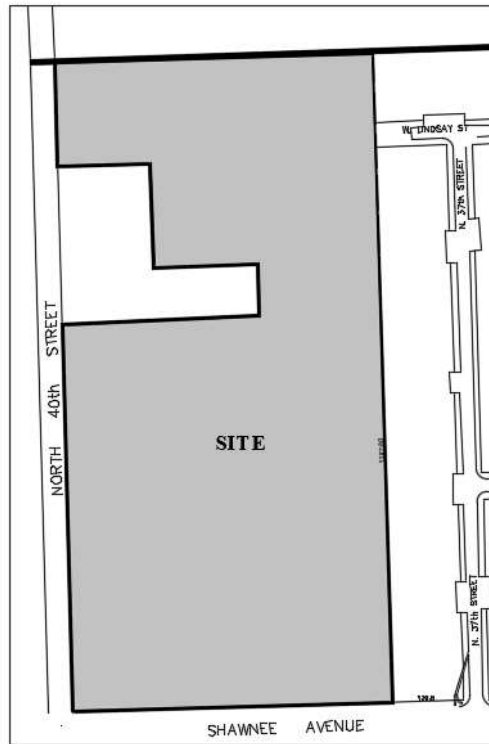
Attachments

Notice - N 40th & W Shawnee

Ord 4149-A C Campbell Rezone

Aerial Map - N 40 & W Shawnee

Public Hearing Notice



Proposal: To rezone a tract of land located in the SW1/4 in Section 16, Township 15 North, Range 18 East, containing 17 acres more or less, City of Muskogee, Muskogee County, State of Oklahoma, from “R-4” Multi-Family to “C-1” Local Commercial District.

The property is more particularly described as:

A TRACT OF LAND LOCATED IN SECTION 16, TOWNSHIP 15 NORTH, RANGE 18 EAST, CONTAINING 17 ACRES MORE OR LESS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

1. T15N R18E S16 FARMLAND IN MUSKOGEE PART W1/2 SW SW BEGINNING NW/C SW SW S208.4 E208.4 S208.4 E208.4 S104.20 E34.20 S557 E209 N1078 TO NE/C NW SW SW W660 TO POINT OF BEGINNING, MUSKOGEE COUNTY, 8.45 ACRES.
2. T15N R18E S16 FARMLAND IN MUSKOGEE W451 S139 NW SW SW LESS RD MUSKOGEE COUNTY, 1.36 ACRES
3. T15N R18E S16 FARMLAND IN MUSKOGEE N110 W420 SW SW SW LESS ROAD MUSKOGEE COUNTY, 0.99 ACRES
4. T15N R18E S16 FARMLAND IN MUSKOGEE S110 N220 E180 W420 SW SW SW MUSKOGEE COUNTY, 0.45 ACRES
5. T15N R18E S16 FARMLAND IN MUSKOGEE S220 W420 N440 & W31 E240 N418 SW SW SW LESS ROAD & S110 N220 W240 SW SW SW & W1/2 S242 E240 SW SW SW MUSKOGEE COUNTY, 3.43 ACRES
6. T15N R18E S16 FARMLAND IN MUSKOGEE S220 W420 SW SW SW LESS RD MUSKOGEE COUNTY, 1.76 ACRES
7. T15N R18E S16 FARMLAND IN MUSKOGEE E1/2 S242 E240 SW SW SW LESS RD MUSKOGEE COUNTY, 0.60 ACRES

Applicant: Chris and Stephanie Campbell, applicant; P&C Trust, 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:

February 7, 2022 at 9:00 a.m.: City of Muskogee Planning & Zoning Commission

February 7, 2022 at 5:30 p.m.: City of Muskogee Public Works Committee

February 14, 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.

ORDINANCE NO. 4149-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 A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 15 NORTH, RANGE 18 EAST OF THE INDIAN BASE AND MERIDIAN, MUSKOGEE COUNTY, STATE OF OKLAHOMA. THE PROPERTY IS MORE PARTICULARLY DESCRIBED AS:

A TRACT OF LAND LOCATED IN SECTION 16, TOWNSHIP 15 NORTH, RANGE 18 EAST, CONTAINING 17 ACRES MORE OR LESS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

1. **T15N R18E S16 FARMLAND IN MUSKOGEE PART W1/2 SW SW BEGINNING NW/C SW SW S208.4 E208.4 S208.4 E208.4 S104.20 E34.20 S557 E209 N1078 TO NE/C NW SW SW W660 TO POINT OF BEGINNING, MUSKOGEE COUNTY, 8.45 ACRES.**
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4. **T15N R18E S16 FARMLAND IN MUSKOGEE S110 N220 E180 W420 SW SW SW MUSKOGEE COUNTY, 0.45 ACRES**
5. **T15N R18E S16 FARMLAND IN MUSKOGEE S220 W420 N440 & W31 E240 N418 SW SW SW LESS ROAD & S110 N220 W240 SW SW SW & W1/2 S242 E240 SW SW SW MUSKOGEE COUNTY, 3.43 ACRES**
6. **T15N R18E S16 FARMLAND IN MUSKOGEE S220 W420 SW SW SW LESS RD MUSKOGEE COUNTY, 1.76 ACRES**
7. **T15N R18E S16 FARMLAND IN MUSKOGEE E1/2 S242 E240 SW SW SW LESS RD MUSKOGEE COUNTY, 0.60 ACRES**

(Applicant: Chris and Stephanie Campbell, applicant; P&C Trust, owner)

FROM “R-4” MULTI-FAMILY RESIDENTIAL DISTRICT

TO

“C-1” LOCAL COMMERCIAL DISTRICT

WHEREAS, the City of Muskogee Planning and Zoning Commission, in a meeting held February 7, 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,

Ordinance No. _____

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;

A TRACT OF LAND LOCATED IN SECTION 16, TOWNSHIP 15 NORTH, RANGE 18 EAST, CONTAINING 17 ACRES MORE OR LESS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

1. **T15N R18E S16 FARMLAND IN MUSKOGEE PART W1/2 SW SW BEGINNING NW/C SW SW S208.4 E208.4 S208.4 E208.4 S104.20 E34.20 S557 E209 N1078 TO NE/C NW SW SW W660 TO POINT OF BEGINNING, MUSKOGEE COUNTY, 8.45 ACRES.**
2. **T15N R18E S16 FARMLAND IN MUSKOGEE W451 S139 NW SW SW LESS RD MUSKOGEE COUNTY, 1.36 ACRES**
3. **T15N R18E S16 FARMLAND IN MUSKOGEE N110 W420 SW SW SW LESS ROAD MUSKOGEE COUNTY, 0.99 ACRES**
4. **T15N R18E S16 FARMLAND IN MUSKOGEE S110 N220 E180 W420 SW SW SW MUSKOGEE COUNTY, 0.45 ACRES**
5. **T15N R18E S16 FARMLAND IN MUSKOGEE S220 W420 N440 & W31 E240 N418 SW SW SW LESS ROAD & S110 N220 W240 SW SW SW & W1/2 S242 E240 SW SW SW MUSKOGEE COUNTY, 3.43 ACRES**
6. **T15N R18E S16 FARMLAND IN MUSKOGEE S220 W420 SW SW SW LESS RD MUSKOGEE COUNTY, 1.76 ACRES**
7. **T15N R18E S16 FARMLAND IN MUSKOGEE E1/2 S242 E240 SW SW SW LESS RD MUSKOGEE COUNTY, 0.60 ACRES**

(Applicant: Chris and Stephanie Campbell, applicant; P&C Trust, owner)

FROM "R-4" MULTI-FAMILY RESIDENTIAL DISTRICT

TO

"C-1" LOCAL 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. _____

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
MUSKOGEE, OKLAHOMA, and THIS 14TH DAY OF FEBRUARY 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



Planning Commission

7.

Meeting Date: 02/07/2022

Initiator: Tish Callahan, Planning Director

Information

AGENDA ITEM TITLE:

Hold a Public Hearing and take action on the approval of Ordinance 4150-A to rezone property located west of South 55th Street between Tennyson and Estelle, being more particularly described in the ordinance from R-1, Single-Family Residential to R-5, Mobile Home zone, 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 5 TO 14, BOTH INCLUSIVE, AND LOTS 16 TO 44, BOTH INCLUSIVE, ALL IN BLOCK 6 IN WEST MUSKOGEE ADDITION TO THE CITY OF MUSKOGEE, ACCORDING TO THE OFFICIAL PLAT THEREOF, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

BACKGROUND:

The applicant, Thomas Hill, recently purchased the property and in exploring his options for development would like to zone the entire area for mobile home developments. Due to the layout of these lots with the land, existing creek and the lack of a developed street along Lots 25-44 in Block 6 of West Muskogee Addition, future development is going to take extensive planning and be based on the lots that prospective homeowners may want to acquire. This property is currently vacant. There are scattered mobile homes in the area and with residential houses located primarily along South 55th Street.

Existing zoning and land use:

Site: R-1, Single Family Residential

North: R-1, Single Family Residential

South: R-1, Single Family Residential East: R-4, Multi-Family Residential

West: R-1, Single Family Residential

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:

February 7, 2022 at 9:00 a.m.: City of Muskogee Planning & Zoning Commission

February 7, 2022 at 5:30 p.m.: Public Work Committee

February 14, 2022 at 5:30 p.m. Muskogee City Council Meeting

RECOMMENDED STAFF ACTION:

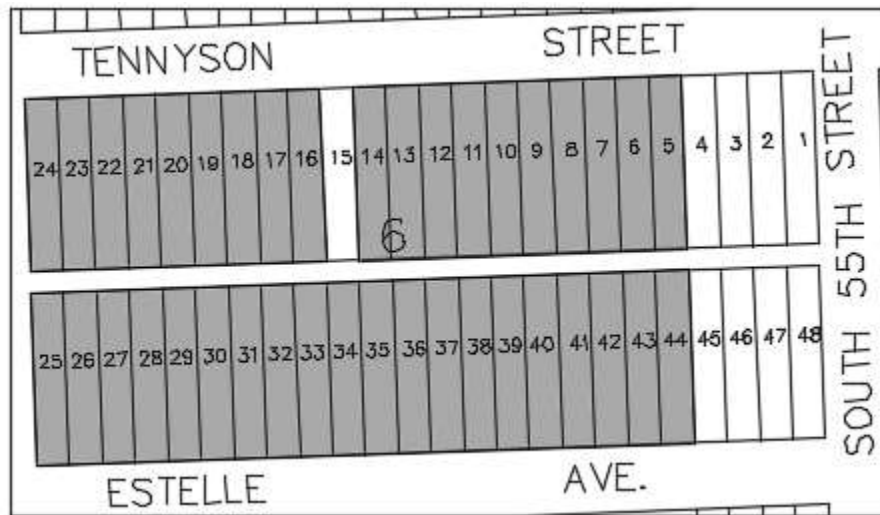
Approve Ordinance 4150-A to rezone property west of South 55th Street between Tennyson and Estelle, from R-1, Single-Family Residential to R-5, Mobile Home Residential, and authorize staff to revise the Official Zoning Map of the City to reflect said change.

Fiscal Impact

Attachments

Notice - S 55th and Tennyson
Ord 4150-A Thomas Hill
Aerial Map - Thomas Hill Rezone

Public Hearing Notice



Proposal: To rezone property located in Lots 5 to 14 and Lots 16 to 44 in Block 6 in West Muskogee Addition, City of Muskogee, Muskogee County, State of Oklahoma, from “A-1” Agricultural to “R-5” Mobile Home District.

The property is more particularly described as:

LOTS 5 TO 14, BOTH INCLUSIVE, AND LOTS 16 TO 44, BOTH INCLUSIVE, ALL IN BLOCK 6 IN WEST MUSKOGEE ADDITION TO THE CITY OF MUSKOGEE, ACCORDING TO THE OFFICIAL PLAT THEREOF, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

Applicant: Thomas Hill, 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:

February 7, 2022 at 9:00 a.m.: City of Muskogee Planning & Zoning Commission

February 7, 2022 at 5:30 p.m.: City of Muskogee Public Works Committee

February 14, 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.

ORDINANCE NO. 4150-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 LOTS 5 TO 14 AND LOTS 16 TO 44 IN BLOCK 6 IN WEST MUSKOGEE ADDITION. PROPERTY IS LOCATED IN THE SOUTHEAST QUARTER OF SECTION 30, 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 5 TO 14, BOTH INCLUSIVE, AND LOTS 16 TO 44, BOTH INCLUSIVE, ALL IN BLOCK 6 IN WEST MUSKOGEE ADDITION TO THE CITY OF MUSKOGEE, ACCORDING TO THE OFFICIAL PLAT THEREOF, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

(Thomas Hill, owner)

FROM "A-1" AGRICULTURAL DISTRICT

TO

"R-5" MOBILE HOME DISTRICT

WHEREAS, the City of Muskogee Planning and Zoning Commission, in a meeting held February 7, 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;

LOTS 5 TO 14, BOTH INCLUSIVE, AND LOTS 16 TO 44, BOTH INCLUSIVE, ALL IN BLOCK 6 IN WEST MUSKOGEE ADDITION TO THE CITY OF MUSKOGEE, ACCORDING TO THE OFFICIAL PLAT THEREOF, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

(Thomas Hill, owner)

FROM "A-1" AGRICULTURAL DISTRICT

TO

"R-5" MOBILE HOME 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.

Ordinance No. _____

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 14TH DAY OF FEBRUARY 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



PINE ST

PINE ST

S 55TH ST

TENNYSON ST

TENNYSON ST

S 55TH ST

ESTELLE AVE

Meeting Date: 02/07/2022

Initiator: Tish Callahan, Planning Director

Information

AGENDA ITEM TITLE:

Hold a Public Hearing and take action on the approval of Ordinance 4151-A to rezone property located at the west end of 301 N. York Street, being more particularly described in the ordinance from R-1, Single-Family Residential to C-2, General Commercial District, 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 11 IN BLOCK 7 IN ALAMO ADDITION TO THE CITY OF MUSKOGEE,
MUSKOGEE COUNTY, STATE OF OKLAHOMA.**

BACKGROUND:

The applicant, O'Reilly Auto Parts is requesting to zone property currently abutting their property on the west, in order to expand the existing store. The plans are to demolish the existing structure on the lot and expand the existing store. The C-2, General Commercial zone allows for the entire O'Reilly property to be under one zoning classification.

Existing zoning and land use:

Site: R-1, Single-Family Residential

North: R-1, Single-Family Residential and C-1, Local Commercial

South: East Broadway Street and C-1, Local Commercial (Walgreens)

East: C-2, General Commercial (O'Reilly Auto Parts store)

West: R-1, Single-Family Residential

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:

February 7, 2022 at 9:00 a.m.: City of Muskogee Planning & Zoning Commission

February 7, 2022 at 5:30 p.m.: Public Work Committee

February 14, 2022 at 5:30 p.m. Muskogee City Council Meeting

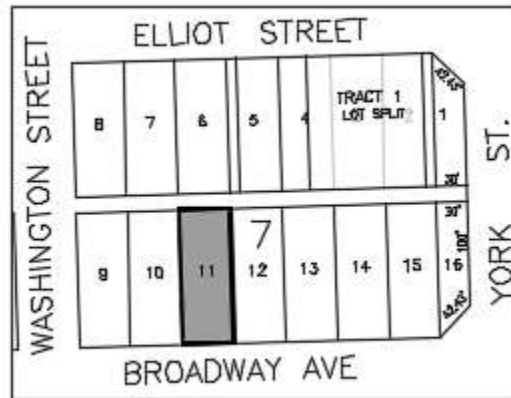
RECOMMENDED STAFF ACTION:

Approve Ordinance 4151-A to rezone Lot 11, Block 7 in Alamo Addition and consolidated with 301 N. York Street, to C-2, General Commercial District, and authorize staff to revise the Official Zoning Map of the City to reflect said change.

Attachments

Notice - 301 N York O'Reilly
Ord 4151-A O'Reilly Rezone
Aerial Map - O'Reilly Rezone

Public Hearing Notice



Proposal: To rezone property located at 301 N. York Street, City of Muskogee, Muskogee County, State of Oklahoma, from “R-1” Single-Family Residential to “C-2” General Commercial District.

The property is more particularly described as:

LOT 11 IN BLOCK 7 IN ALAMO ADDITION TO THE CITY OF MUSKOGEE, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

Owner/Applicant: Lynn Kirk, Kirk Management, owner; O’Reilly Automotive Stores Inc., applicant

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:

February 7, 2022 at 9:00 a.m.: City of Muskogee Planning & Zoning Commission

February 7, 2022 at 5:30 p.m.: City of Muskogee Public Works Committee

February 14, 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.

ORDINANCE NO. 4151-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 LOT 11, BLOCK 7 IN ALAMO ADDITION. PROPERTY IS LOCATED IN THE SOUTHEAST QUARTER OF SECTION 25, 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 11 IN BLOCK 7 IN ALAMO ADDITION TO THE CITY OF MUSKOGEE, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

(Lynn Kirk, Kirk Management, owner; O'Reilly Automotive Stores Inc., applicant)

FROM "R-1" SINGLE-FAMILY RESIDENTIAL DISTRICT

TO

"C-2" GENERAL COMMERCIAL DISTRICT

WHEREAS, the City of Muskogee Planning and Zoning Commission, in a meeting held February 7, 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 11 IN BLOCK 7 IN ALAMO ADDITION TO THE CITY OF MUSKOGEE, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

(Lynn Kirk, Kirk Management, owner; O'Reilly Automotive Stores Inc., applicant)

FROM "R-1" SINGLE-FAMILY RESIDENTIAL 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

Ordinance No. _____

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 14TH DAY OF FEBRUARY 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



N WASHINGTON ST

E BROADWAY ST

N YORK ST

N YORK ST

Meeting Date: 02/07/2022

Initiator: Tish Callahan, Planning Director

Information

AGENDA ITEM TITLE:

Hold a Public Hearing and take action on the approval of Ordinance 4152-A to rezone property addressed as 3701 South York Street, being more particularly described in the ordinance from R-1, Single-Family Residential to A-1, Agriculture District, 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:

T14N R18E S12 FARMLAND IN MUSKOGEE SE SE NE LESS S33 & EH SW SE NE & LESS A TRACT BEGINNING AT SE/C SE NE N ALONG E LINE SE NE 661.59 S87°59'10"W 82.73 TO THE POINT OF BEGINNING S70°23'46"W 244.46 S89°25'59"W 239.71 S76°06'12"W 263.69 S42°10'24"W 256.70 N01°40'38"W 306.19 N87°59'10"E 907.82 TO POINT OF BEGINNING. AND T14N R18E S12 S33 E990 SE NE ALL IN SECTION 12, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE INDIAN BASE AND MERIDIAN, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

BACKGROUND:

The area being requested for rezoning is currently zoned R-1, Single Family Residential. The area was annexed into the City Limits in 2004 and the use of the property remains legal non-conforming as it has not been vacant at any time. The McClelland's recently purchased the property and are requesting to zone the property for agriculture use. The applicant states on their application that the agriculture zone is to "teach their children and grandchildren how to raise their own food, chickens, cows, vegetables". Existing zoning and land use:

Site: R-1, Single Family Residential

North: PUD, Planned Unit Development known as the Woodland's Subdivision

South: R-1, Single Family Residential and agriculture land

East: Outside City Limits

West: PUD, Planned Unit Development known as the Woodland's Subdivision

The applicant has the required acreage (minimum of ten acres), to zone the property to agricultural use. The Future Land Use Map does not indicate areas recommended for agricultural zoning, and shows this area to be residential. The A-1, Agricultural Zone does allow for single family residential development along with the agriculture use. Therefore, the request to rezone to the A-1, Agricultural 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:

February 7, 2022 at 9:00 a.m.: City of Muskogee Planning & Zoning Commission

February 7, 2022 at 5:30 p.m.: Public Work Committee

February 14, 2022 at 5:30 p.m. Muskogee City Council Meeting

RECOMMENDED STAFF ACTION:

Approve Ordinance 4152-A to rezone property addressed as 3701 South York Street, from R-1, Single Family Residential to A-1, Agriculture, and authorize staff to revise the Official Zoning Map of the City to reflect said change.

Fiscal Impact

Attachments

Notice - 3701 S York Rezone

Ord 4152-A 3701 S York

Aerial Map - 3701 S York

Public Hearing Notice



Proposal: To rezone property located at 3701 S. York Street, City of Muskogee, Muskogee County, State of Oklahoma, from R-1, Single-Family Residential to A-1, Agriculture District.

The property is more particularly described as:

T14N R18E S12 FARMLAND IN MUSKOGEE SE SE NE LESS S33 & EH SW SE NE & LESS A TRACT BEGINNING AT SE/C SE NE N ALONG E LINE SE NE 661.59 S87°59'10"W 82.73 TO THE POINT OF BEGINNING S70°23'46"W 244.46 S89°25'59"W 239.71 S76°06'12"W 263.69 S42°10'24"W 256.70 N01°40'38"W 306.19 N87°59'10"E 907.82 TO POINT OF BEGINNING. AND T14N R18E S12 S33 E990 SE NE ALL IN SECTION 12, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE INDIAN BASE AND MERIDIAN, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

Owner: Kurt McClelland, 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:

February 7, 2022 at 9:00 a.m.: City of Muskogee Planning & Zoning Commission
February 7, 2022 at 5:30 p.m.: City of Muskogee Public Works Committee
February 14, 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.

ORDINANCE NO. 4152-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 3701 S. YORK STREET. PROPERTY IS LOCATED IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE INDIAN BASE AND MERIDIAN, MUSKOGEE COUNTY, STATE OF OKLAHOMA. THE PROPERTY IS MORE PARTICULARLY DESCRIBED AS:

T14N R18E S12 FARMLAND IN MUSKOGEE SE SE NE LESS S33 & EH SW SE NE & LESS A TRACT BEGINNING AT SE/C SE NE N ALONG E LINE SE NE 661.59 S87°59'10"W 82.73 TO THE POINT OF BEGINNING S70°23'46"W 244.46 S89°25'59"W 239.71 S76°06'12"W 263.69 S42°10'24"W 256.70 N01°40'38"W 306.19 N87°59'10"E 907.82 TO POINT OF BEGINNING. AND T14N R18E S12 S33 E990 SE NE ALL IN SECTION 12, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE INDIAN BASE AND MERIDIAN, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

(Kurt McClelland, owner)

FROM

R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

TO

A-1 AGRICULTURAL DISTRICT

WHEREAS, the City of Muskogee Planning and Zoning Commission, in a meeting held February 7, 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;

T14N R18E S12 FARMLAND IN MUSKOGEE SE SE NE LESS S33 & EH SW SE NE & LESS A TRACT BEGINNING AT SE/C SE NE N ALONG E LINE SE NE 661.59 S87°59'10"W 82.73 TO THE POINT OF BEGINNING S70°23'46"W 244.46 S89°25'59"W 239.71 S76°06'12"W 263.69 S42°10'24"W 256.70 N01°40'38"W 306.19 N87°59'10"E 907.82 TO POINT OF BEGINNING. AND T14N R18E S12 S33 E990 SE NE ALL IN SECTION 12, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE INDIAN BASE AND MERIDIAN, MUSKOGEE COUNTY, STATE OF OKLAHOMA

(Kurt McClelland, owner)

FROM

R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

TO

A-1 AGRICULTURAL 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 14TH DAY OF FEBRUARY 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



Meeting Date: 02/07/2022

Initiator: Tish Callahan, Planning Director

Information

AGENDA ITEM TITLE:

Hold a Public Hearing and take action on the approval of Ordinance 4154-A amending the City of Muskogee Code of Ordinances, Chapter 90, Zoning, adding Article XXIII, Specific Use Permits, Sections 90-23-01 Purposes, 90-23-02 Conditions for Approval, 90-23-03 Specific Use Permit List, 90-23-04 Use Conditions, 90-23-05 Administration, providing for Repealer, Severability and Declaring an Emergency, or take other necessary action. (Tish Callahan)

LEGAL DESCRIPTION:

BACKGROUND:

The City Council members, during their annual retreat, requested the formation of an Ordinance that would identify business uses that do not necessarily conform to the zoning classification as an allowed use. The Specific Use Permit would allow for each item listed to receive a recommendation by the Planning Commission to City Council to approve or deny the specific uses to be allowed within their appropriate zoning classification. There are many existing, vacant buildings that are not zoned correctly for their initial constructed use. In order to continue a use within the existing building, most have to request a higher zoning classification that is many times not appropriate for the area. The Specific Use Permit would allow City Council to look at each individual use listed and determine if that specific use is appropriate for the property, regardless of its current zoning classification.

RECOMMENDED STAFF ACTION:

Approve Ordinance 4154-A amending the City of Muskogee Code of Ordinances, Chapter 90, Zoning, adding Article XXIII, Specific Use Permits, Sections 90-23-01 Purposes, 90-23-02 Conditions for Approval, 90-23-03 Specific Use Permit List, 90-23-04 Use Conditions, 90-23-05 Administration, providing for Repealer, Severability and Declaring an Emergency.

Fiscal Impact

Attachments

Ord 4154-A Specific Use Permit

ORDINANCE NO. 4154-A

AN ORDINANCE OF THE CITY OF MUSKOGEE, OKLAHOMA AMENDING CHAPTER 90, ZONING, ADDING ARTICLE XXIII, SPECIFIC USE PERMITS, SECTIONS 90-23-01 PURPOSES, 90-23-02 CONDITIONS FOR APPROVAL, 90-23-03 SPECIFIC USE PERMIT LIST, 90-23-04 USE CONDITIONS, 90-23-05 ADMINISTRATION; BY PROVIDING FOR CODIFICATION, REPEALER AND SEVERABILITY.

WHEREAS, effective November 1, 2003, the Legislature of the State of Oklahoma approved Title 11, Section 43-113 of the Oklahoma Statutes, allowing municipalities the authority to regulate land use by the issuance of “Specific Use Permits,” and established guidelines for the issuance of said permits; and,

WHEREAS, Title 11 of Oklahoma Statutes provides for a municipal governing body to create, amend, or change Building and Zoning Regulations for the purpose of promoting the health, safety, morals, or the general welfare of the community; and,

NOW THEREFORE, BE IT ORDAINED BY THE City Council of the City of Muskogee, Oklahoma:

SECTION 1. Chapter 90 shall be amended by adding Article XXIII Specific Use Permits to the Muskogee City Code, which shall read as follows, to-wit:

ARTICLE XXIII SPECIFIC USE PERMITS

SECTION 90-23-01 PURPOSES

- A. The city Council may, after a public hearing and recommendation by the Planning Commission, authorize for specific parcels of land, the issuance of a Specific Use Permit.
- B. The uses listed in the Specific Use list are so clarified because of the size of the land they require or the specialized nature of the use, or they may more intensely dominate the area in which they are located or their effects on the general public are broader in scope than other types of uses permitted in the district.
- C. The designation of a Specific Use Permit as possible on the Specific Use Permit List does not constitute an authorization or an assurance that such use will be permitted. Rather, each Specific Use Permit application shall be valued as to its probable effect on the adjacent property and community welfare and may be approved or denied as the findings indicate appropriate.

SECTION 90-23-02 CONDITIONS FOR APPROVAL

- A. Plans and Data to be Submitted

Prior to submission of a request for a Specific Use Permit, the City Planner may require one or more pre-application conferences with the potential applicant. In considering and determining its recommendation to the City Council relative to any application for Specific Use Permit, the Planning Commission will establish the requirements necessary for consideration of the application. The Commission shall also set a deposit amount from the applicant sufficient for payment of the application and permit expenses, the requirements and amount of deposit may be adjusted by the Planning Commission as necessary during the application process. The Planning Commission may require that the applicant furnish preliminary site plans and data concerning the operation, location, function and characteristics of any use of land or building proposed. For uses in which the land use has possible environmental impact, the Commission may require those engineering and/or environmental impact studies necessary for evaluation of the proposed use. Further, the Commission may require such other information as necessary to evaluate the proposed specific use.

B. Planning Commission Requirements

The Planning Commission may, in the interest of the public welfare and to assure compliance with the intent of this ordinance and the City of Muskogee Comprehensive Plan, require such development standards and operational conditions and safeguards as are indicated to be important to the welfare and protection of adjacent property and the community as a whole and be compatible with the natural environment and the planned capacities of public services and facilities affected by the land use. This may include the requirement of having the property platted and/or the requirement of the dedication of sufficient right-of-way or easement as necessary to further the public good. The Commission may impose conditions including, but not limited to, bonding, insurance, permitted used, lot sized, setbacks, height limits, required facilities, buffers, open space areas, lighting, noise levels, signage, landscaping, parking and loading, compatibility, and land use intensity/density as may be indicated depending upon the proposed use and its potential effect on adjacent areas or the community.

The Planning Commission may recommend to the City Council that certain safeguards and conditions concerning bonding, insurance, setbacks, ingress and egress, off-street parking and loading arrangements and location or construction of buildings and uses and operation be required. If the Planning Commission fails to review and make a recommendation within 90 days from the date the application is accepted for processing the City Council can take action on the application.

C. City Council Requirements

The City Council shall have the same authority as the Planning Commission under subsection B, and in addition may make additional requirements for review and conditions that in its discretion are in the interest of the public welfare and to assure compliance with the intent of this ordinance and the City of Muskogee Comprehensive Plan.

D. Detail Plans

A Detail Plan setting forth the conditions specified may be required of the applicant and such plan when accepted shall be made a part of the permit issued for the specific use.

E. Designation of Zoning Map

A Specific Use Permit approved under the provisions of this Zoning Code shall not be considered as an amendment to the zoning ordinance; however, the Specific Use Permit shall be noted on the zoning map as follows: SUP – (the number of the request for a Specific Use Permit). Any of the conditions contained in a Specific Use Permit approval shall be considered as conditions precedent to the granting of a Building Permit for the specific use provided for.

F. Time Limits for Implementation

If for any reason the approved specific use ceases operation for a period of two years, then the approval of said specific use shall be considered void and will require another public hearing review by the Planning Commission and City Council. This shall also apply to any approved specific to any approved specific use that does not begin operation within two years of approval. This voiding of approval shall not apply if orderly progress toward completion of construction is taking place. Uses existing before the adoption of the Specific Use Permit ordinance including non-conforming uses and their incidental and accessory uses, must receive a Specific Use Permit before any expansion of the use is permitted.

SECTION 90-23-03 SPECIFIC USE PERMIT LIST

Prisons/Jails
Mining
Adult Entertainment
Landfills
Public Facilities
Churches
Windmills
Halfway house
Night Club
Marijuana Business and Commercial Uses
Crematory

SECTION 90-23-04 USE CONDITIONS

A. Compliance with District and Use Unit Requirements

Specific uses permitted shall comply with the most restrictive yard and heights requirements of the district in which located and in addition shall comply with the requirements, especially for parking and loading, as required per the City of Muskogee Zoning Code, except as may be modified by City Council.

SECTION 90-23-05 ADMINISTRATION

A. Fee for Petition

A one-hundred dollar (\$100.00) fee shall be required with the Specific Use Permit application, or such other fee as the City Council may from time to time specify by resolution.

B. Notice of Hearing

1. Notice of public hearing to consider a Specific Use Permit shall be mailed at least twenty (20) days before the public hearing held by the Planning Commission by mailing written notice by the secretary of the Planning Commission to all owners of property within a three hundred foot (300') radius of the exterior boundary of the subject property or such other notice deemed appropriate by the Planning Commission or the City Council.
2. The notice shall contain:
 - a) The date, time and place of the public hearing.
 - b) The present zoning classification of the property and the nature of the Specific Use Permit.
 - c) The legal description of the property and street address or approximate location in the municipality.

C. Appeals and Confirmation by City Council

An applicant, or any adversely affected person, may appeal a recommendation of approval or denial by the Planning Commission decision, by (a) completing a Notice of Appeal form that shall be available from the City Planner; and (b) paying an appeal fee in the amount of \$100.00, or such fee as set by council resolution.

If an appeal is not timely filed, the recommendation of the Planning Commission shall be included on a council consent agenda for consideration, and may be removed from the consent agenda by council pursuant to council rules, whereupon the council may either accept the Findings of Fact and Conclusions of Law of the Planning Commission, reverse the recommendation of the Planning Commission, modify the decision of the Planning

Commission, or remand the matter for further consideration by the Planning Commission.

If an appeal is timely filed, the City Council shall establish a date specific for its decision and may affirm, reverse or remand the Findings of Fact and Conclusions of Law of the Planning Commission.

SECTION 2. CODIFICATION. The City Clerk is hereby directed to enter the added section into the appropriate place in The Muskogee City Code of Muskogee, Oklahoma, as authorized and approved by this Ordinance.

SECTION 3. SEVERABILITY. If any provision, paragraph, word, section of article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

SECTION 4. REPEALER. All other Ordinances and parts of other Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE,
OKLAHOMA, THIS ____ DAY OF _____, 2021.**

MARLON J. COLEMAN, Mayor

ATTEST:

TAMMY L. TRACY, City Clerk

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

ROY D. TUCKER, City Attorney

