

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: 11-03-2022

AGENDA
PLANNING AND ZONING COMMISSION
NOVEMBER 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 October 17, 2022, or take other necessary action.
2. Hold a Public Hearing and take action to consider approval of the request from Carlos Sandoval and Karla McWhorter to split Lots 1 & 2 of Fort Davis 3rd Addition, into two tracts, or take other necessary action. (Suzanne Salichs)
3. Hold a Public Hearing and consider a request submitted by Jason Chupp to consolidate Lot B and part of Lot C into 1 tract in the Judson C. Fast Addition, or take other necessary action. (Suzanne Salichs)
4. Consider a request submitted by The Depot District Mural Committee to paint a mural exhibit at the property located at 310 S. 3rd Street, or take other necessary action. (Suzanne Salichs)
5. Consider a request from Heartland Surveying, applicant, for approval of the Preliminary and Final Plats of 1 lot, 1 Block of the Brocks Pond Addition, or take other necessary action. (Suzanne Salichs)
6. Consider approval of Ordinance No. 4176-A to close a twenty-foot (20') easement located between Lots 5 & 6 in the Rolling Oaks Estates for the purpose of lot consolidation, or take other necessary action. (Suzanne Salichs)

7. Consider a request submitted by Inks & Inks, LCC to approve Ordinance 4175-A to rezone property located at 2401 E. Hancock Street, being more particularly described in the Ordinance from C-1, Local Commercial to C-2, General Commercial and if approved, authorize Staff to revise the Official Zoning Map of the City to reflect said change, or take other necessary action. (Suzanne Salichs)
8. Consider approval of Ordinance 4177-A to rezone the property addressed as 3701 South York Street, being more particularly described in the ordinance from R-1, Single-Family Residential to R-A, Residential Agricultural District, and if approved authorize staff to revise the Official Zoning Map of the City to reflect said change, or take other necessary action. (Suzanne Salichs)
9. Hold a Public Hearing and consider a request from Yisan Qi, applicant, for a Specific Use Permit to allow for Medical Marijuana Cultivation and a Medical Marijuana Dispensary within the C-2, General Commercial District, more specifically a property located at 222 S. 32nd Street, or take other necessary action. (Suzanne Salichs)

ADJOURN

Planning Commission

1.

Meeting Date: 11/07/2022

Initiator: Christina Ratterree, Planning Admin I

Information

AGENDA ITEM TITLE:

Consider approval of Planning Commission Minutes of October 17, 2022, or take other necessary action.

LEGAL DESCRIPTION:

BACKGROUND:

RECOMMENDED STAFF ACTION:

Fiscal Impact

Attachments

Planning mins. 10-17-22

DRAFT

MINUTES

OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF MUSKOGEE, OKLAHOMA MET IN COUNCIL CHAMBERS OF CITY HALL OCTOBER 17, 2022

The Planning and Zoning Commission of the City of Muskogee, Oklahoma, met in Regular Session at 9:00 a.m., on October 17, 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: Russell Sain , Chair; Ashley Lively , Commissioner; Patrick Reeder, Commissioner; Judith Hoffman , Commissioner; D'Elbie Walker, Vice Chair; Leroy Walker Sr., Commissioner; Betty Blackwell , Commissioner

Staff Present: Katrina Bodenhamer , Deputy City Attorney
Suzanne Salichs, City Planning Director

Attendees: Christina Ratterree, Office Administrator

- 1 Discuss and take action on the appointment of a Chairman and Vice Chairman for the Planning Commission, or take other necessary action. (Suzanne Salichs)

Motion was made by Commissioner Betty Blackwell, seconded by Commissioner Judith Hoffman to nominate and appoint Russell Sain to serve as Chair of the Planning & Zoning Commission.

AYE: Chair Russell Sain, Commissioner Ashley Lively, Commissioner Patrick Reeder, Commissioner Judith Hoffman, Vice Chair D'Elbie Walker, Commissioner Leroy Walker Sr., Commissioner Betty Blackwell

Carried - Unanimously

Motion was made by Commissioner Leroy Walker Sr., seconded by Commissioner Betty Blackwell to nominate and appoint D'Elbie Walker to serve as Vice Chair of the Planning and Zoning Commission.

AYE: Chair Russell Sain, Commissioner Ashley Lively, Commissioner Patrick Reeder, Commissioner Judith Hoffman, Vice Chair D'Elbie Walker, Commissioner Leroy Walker Sr., Commissioner Betty Blackwell

Carried - Unanimously

- 2 Consider approval of Planning Commission Minutes of October 03, 2022, or take other necessary action.

Motion was made by Commissioner Leroy Walker Sr., seconded by Commissioner Patrick Reeder to approve Minutes of October 03, 2022.

AYE: Chair Russell Sain, Commissioner Ashley Lively, Commissioner Patrick Reeder, Commissioner Judith Hoffman, Vice Chair D'Elbie Walker, Commissioner Leroy Walker Sr., Commissioner Betty Blackwell

Carried - Unanimously

- 3 Consider a request submitted by Andrae & Thelma Freeman and David Ben & Meekia Edwards for a Lot Split and Consolidation to split the west half of Lot 6 to consolidate with Lot 7 to form Tract 1; and split the east half of Lot 6 to consolidate it with Lot 5 to form tract 2, all in Rolling Oaks Estates Replat, or take other necessary action (Suzanne Salichs).

Motion was made by Vice Chair D'Elbie Walker, seconded by Commissioner Patrick Reeder to approve a Lot Split and Consolidation to split the west half of Lot 6 to consolidate with Lot 7 to form Tract 1; and split the east half of Lot 6 to consolidate it with Lot 5 to form tract 2, all in Rolling Oaks Estates Replat.

AYE: Chair Russell Sain, Commissioner Ashley Lively, Commissioner Patrick Reeder, Commissioner Judith Hoffman, Vice Chair D'Elbie Walker, Commissioner Leroy Walker Sr., Commissioner Betty Blackwell

Carried - Unanimously

- 4 Consider a request by Daisy Paisley Flower, LLC, applicant, for a Specific Use Permit to allow for a Medical Marijuana Dispensary within the C-1, Local Commercial District, more specifically a property located at 1601 E. Okmulgee St., or take other necessary action. (Katrina Bodenhamer)

Deputy City Attorney Katrina Bodenhamer presented application information for the Specific Use Permit to allow for a Medical Marijuana Dispensary within the C-1, Local Commercial District, more specifically a property located at 1601 E. Okmulgee St.

Deputy City Attorney Katrina Bodenhamer opened a Public Hearing.

Mrs. Beverly Raymond, 3510 Irving Muskogee, Ok 74403, stated her objection to a Medical Marijuana Dispensary opening on Okmulgee St. She voiced her concerns for nearby residential homes, including decreased property values, increased crime in the area, the lack of parking at the strip mall and the proximity of three schools, three churches and a nursing home. Mrs. Raymond also commented she believes the City is over saturated with Medical Marijuana Dispensaries and worries that the dispensary will cause offensive odors.

Commissioner Judith Hoffman stated her objection of the Medical Marijuana Dispensary opening and her concerns with the increase of vehicular and foot traffic in the area, the large amount of Medical Marijuana Dispensary that are already servicing the Muskogee City area and children walking nearby from school zones.

Commissioner Leroy Walker Sr. stated his objection to the Medical Marijuana Dispensary opening and voiced his concerns with the location being near schools, churches and residential neighborhoods with children.

Deputy City Attorney Katrina Bodenhamer closed the Public Hearing.

Motion was made by Commissioner Judith Hoffman, seconded by Vice Chair D'Elbie Walker to deny a request by Daisy Paisley Flower, LLC, applicant, for a Specific Use Permit to allow for a Medical Marijuana Dispensary within the C-1, Local Commercial District, more specifically a property located at 1601 E. Okmulgee St..

AYE: Chair Russell Sain, Commissioner Ashley Lively, Commissioner Patrick Reeder, Commissioner Judith Hoffman, Vice Chair D'Elbie Walker, Commissioner Leroy Walker Sr.,
Commissioner Betty Blackwell

Carried - Unanimously

There being no further business, the meeting was adjourned.

Planning Commission

2.

Meeting Date: 11/07/2022

Initiator: Christina Ratterree, Planning Admin I

Information

AGENDA ITEM TITLE:

Hold a Public Hearing and take action to consider approval of the request from Carlos Sandoval and Karla McWhorter to split Lots 1 & 2 of Fort Davis 3rd Addition, into two tracts, or take other necessary action. (Suzanne Salichs)

LEGAL DESCRIPTION:

TRACT 1 - LOT 1, AND THE NORTH 27.00 FEET OF LOT 2, OF FT. DAVIS 3RD ADDITION, LOCATED IN THE NORTHEAST QUARTER (NE1/4) OF SECTION 18, TOWNSHIP 15 NORTH, RANGE 19 EAST, CITY OF MUSKOGEE, MUSKOGEE COUNTY, STATE OF OKLAHOMA. CONTAINING 1.22 ACRES, MORE OR LESS.

TRACT 2 - LOT 2, LESS THE NORTH 27.00 FEET THEREOF, FT. DAVIS 3RD ADDITION, LOCATED IN THE NORTHEAST QUARTER (NE1/4) OF SECTION 18, TOWNSHIP 15 NORTH, RANGE 19 EAST, CITY OF MUSKOGEE, MUSKOGEE COUNTY, STATE OF OKLAHOMA. CONTAINING 0.93 ACRES, MORE OR LESS.

BACKGROUND:

The applicants, Carlos Sandoval and Karla McWhorter, are requesting approval to split the existing two (2) lots into two (2) tracts. The Lot Split is being requested to allow a circle drive and swimming pool to be located on Tract 1. Tract 1 will consist of 1.22 acres, and Tract 2 will consist of 0.93 acres.

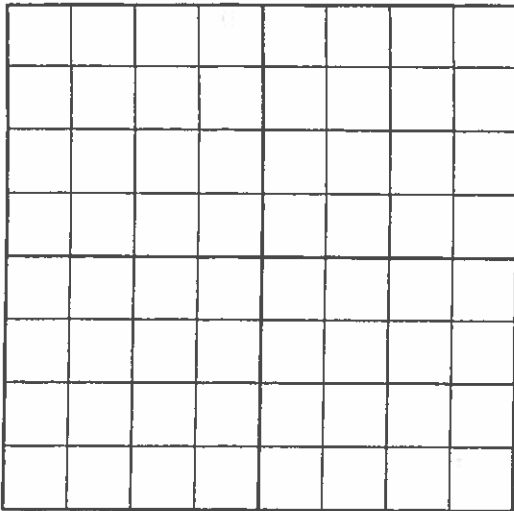
RECOMMENDED STAFF ACTION:

Staff recommends approval.

Fiscal Impact

Attachments

Lot Split/Consolidation 2911 N. David Ct.



LOT SPLIT & CONSOLIDATION

LEGAL DESCRIPTION

TRACT 1: LOT 1 AND THE NORTH 27.00 FEET OF LOT 2 OF FT. DAVIS 3RD ADDITION, CITY OF MUSKOGEE, MUSKOGEE COUNTY, STATE OF OKLAHOMA. CONTAINING 1.22 ACRES, MORE OR LESS.

TRACT 2: LOT 2 LESS THE NORTH 27.00 FEET THEREOF, FT. DAVIS 3RD ADDITION, CITY OF MUSKOGEE, MUSKOGEE COUNTY, STATE OF OKLAHOMA. CONTAINING 0.93 ACRES, MORE OR LESS.

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

LOCATION MAP

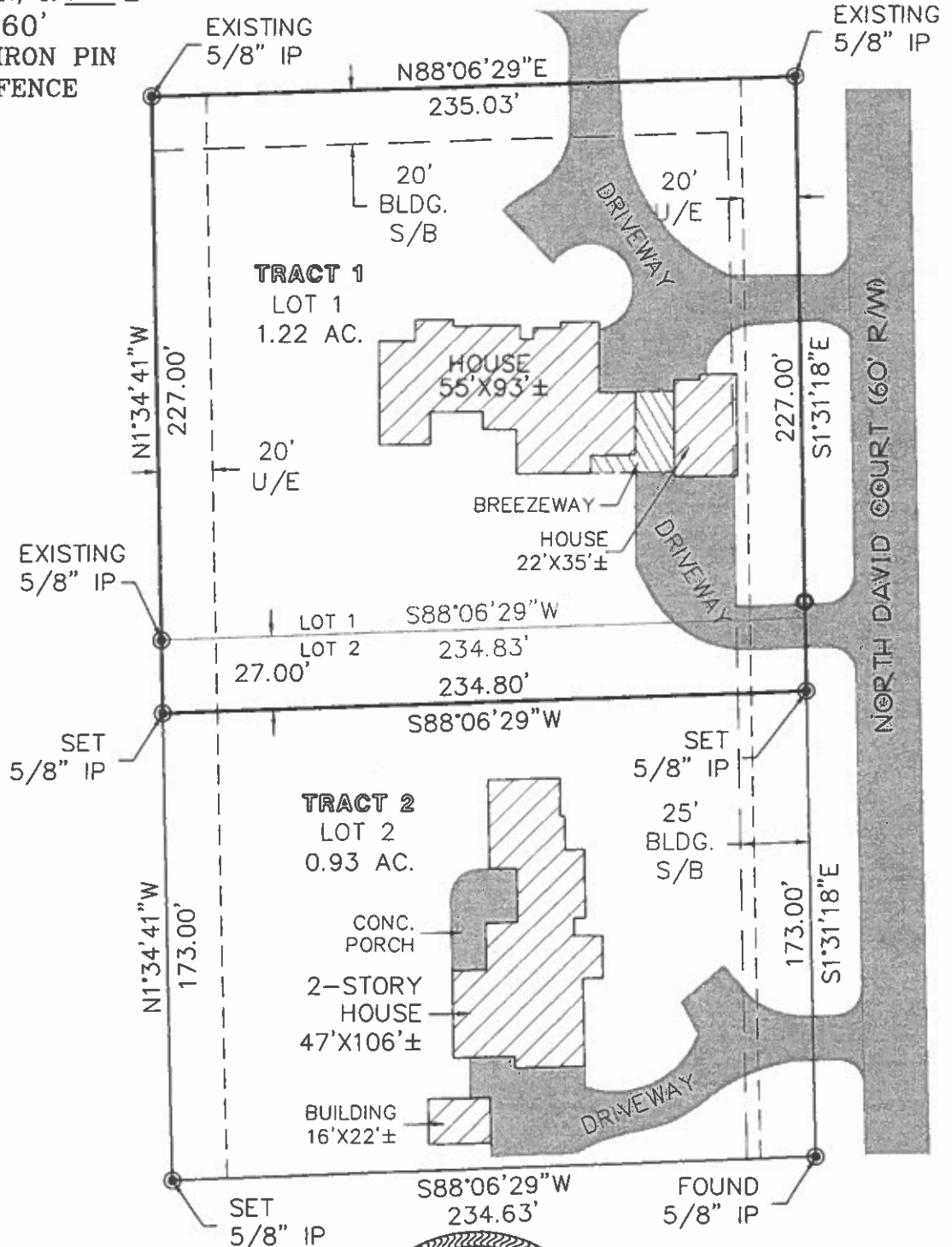
SEC. 18 T 15 N, R 19 E

SCALE: 1" = 60'

● = IRON PIN
—x— = FENCE

Planning Commission Chairman

Date



Tony Robison

TONY ROBISON, LAND SURVEYOR NO. 1686

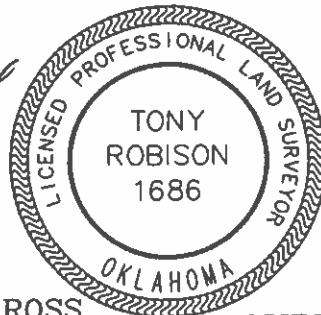
Heartland Surveying & Mapping, PLLC

CA #4849

600 Emporia St., Ste. "C"
Muskogee, Oklahoma 74401

(918) 682-7796

6-11-2014



FOR: BRADY ROSS

REV. DATE: 6/11/14

DATE: 5/14/12

BEARINGS ARE BASED ON
NAD83(93) OKLAHOMA
STATE PLANE COORDINATE
SYSTEM, NORTH ZONE.

W.O.# 2950B

SURVEYED BY: JT/JP

DRAWN BY: AM

Last Site Visit: 6/11/14

FILE NAME
Jun 11, 2014 - 3:13pm
S:\CAD - Tony\acad\Heartland\W02950B.dwg

THIS SURVEY MEETS MINIMUM TECHNICAL SURVEY STANDARDS.

Planning Commission

3.

Meeting Date: 11/07/2022

Initiator: Christina Ratterree, Planning Admin I

Information

AGENDA ITEM TITLE:

Hold a Public Hearing and consider a request submitted by Jason Chupp to consolidate Lot B and part of Lot C into 1 tract in the Judson C. Fast Addition, or take other necessary action. (Suzuanne Salichs)

LEGAL DESCRIPTION:

Tract 1: ALL OF LOT B AND THE EAST 120.00 FEET OF LOT C LESS THE WEST 18.00 FEET OF EAST 120.00 FEET NORTH 75.00 FEET IN THE REPLAT OF PART OF BLOCK 1 IN JUDSON C FAST ADDITION, CITY OF MUSKOGEE, MUSKOGEE COUNTY, STATE OF OKLAHOMA. CONTAINING 2.42 ACRES, OR 105,598 SQUARE FEET, MORE OR LESS.

BACKGROUND:

This request was submitted by Jason Chupp to consolidate lot B and part of Lot C into 1 tract for the purpose of additional commercial development. The property is currently zoned C-2, General Commercial. If the consolidation is approved the tract will meet all requirements of a buildable lot.

RECOMMENDED STAFF ACTION:

Staff recommends approval.

Fiscal Impact

Attachments

Lot Consolidation, Jason Chupp

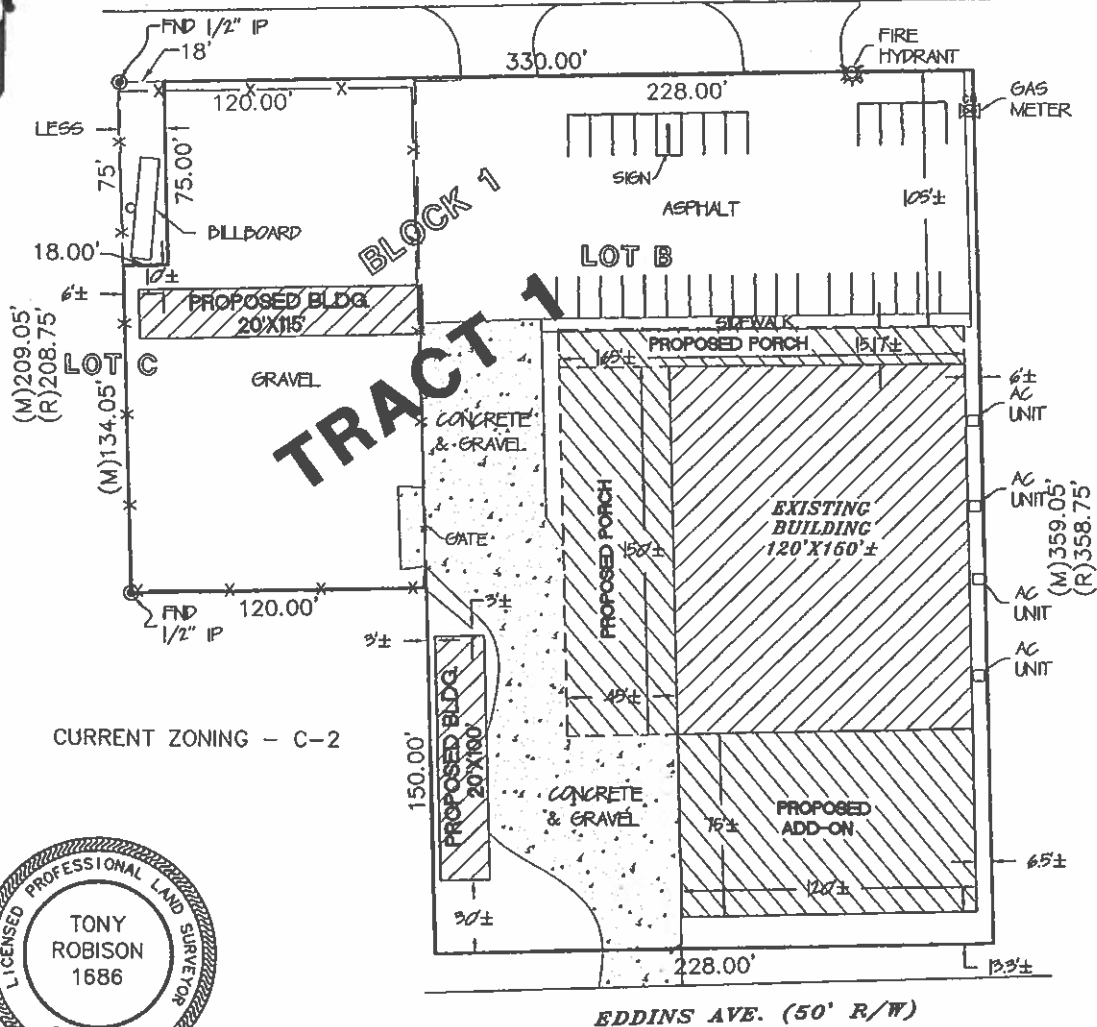
U.S. HWY. 62
OLD SHAWNEE RD.

TRACT 1
ALL OF LOT B AND THE EAST 120.00 FEET OF LOT C LESS THE WEST
18.00 FEET OF EAST 120.00 FEET OF NORTH 75.00 FEET IN THE REPLAT
OF PART OF BLOCK 1 IN JUDSON C FAST ADDITION, CITY OF MUSKOGEE,
MUSKOGEE COUNTY, STATE OF OKLAHOMA. CONTAINING 2.42 ACRES, OR
105,598 SQUARE FEET, MORE OR LESS.

LOCATION MAP

 = IRON PIN (M)
 = FENCE (R)

Date _____



CURRENT ZONING - C-2



10/11/2022

TONY ROBISON, LAND SURVEYOR NO. 1686

Heartland Surveying & Mapping, PLLC

CA #4849

800 Emporia St., Ste."C"
Muskogee, Oklahoma 74401
(918) 682-7796

FOR: JASON CHUPP

2625 E. Shawnee, Muskogee

DATE: 10/10/2022

W.O.# 10816

SURVEYED BY: CS

DRAWN BY: AM

Last Site Visit: 1/14/20

According to the U.S. Department of Housing & Urban Development Insurance Rate Map, Panel Number 40101C0115F, Effective Date February 4, 2011. The subject property is located in Zone "X", Areas determined to be outside the 0.2% annual chance floodplain.

FILE NAME
Oct 11, 2022 - 7:52am
S:\CAD -HEARTLAND-FILES\W010816.dwg

Planning Commission

4.

Meeting Date: 11/07/2022

Initiator: Christina Ratterree, Planning Admin I

Information

AGENDA ITEM TITLE:

Consider a request submitted by The Depot District Mural Committee to paint a mural exhibit at the property located at 310 S. 3rd Street, or take other necessary action. (Suzanne Salichs)

LEGAL DESCRIPTION:

BACKGROUND:

The Depot District Mural Committee is requesting approval to paint a mural on the north facing wall of the property located at 310 S. 3rd Street. The owner of the property Mr. Lex Katich has given permission for the mural to be completed. The local artist, Leah Payne, has completed artwork on the pillars around the Muskogee Center. They would like to start the mural project as soon as possible and complete the mural by the "Lights On" event at the Depot Green on December 1, 2022.

RECOMMENDED STAFF ACTION:

Staff recommends approval.

Fiscal Impact

Attachments

Mural request Depot District Mural Committee

October 24, 2022

Planning and Zoning Commission
City of Muskogee
229 W. Okmulgee Street
Muskogee, Oklahoma 74402

Re: Permission To Paint Mural at 310 S. 3rd Street

Dear Chairperson Sain and Planning and Zoning Commission Members:

The Depot District Mural Committee is requesting approval to paint a mural on the north facing wall of the building at 310 S. 3rd Street. The building owner is Mr. Lex Katich, who has granted permission for the mural to be done. The mural will be in full color as seen in the picture below.

The artist who will paint the mural is Ms. Leah Payne. Leah is a local artist who has painted the artwork on the pillars around the Muskogee Civic Center. She has also participated in the Spring Banner Painting Project for many years. The mural cost is \$9,100 to be paid by the Depot District Mural Committee. The mural work will begin as soon as possible with hopes that it can be completed by the "Lights On" event in the Depot Green on December 1, 2022.

We look forward to your approval of this request.

Thank you.

Sincerely,

Depot District Mural Committee Members

Mark Wilkerson
Becky Lucht
Joel Everett
Wren Stratton
Ann Ong



Meeting Date: 11/07/2022

Initiator: Christina Ratterree, Planning Admin I

Information

AGENDA ITEM TITLE:

Consider a request from Heartland Surveying, applicant, for approval of the Preliminary and Final Plats of 1 lot, 1 Block of the Brocks Pond Addition, or take other necessary action. (Suzanne Salichs)

LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN THE SE/4 OF THE NE/4 OF SECTION 13, T15N, R18E OF THE I.B.&M., MUSKOGEE COUNTY, STATE OF OKLAHOMA: AT A POINT S88°11'43"W, 45.00 FEET FROM THE SE CORNER OF THE SE/4 OF THE NE/4 OF SAID SECTION 13 ON THE WEST LINE OF YORK STREET RIGHT-OF-WAY; THENCE N1°40'43"W ALONG THE WEST LINE OF YORK RIGHT-OF WAY A DISTANCE OF 145.36 FEET TO THE POINT OF BEGINNING THENCE CONTAINING N1°40'43"W ALONG THE WEST LINE OF YORK STREET RIGHT-OF WAY A DISTANCE OF 194.88 FEET; THENCE N10°13'26"W ALONG THE WEST LINE OF YORK STREET RIGHT-OF WAY A DISTANCE 168.25 FEET; THENCE N7°43'31"E ALONG THE WEST LINE OF YORK STREET RIGHT-OF WAY A DISTANCE of 236.49 FEET; THENCE S88°13'11"W A DISTANCE OF 407.70 FEET TO THE EAST LINE OF THE RAILROAD RIGHT-OF-WAY; THENCE S33°06'51"W ALONG THE EAST LINE OF RAILROAD RIGHT-OF-WAY A DISTANCE OF 902.73 FEET TO A POINT ON THE SOUTH LINE OF THE SE/4 NE/4; THENCE N88°10'21"E ALONG THE SOUTH LINE THEREOF A DISTANCE OF 418.67 FEET; THENCE N0°50'30"W A DISTANCE OF 183.71 FEET; THENCE S87°18'35"E A DISTANCE OF 489.23 FEET TO THE POINT BEGINNING, CONTAINING 9.14 ACRES, MORE OR LESS

BACKGROUND:

The applicant, Heartland Surveying submitted a Preliminary and Final Plat of the Brocks Pond Addition, consisting of (1) lot, (1) block on 9.14 acres for residential development. The property has access to private sanitary sewer and public water, is currently zoned A, Agricultural and meets area regulations for the zoning classification.

RECOMMENDED STAFF ACTION:

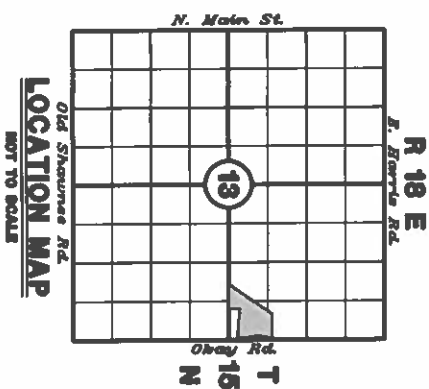
Staff recommends approval to forward to Public Works.

Fiscal Impact

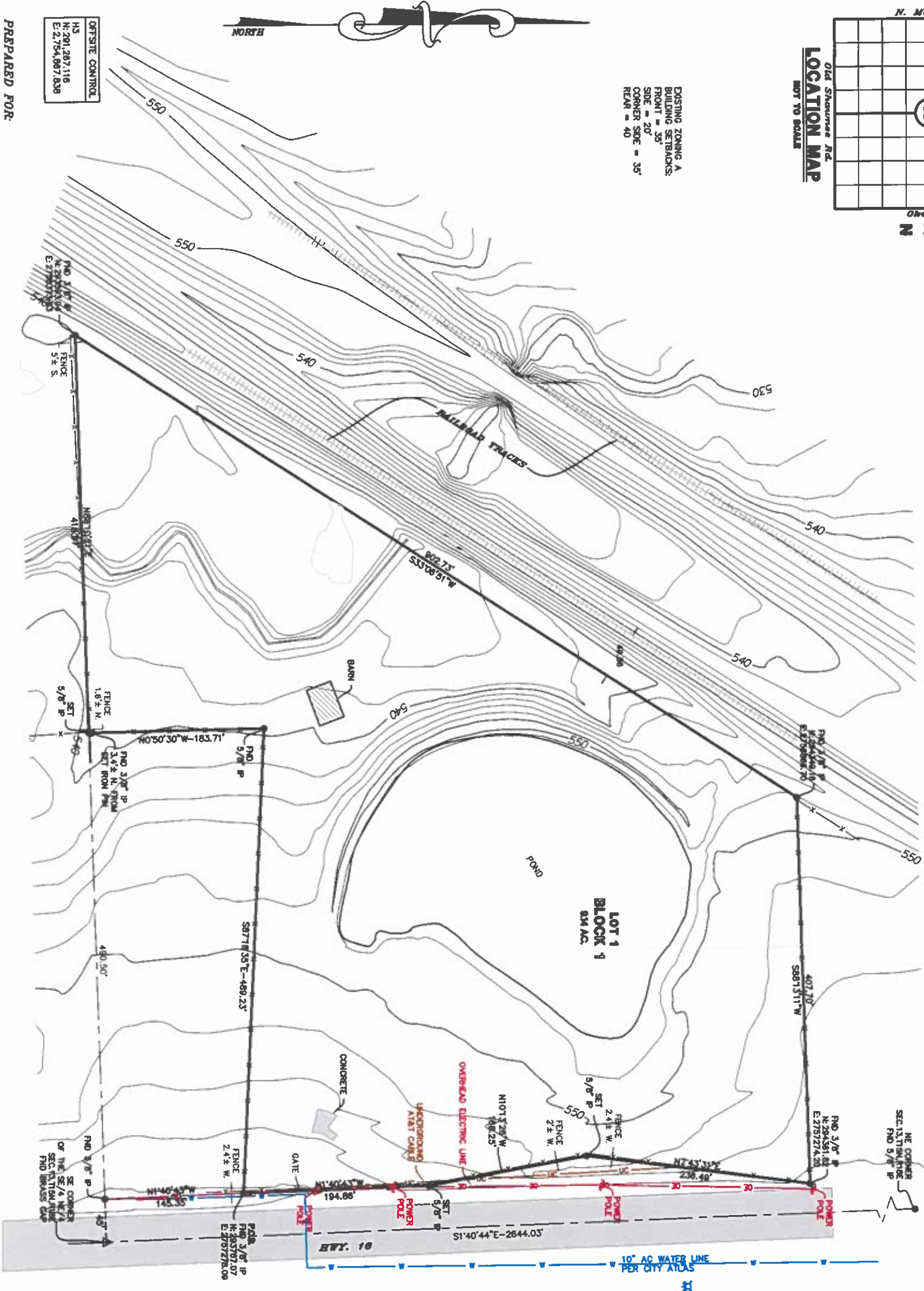
Attachments

Prelim and Final Plats Brocks Pond Addition

**PRELIMINARY PLAT OF
BROCKS POND ADDITION
IN THE SE/4 OF THE NE/4
OF SECTION 13, T15N, R18E OF I.B.&M.,
CITY OF MUSKOGEE, MUSKOGEE COUNTY,
STATE OF OKLAHOMA**



EXISTING ZONING A
BUILDING SETBACKS:
FRONT = 35'
SIDE = 20'
CORNER SIDE = 35'
REAR = 40'



PREPARED FOR:
Ernest Brock & Shelly Schoonover

PREPARED BY:
**Heartland Surveying &
Mapping, PLLC**

HORIZONTAL DATUM IS BASED ON NAD 83(98) OKLAHOMA STATE PLANE COORDINATE SYSTEM, OKLAHOMA NORTH ZONE.



STATE OF OKLAHOMA
COUNTY OF MUSKOGEE

KNOW ALL MEN BY THESE PRESENTS, that we, ERNEST BROOK AND SHELLY SCHIDONOVER, husband and wife, hereby certify that we are the Owners and the person or persons having any right, title or interests to the following described tract of land, to-wit:

A TRACT OF LAND LOCATED IN THE SE ¼ OF THE NE ¼ OF SECTION 13, T9N, R1E FROM THE 18.6M² UNINCORPORATED COUNTY STATE OF OKLAHOMA; COMMENCING AT A POINT S80°11'43"N, 45.00 FEET FROM THE SE CORNER OF THE SE ¼ OF THE NE ¼ OF SAID SECTION 13 ON THE WEST LINE OF YORK STREET RIGHT-OF-WAY; THENCE N10°43'17"E ALONG THE WEST LINE OF YORK STREET RIGHT-OF-WAY A DISTANCE OF 145.35 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N10°43'28"W ALONG THE WEST LINE OF YORK STREET RIGHT-OF-WAY A DISTANCE OF 184.88 FEET; THENCE N14°31'12"E ALONG THE WEST LINE OF YORK STREET RIGHT-OF-WAY A DISTANCE OF 168.23 FEET; THENCE N14°31'12"E ALONG THE WEST LINE OF YORK STREET RIGHT-OF-WAY A DISTANCE OF 236.49 FEET; THENCE S80°15'11"W A DISTANCE OF 407.10 FEET TO THE EAST LINE OF THE RAILROAD RIGHT-OF-WAY; THENCE S33°08'11"W ALONG THE EAST LINE OF RAILROAD RIGHT-OF-WAY A DISTANCE OF 902.73 FEET TO A POINT ON THE SOUTH LINE OF THE SE ¼ NE ¼; THENCE N88°10'21"E ALONG THE SOUTH LINE THEREOF A DISTANCE OF 418.67 FEET; THENCE N05°50'14"E A DISTANCE OF 163.71 FEET; THENCE S87°18'35"E A DISTANCE OF 480.23 FEET TO THE POINT OF BEGINNING, CONTAINING 8.14 ACRES, MORE OR LESS.

We further certify that we have caused said tract of land to be platted into lot and block and have caused this plat to be made of said tract showing accurate dimensions of lots. We hereby designate said tract of land as BROOKS POND ADDITION and dedicate to public use all easements as shown hereon.

ERNEST BROOK

SHELLY SCHIDONOV

STATE OF OKLAHOMA
COUNTY OF LINCOLN

Before me, the undersigned, a notary public in and for the State of Oklahoma, personally appeared ERIC S. BROCK AND SHELLY SCHONDER, to me known to be the identical person who executed the foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the purposes set forth.

WITNESS my hand and seal this _____ day of _____, 2022.

My Commission expires

Notary Public

CERTIFICATE OF SURVEY
CONVEYED BY THESE PRESENTS, that I, Tony Robison, a resident of the State of Oklahoma, do hereby **certify** that I have carefully and accurately surveyed and platted into lot and block the above described property and that this plat is a true and correct representation thereof; I further certify that this plat meets the minimum standards for the practice of land surveying.

WITNESS my hand and seal this _____ day of _____ 2022

Tony Robison, Land Surveyor 1684



STATE OF OKLAHOMA
COUNTY OF LINCOLN

Before me, this undersigned, a notary public in and for the State of Oklahoma, personally appeared Tony Robison to me known to be the identical person who executed the foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and for the purposes therein set forth.

WITNESS my hand and seal this _____ day of _____, 2023.

My Commission expires

Notary Public

TAXPAYER CERTIFICATE
I hereby certify that as to all real estate involved in the plot, all taxes have been paid for 2021 as reflected by the current tax roll and that there are no taxes due for prior years, and security has been provided for 2022 taxes not as yet certified to me.

County Treasurer

CERTIFICATE OF COUNTY CLERK

2022, Book _____ Page _____

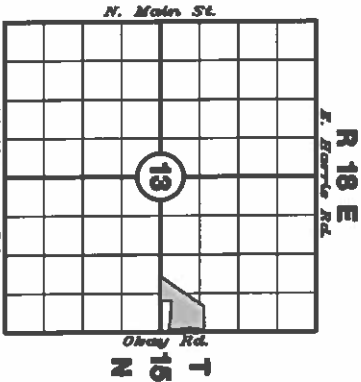
County Clerk

APPROVED: City of Muskogee

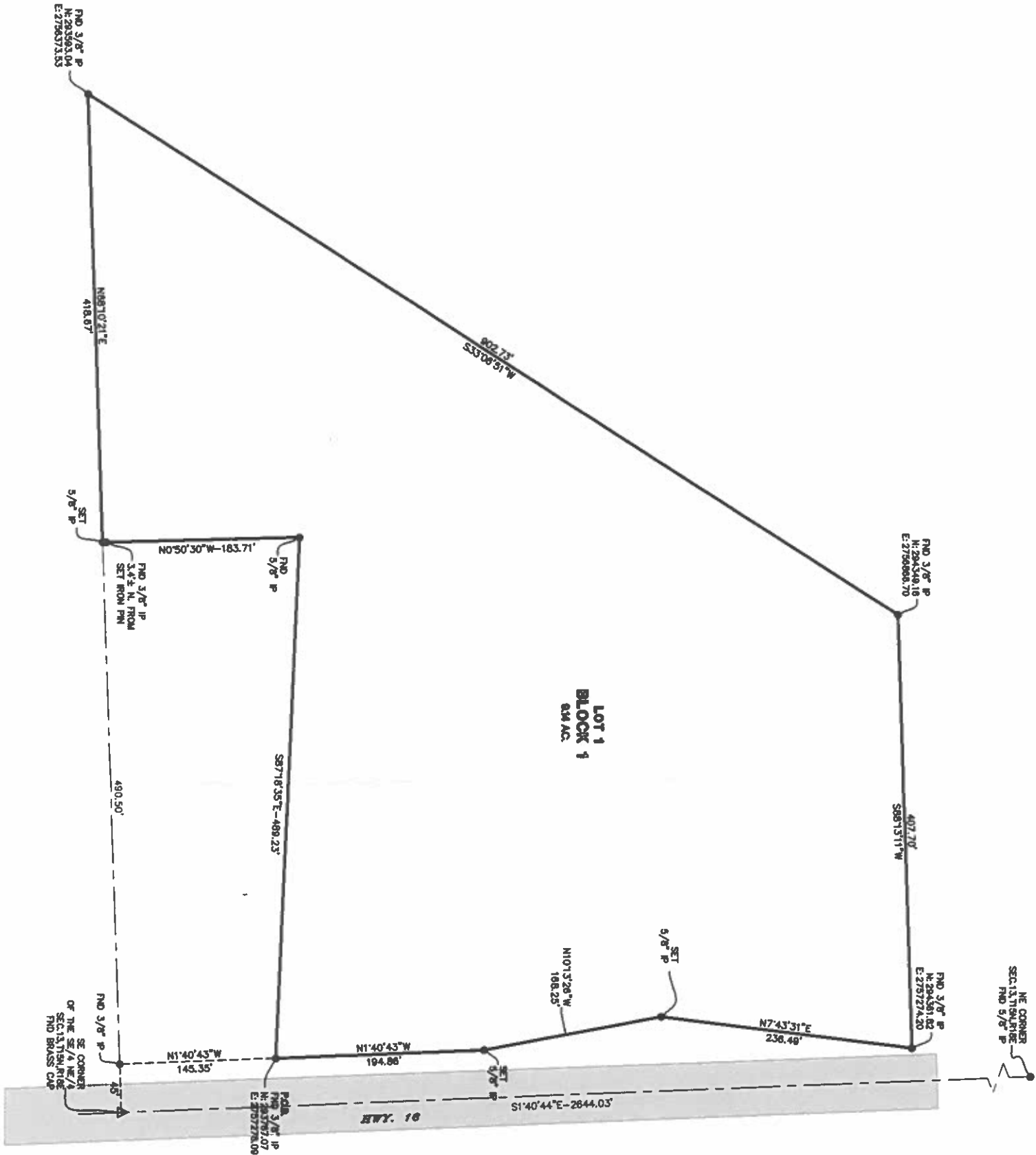
City Clerk

FLUORESCENCE

FLOOD CONTROL ACTION
According to the U.S. Department of Housing & Urban Development Insurance Rate Map, Panel Number 4010100115F, Effective Date February 4, 2011, The subject property is located in Zone "X", Areas determined to be outside the 0.25 annual chance floodplain.



**FINAL PLAT OF
BROCKS POND ADDITION**
**IN THE SE/4 OF THE NE/4
OF SECTION 13, T16N, R18E OF I.B.&M.,
CITY OF MUSKOGEE, MUSKOGEE COUNTY,
STATE OF OKLAHOMA**



OFFSITE CONTROL	
H.S.	N: 281.287.116
E: 2.754.887.836	

PREPARED FOR:
Ernest Brock & Shelly Schoonover

PREPARED BY:
Heartland Surveying &
Mapping, PLLC
4000 S. 10th St., Suite 100
Tulsa, Oklahoma 74106
(918) 488-7700

HORIZONTAL DATUM IS BASED ON NAD 83(08) OKLAHOMA
STATE PLANE COORDINATE SYSTEM, OKLAHOMA NORTH ZONE.



STATE OF OKLAHOMA
COUNTY OF MUSKOGEE

KNOW ALL MEN BY THESE PRESENTS, that we, ERNEST BROCK AND SHELLEY SCHOONOVER, husband and wife, hereby certify that we are the Owners and the person or persons having any right, title or interest in the following described tract of land, to-wit:

A TRACT OF LAND LOCATED IN THE SE/4 OF THE NE/4 OF SECTION 13, T16N, R18E OF THE I.B.&M., MUSKOGEE COUNTY, STATE OF OKLAHOMA; COMMENCING AT A POINT S88°11'43\"/>

We further certify that we have caused said tract of land to be platted into lot and block and have caused this plat to be made of said tract showing accurate dimensions of lots. We hereby designate said tract of land as BROCKS POND ADDITION and dedicate to public use all easements as shown hereon.

ERNEST BROCK
SHELLEY SCHOONOVER

STATE OF OKLAHOMA
COUNTY OF MUSKOGEE

Before me, the undersigned, a notary public in and for the State of Oklahoma, personally appeared ERNEST BROCK AND SHELLEY SCHOONOVER, to me known to be the identical persons who executed the foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the purposes set forth.

WITNESS my hand and seal this ____ day of _____, 2022.

My Commission expires: _____
Notary Public _____

CERTIFICATE OF SURVEY
KNOW ALL MEN BY THESE PRESENTS, that I, Tony Robison, a resident of the State of Oklahoma, do hereby certify that I have carefully and accurately surveyed and plotted into lot and block the above described property and that this plat is a true and correct representation thereof; I further certify that this plat meets the minimum standards for the practice of land surveying.

WITNESS my hand and seal this ____ day of _____, 2022.

PRELIMINARY

Tony Robison, Land Surveyor 1666

STATE OF OKLAHOMA
COUNTY OF MUSKOGEE

Before me, the undersigned, a notary public in and for the State of Oklahoma, personally appeared Tony Robison to me known to be the identical person who executed the foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed for the purpose therein set forth.

WITNESS my hand and seal this ____ day of _____, 2022.

My Commission expires: _____
Notary Public _____

TESTAMENTS CERTIFICATE
I hereby certify that on to all real estate involved in the plat, all taxes have been paid for 2021 as reflected by the current tax roll and that there are no taxes due for prior years, and security has been provided for 2022 (none not as yet certified to me).

County Treasurer _____

CERTIFICATE OF COUNTY CLERK
This plat has been filed in the office of the County Clerk, Muskogee County, Oklahoma, this ____ day of _____, 2022. Book _____ Page _____

County Clerk _____
APPROVED: City of Muskogee _____
Date _____

Mayer _____
City Clerk _____

PLAT CERTIFICATE
According to the U.S. Department of Housing & Urban Development Insurance Rate Map, Parcel Number 40101001159, Effective Date February 4, 2011, The subject property is located in Zone "X", Areas determined to be outside the 0.2% annual chance floodplain.

Planning Commission

6.

Meeting Date: 11/07/2022

Initiator: Christina Ratterree, Planning Admin I

Information

AGENDA ITEM TITLE:

Consider approval of Ordinance No. 4176-A to close a twenty-foot (20') easement located between Lots 5 & 6 in the Rolling Oaks Estates for the purpose of lot consolidation, or take other necessary action.
(Suzanne Salichs)

LEGAL DESCRIPTION:

THE EASEMENT RUNNING BETWEEN LOTS 5 AND 6 IN ROLLING OAKS ESTATES REPLAT, A REPLAT OF ROLLING OAKS ESTATES PHASE I & II, TO THE CITY OF MUSKOGEE, ACCORDING TO THE CITY OF MUSKOGEE, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

BACKGROUND:

The applicants, Andrae and Thelma Freeman are requesting approval to close the twenty foot (20') easement located within the Rolling Oaks Estate Addition. Andrae and Thelma Freeman are

This application was approved by the Subdivision Review Committee on October 11, 2022

RECOMMENDED STAFF ACTION:

Staff recommends approval.

Fiscal Impact

Attachments

Ordinance No. 4176-A
2922 Oklahoma, Easement Closure

ORDINANCE NO. 4176-A

AN ORDINANCE TO CLOSE AN EASEMENT ON 5691 FONDULAC. THE PROPERTY IS MORE PARTICULARLY DESCRIBED AS:

A 20' STRIP OF LAND LOCATED BETWEEN LOTS 5 AND 6 IN ROLLING OAKS ESTATES. ALSO KNOWN AS TRACT 1: LOT 5 AND THE EAST HALF OF LOT 6, ROLLING OAKS ESTATES REPLAT IN THE CITY OF MUSKOGEE, MUSKOGEE COUNTY, STATE OF OKLAHOMA. CONTAINING 2.81 ACRES, MORE OR LESS.

WHEREAS, a petition has been filed by an adjacent property owner to the property described above; requesting said street be closed and discontinued from public use, and;

WHEREAS, the City of Muskogee Planning & Zoning Commission in a meeting held November 7, 2022, did approve the petition and did recommend approval of official action by closing a public street as stated;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA,

Section 1: A 20' STRIP OF LAND LOCATED BETWEEN LOTS 5 AND 6 IN ROLLING OAKS ESTATES. ALSO KNOWN AS TRACT 1: LOT 5 AND THE EAST HALF OF LOT 6, ROLLING OAKS ESTATES REPLAT IN THE CITY OF MUSKOGEE, MUSKOGEE COUNTY, STATE OF OKLAHOMA. CONTAINING 2.81 ACRES, MORE OR LESS. ACCORDING TO THE OFFICIAL PLAT THEREOF, MUSKOGEE COUNTY, OKLAHOMA. LOCATED IN THE (SE) OF SECTION 19, TOWNSHIP 15 NORTH, RANGE 18 EAST, MUSKOGEE COUNTY, STATE OF OKLAHOMA; AND PROVIDING FOR SEVERABILITY IS HEREBY CLOSED, ANNULLED AND DISCONTINUED FROM PUBLIC USE.

AND that this change be so ordered and declared by the City Council.

Section 2: REPEALER. All other ordinances or parts of ordinances in direct conflict herewith are repealed to the extent of the conflict only.

Section 3: 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.

Section 4: EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after date of publication.

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

19-15-18



Planning Commission

7.

Meeting Date: 11/07/2022

Initiator: Christina Ratterree, Planning Admin I

Information

AGENDA ITEM TITLE:

Consider a request submitted by Inks & Inks, LCC to approve Ordinance 4175-A to rezone property located at 2401 E. Hancock Street, being more particularly described in the Ordinance from C-1, Local Commercial to C-2, General Commercial and if approved, authorize Staff to revise the Official Zoning Map of the City to reflect said change, or take other necessary action. (Suzanne Salichs)

LEGAL DESCRIPTION:

THE NORTH 300 FEET OF THE WEST 300 FEET OF LOT 5 (NW of NW) OF SAID SECTION 6, T14N, R19E OF THE I.B.M., MUSKOGEE COUNTY, STATE OF OKLAHOMA.
LESS AND EXCEPT

A PARCEL OF LAND LYING IN PART OF LOT 5 OF SECTION 6, T14N, R19E OF THE I.B.&M., MUSKOGEE COUNTY, STATE OF OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NW CORNER OF SAID LOT 5; THENCE S1°33'07"E ALONG THE WEST LINE THEREOF 24.75 FEET; THENCE N88°36'48"E 24.75 FEET TO THE POINT OF THE BEGINNING, SAID POINT BEING AT THE INTERSECTION OF THE SOUTHERLY AND EASTERLY SECTION LINE STATUTORY RIGHT OF THE WAY LINES; THENCE N88°36'48"E ALONG SAID SOUTHERLY SECTION LINE STATUTORY RIGHT OF THE WAY LINE 275.25 FEET; THENCE S1°33'07"E 10.36 FEET; THENCE S88°38'35"W 239.28 FEET; THENCE S43°44'00"W 28.33 FEET; THENCE S1°10'35"E 245.03 FEET; THENCE S88°36'48"W 14.23 FEET TO SAID EASTERLY LINE STATUTORY RIGHT OF THE WAY LINE; THENCE N1°33'07"W ALONG SAID EASTERLY SECTION LINE STATUTORY RIGHT OF WAY 275.25 FEET TO THE POINT OF BEGINNING.

BACKGROUND:

The area being requested for rezoning is currently zoned C-1, Local Commercial and the applicant would like to rezone the property to C-2, General Commercial to accommodate for the expansion of a proposed retail business to include the sales of outside furniture and garden decor items.

Notices have been sent to the property owners within a 300- foot radius and a copy of the notice has been published in the paper.

RECOMMENDED STAFF ACTION:

Staff recommends approval.

Fiscal Impact

Attachments

Inks & Inks Plat

PLAT OF SURVEY

LEGAL DESCRIPTION (AS PROVIDED)

The North 300 feet of the West 300 feet of Lot 5 of said Section 6, T14N, R19E of the I.B.&M., Muskogee County, State of Oklahoma. LESS AND EXCEPT

A parcel of land lying in part of Lot 5 of Section 6, T14N, R19E of the I.B.&M., Muskogee County, State of Oklahoma, being more particularly described as follows: Commencing at the NW Corner of said Lot 5; thence S1°33'07"E along the West line thereof 24.75 feet; thence N88°36'48"E 24.75 feet to the Point of Beginning, said point being at the intersection of the Southerly and Easterly Section line statutory right of way lines; thence N88°36'48"E along said Southerly Section line statutory right of way line 275.25 feet; thence S1°33'07"E 10.36 feet; thence S88°38'35"W 239.28 feet; thence S43°44'00"W 28.33 feet; thence S1°10'35"E 245.03 feet; thence S88°36'48"W 14.23 feet to said Easterly line statutory right of way line; thence N1°33'07"W along said Easterly Section line statutory right of way 275.25 feet to the Point of Beginning.

LOCATION MAP

SEC. 6 T 14 N, R 19 E

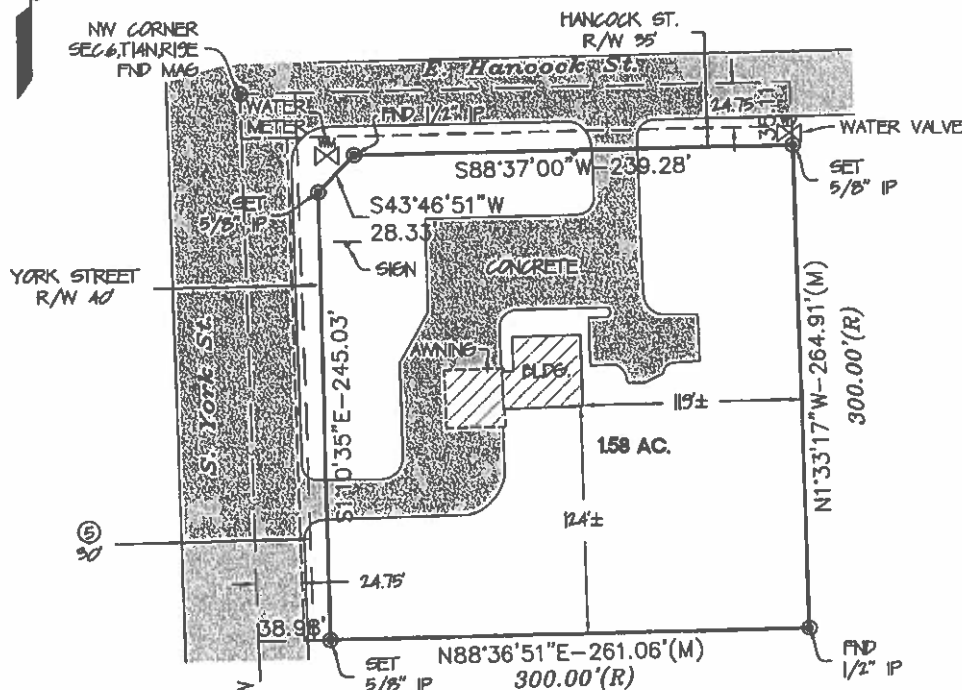
SCALE: 1" = 80'

● = IRON PIN

—x— = FENCE

(M) = MEASURED

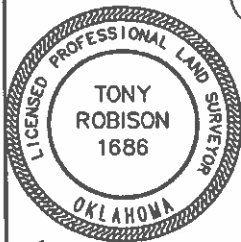
(R) = RECORD



SCHEDULE B ITEMS:

- (2) Easement Okla. Gas & Electric Company, Bk.1022 Pg.861 (Does Not Affect)
- (4) R/W Okla. Natural Gas Company, Bk.1045 Pg.145 (Affects, Blanket across North 12.25 acres of Lot 5 Section 6)
- (5) R/W Okla. Natural Gas Company, Bk.1062 Pg.101 (does not affect, is plotted hereon)
- (6) R/W Okla. Natural Gas Company, Bk.1124 Pg.557 (does not affect, is not plotted hereon)
- (7) R/W New ONG Transmission Company, Bk.2347 Pg.394 (Affects, Blanket across the NW4 of Section 6)

BEARINGS ARE BASED ON NAD83
OKLAHOMA STATE PLANE
COORDINATE SYSTEM.



8/31/2022

TONY ROBISON, LAND SURVEYOR NO. 1886

Heartland Surveying & Mapping, PLLC

CA #4848

600 Emporia St., Ste. "C"
Muskogee, Oklahoma 74401
(918) 682-7796

FOR: Jason & Debbie Inks
2401 Hancock St., Muskogee
DATE: 8/26/2022

W.O.# 10672
SURVEYED BY: RT/TT
DRAWN BY: AM
Last Site Visit: 8/25/2022

THIS SURVEY MEETS OKLAHOMA MINIMUM SURVEY STANDARDS.

FILE NAME
Aug 31, 2022 - 3:00pm
S:\CAD - HEARTLAND - FILES\WO10672.dwg

ORDINANCE NO. 4175-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 2401 E. HANCOCK. THE PROPERTY IS LOCATED IN SECTION 6, TOWNSHIP 14 NORTH, RANGE 19 EAST OF THE INDIAN BASE AND MERIDIAN, MUSKOGEE COUNTY, STATE OF OKLAHOMA. THE PROPERTY IS MORE PARTICULARLY DESCRIBED AS:

THE NORTH 300 FEET OF THE WEST 300 FEET OF LOT 5 OF SAID SECTION 6, T14N, R19E OF THE I.B.&M, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

LESS AND EXCEPT

A PARCEL OF LAND LYING IN PART OF LOT 5 OF SECTION 6, T14N, R19E OF THE I.B.&M., MUSKOGEE COUNTY, STATE OF OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NW CORNER OF SAID LOT 5; THENCE S1°33'07"E ALONG THE WEST LINE THEREOF 24.75 FEET; THENCE N88°36'48"E 24.75 FEET TO THE POINT OF THE BEGINNING, SAID POINT BEING AT THE INTERSECTION OF THE SOUTHERLY AND EASTERLY SECTION LINE STATUTORY RIGHT OF THE WAY LINES; THENCE N88°36'48"E ALONG SAID SOUTHERLY SECTION LINE STATUTORY RIGHT OF THE WAY LINE 275.25 FEET; THENCE S1°33'07"E 10.36 FEET; THENCE S88°38'35"W 239.28 FEET; THENCE S43°44'00"W 28.33 FEET; THENCE S1°10'35"E 245.03 FEET; THENCE S88°36'48"W 14.23 FEET TO SAID EASTERLY LINE STATUTORY RIGHT OF THE WAY LINE; THENCE N1°33'07"W ALONG SAID EASTERLY SECTION LINE STATUTORY RIGHT OF WAY 275.25 FEET TO THE POINT OF BEGINNING.

(Inks& Inks, LLC, applicant)

FROM "C-1" LOCAL COMMERCIAL DISTRICT

TO

"C-2" GENERAL COMMERCIAL DISTRICT

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

THE NORTH 300 FEET OF THE WEST 300 FEET OF LOT 5 OF SAID SECTION 6, T14N, R19E OF THE I.B.&M, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

LESS AND EXCEPT

A PARCEL OF LAND LYING IN PART OF LOT 5 OF SECTION 6, T14N, R19E OF THE I.B.&M., MUSKOGEE COUNTY, STATE OF OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NW CORNER OF SAID LOT 5; THENCE S1°33'07"E ALONG THE WEST LINE THEREOF 24.75 FEET; THENCE N88°36'48"E 24.75 FEET TO THE POINT OF THE BEGINNING, SAID POINT BEING AT THE INTERSECTION OF THE SOUTHERLY AND EASTERLY SECTION LINE STATUTORY RIGHT OF THE WAY LINES; THENCE N88°36'48"E ALONG SAID SOUTHERLY SECTION LINE STATUTORY RIGHT OF THE WAY LINE 275.25 FEET; THENCE S1°33'07"E 10.36 FEET; THENCE S88°38'35"W 239.28 FEET; THENCE S43°44'00"W 28.33 FEET; THENCE S1°10'35"E 245.03 FEET; THENCE S88°36'48"W 14.23 FEET TO SAID EASTERLY LINE STATUTORY RIGHT OF THE WAY LINE; THENCE N1°33'07"W ALONG SAID EASTERLY SECTION LINE STATUTORY RIGHT OF WAY 275.25 FEET TO THE POINT OF BEGINNING.

(Inks& Inks, LLC, applicant)

FROM "C-1" LOCAL COMMERCIAL DISTRICT

TO

"C-2" GENERAL COMMERCIAL DISTRICT

AND that this change be so ordered and declared by the City Council.

Section 2. THAT, the City Clerk is authorized and directed to show such change on the zoning map record.

Section 3: REPEALER. All other ordinances or parts of ordinances in direct conflict herewith are repealed to the extent of the conflict only.

Section 4: SEVERABILITY. Should any part, section, subsection, sentence, provision, clause, or phrase hereof be held invalid, void, or unconstitutional for any reason, such holding shall not render invalid, void, or unconstitutional any other section, subsection, sentence, provision, clause, or phrase of this Ordinance, and the same are deemed severable for this purpose.

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

8.

Meeting Date: 11/07/2022

Initiator: Christina Ratterree, Planning Admin I

Information

AGENDA ITEM TITLE:

Consider approval of Ordinance 4177-A to rezone the property addressed as 3701 South York Street, being more particularly described in the ordinance from R-1, Single-Family Residential to R-A, Residential Agricultural District, and if approved authorize staff to revise the Official Zoning Map of the City to reflect said change, or take other necessary action. (Suzanne Salichs)

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 McClellands recently purchased the property and are requesting to zone the property for agricultural use.

The existing zoning and land use:

Site: R-1, Single Family Residential

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

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

East: Outside City Limits

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

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.

RECOMMENDED STAFF ACTION:

Staff recommends approval.

Fiscal Impact

Attachments

Public Hearing Notice 3701 S. York St.

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 “R-A” Agricultural Residential 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:

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

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

November 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. 4177-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

"R-A" AGRICULTURAL RESIDENTIAL DISTRICT

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

"R-A" AGRICULTURAL RESIDENTIAL DISTRICT

AND that this change be so ordered and declared by the City Council.

Ordinance No. _____

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 NOVEMBER 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

9.

Meeting Date: 11/07/2022

Initiator: Christina Ratterree, Planning Admin I

Information

AGENDA ITEM TITLE:

Hold a Public Hearing and consider a request from Yisan Qi, applicant, for a Specific Use Permit to allow for Medical Marijuana Cultivation and a Medical Marijuana Dispensary within the C-2, General Commercial District, more specifically a property located at 222 S. 32nd Street, or take other necessary action. (Suzanne Salichs)

LEGAL DESCRIPTION:

LOTS 1, 2, 3, AND THE EAST 13.94 FEET OF LOTS 4 IN BLOCK 5 IN MELROSE PLACE ADDITION TO THE CITY OF MUSKOGEE, MUSKOGEE COUNTY, STATE OF OKLAHOMA, AND THE SOUTH 17 FEET OF VACATED TAFT AVE, ACCORDING TO THE OFFICIAL PLAT THEREOF, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

BACKGROUND:

This application was submitted by Yisan Qi who is currently leasing the building and would like to continue using half of the building as a massage parlor and the other half as a medical marijuana dispensary/medical marijuana growing facility.

Notices have been sent to the property owners within a 300-foot radius and a Public Notice was published in the paper.

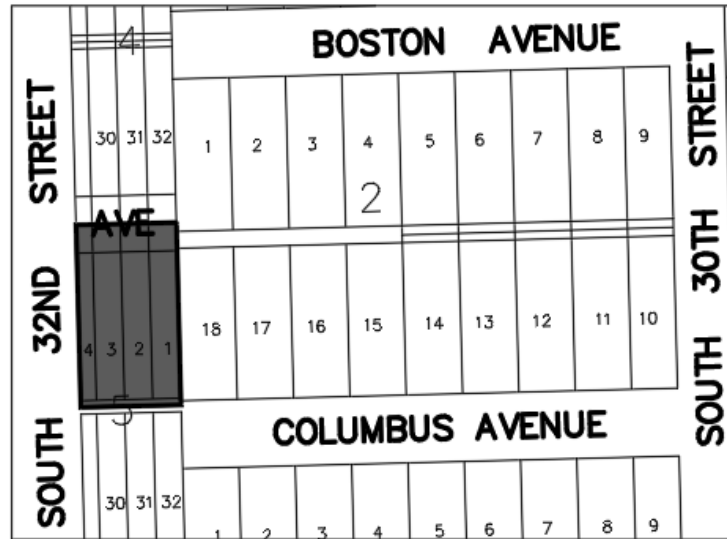
RECOMMENDED STAFF ACTION:

Staff recommends approval.

Fiscal Impact

Attachments

Public Notice Yisan Qi



Applicant: Yisan Qi

PUBLIC NOTICE

Notice is hereby given that on November 7, 2022 at 9:00 a.m., in the Council Chambers of the Municipal Building, Muskogee, Oklahoma, a public hearing will be conducted by the City of Muskogee Planning & Zoning Commission and on November 14, 2022, at 5:30 p.m. by the City Council to issue a specific use permit for property located at 222 S 32nd Street. City of Muskogee, Muskogee County, State of Oklahoma, to allow for medical marijuana cultivation and a medical marijuana dispensary, current zoning C-2, General Commercial.

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

The property is more particularly described as: **LOTS 1, 2, 3 AND THE EAST 13.94 FEET OF LOTS 4 IN BLOCK 5 IN MELROSE PLACE ADDITION TO THE CITY OF MUSKOGEE, MUSKOGEE COUNTY, STATE OF OKLAHOMA, AND THE SOUTH 17 FEET OF VACATED TAFT AVE, ACCORDING TO THE OFFICIAL PLAT THEREOF, MUSKOGEE COUNTY, STATE OF OKLAHOMA.**

And for taking any other actions as authorized by law, of which all interested persons will take notice.

City of Muskogee Planning & Zoning Commission

