

**MINUTES**  
**City of Muskogee Planning and Zoning Commission**  
**November 6, 2017**

Members of the City of Muskogee Planning and Zoning Commission were called to order at a Regular Scheduled Meeting on Monday, November 6, 2017 at 9:00 a.m., in the Council Chambers, 3rd Floor of the Municipal Building, 229 W. Okmulgee Ave., Muskogee, Oklahoma.

Present: Commissioner Jack Bethany; Chairman Mark Luttrull; Commissioner Shirley Hilton; Commissioner Patrick Cale; Commissioner Stella Derrick

Absent: Commissioner Lathon Archie III; Commissioner Justin Walker

Staff Gary D. Garvin, Director of Planning and Economic Development

Present: Tish Callahan, Assistant City Planner  
Susan Ross, Office Administrator

1 Roll Call.

2 Chairman Mark Luttrull called for Approval of the Minutes of the October 2, 2017 Planning and Zoning Commission meeting.

Motion was made by Commissioner Jack Bethany, seconded by Commissioner Patrick Cale

AYE: Commissioner Jack Bethany, Chairman Mark Luttrull, Commissioner Patrick Cale, Commissioner Shirley Hilton, Commissioner Stella Derrick  
Carried - Unanimously

3 Gary D. Garvin, Planning Director, presented the staff report to consider approval of the request from George Collins Sr. to consolidate Lots 20, 21, and part of Lot 22, Block "V" of the McKellop's Amended Addition, City of Muskogee, into two (2) tracts. The Lot consolidation is being requested to allow two (2) new single-family dwellings to be located on the new tracts. The new Tract 1 will consist of 7,515 square feet and Tract 2 will consist of 7,270 square feet. The properties comply with all of the area regulations within the Zoning Ordinance and staff recommends approval.

Motion was made by Commissioner Jack Bethany, seconded by Commissioner Patrick Cale

AYE: Commissioner Jack Bethany, Chairman Mark Luttrull, Commissioner Patrick Cale, Commissioner Shirley Hilton, Commissioner Stella Derrick

Carried - Unanimously

- 4 Gary D. Garvin, Director of Planning, presented the staff report to consider approval of the request from Macedonia Baptist Church to consolidate Lots 9 thru 14, Block 1 of the Pickens Addition, into one tract. The Lot Consolidation is being requested to allow a new church to be located on the property. The new Tract 1 will consist of 39,600 square feet. The properties comply with all of the area regulations within the Zoning Ordinance and staff recommends approval.

Motion was made by Commissioner Stella Derrick, seconded by Commissioner Shirley Hilton

AYE: Commissioner Jack Bethany, Chairman Mark Luttrull, Commissioner Patrick Cale, Commissioner Shirley Hilton, Commissioner Stella Derrick

Carried - Unanimously

- 5 Gary D. Garvin, Director of Planning presented the staff report to consider approval of a Preliminary and Final Plat of Janie's Addition, consisting of one (1) lot on 4.33 acres, located on the south side of Gibson Street, west of Civitan Park. The applicant, Anthony Glen Cox, has indicated the property is being platted into one (1) lot on 4.33 acres to allow the property to be developed residentially. The applicant is proposing to build a new single-family dwelling on the property. Subdivision Review Committee reviewed the Preliminary and Final Plats, and recommended approval with conditions, and all conditions have been complied with. Staff recommends approval.

Motion was made by Commissioner Patrick Cale, seconded by Commissioner Jack Bethany

AYE: Commissioner Jack Bethany, Chairman Mark Luttrull, Commissioner Patrick Cale, Commissioner Shirley Hilton, Commissioner Stella Derrick

Carried - Unanimously

- 6 Gary D. Garvin, Director of Planning, presented to staff the request to hold a Public Hearing and take action on the approval of an Ordinance rezoning the property located at 4421 Denison Street, more particularly described in the Ordinance, from "R-1" Single-Family Residential District to "C-1" Local Commercial District, and if approved authorize staff to revise the Official Zoning Map of the City to reflect said change. The applicant, Casandra Logan, is requesting to rezone the property at 4421 Denison Street from "R-1" Single-Family Residential District to "C-1" Local Commercial District to allow a Day Care Center (8 or more persons) to be located on the property. Mr. Garvin stated that according to the Land Use Map, the area is classified as single-family residential. and that the request to rezone to "C-1" Local Commercial would not comply with the Comprehensive Plan and Land Use Map adopted by the City of Muskogee. Mr. Garvin also stated that allowing a commercial zoning within a residential area would be considered spot zoning and staff does not recommend approval.

Notices were sent to the property owners within 300 feet radius as required , and

published in the paper (20) days prior to the Public hearing. Chairman, Mark Luttrell opened the meeting as a public hearing.

Resident James Ritchey, 4410 Denison Street, addressed the Planning and Zoning Commission about his concerns of rezoning the property. Mr. Ritchey stated that he has a petition from 21 residents who are against the rezoning. Mr. Ritchey also stated that rezoning the residence would demoralize the quiet neighborhood and it would lead to potential problems if approved. Residents had concerns about what future commercial business could move into the area if the applicant decided to move.

Chairman Mark Luttrell received and read the petition to the Planning and Zoning Commission.

Demtria Thomas, friend of the applicant, addressed the Planning and Zoning Commission. She stated that the zoning regulations had changed and that Large Day Care Centers used to fall under "R-4" Multi Family District and she would like to see the zoning regulation changed to allow for more large Home Day Care Centers. Ms. Thomas stated that the applicant is wanting to keep 12 children total, and that it would not increase traffic.

Gary Garvin stated that the Zoning Ordinances were updated in 2014 and that Large Home Day Care Centers were changed to "C-1" Local Commercial District and that if the applicant moved the residence could be used for whatever the "C1" Local Commercial zoning ordinance allows for.

Commissioner, Stella Derrick, addressed the board and the applicant and stated that she should try to find a commercial property to put in her large day care center. She also stated that she had gone through the rezoning process for her business and was denied. She addressed the applicant and told her that the zoning denial is not personal but just part of the zoning rules and regulations sought by the City of Muskogee.

Commissioner, Patrick Cale, addressed the board and applicant and commended the applicant for her entrepreneurship qualities but stated that spot zoning is not usually approved by the Planning Commission and the City Council. Mr. Cale suggested looking for a commercial building to open a large day care center.

Applicant Casandra Logan addressed the board and stated that other homes in the area had been zoned for large day cares.

After some discussion, Chairman Mark Luttrull closed the public hearing at 9:35.

Motion was made by Commissioner Patrick Cale, seconded by Commissioner Jack Bethany, to deny rezoning the property located at 4421 Denison Street.

AYE: Commissioner Jack Bethany, Commissioner Patrick Cale, Commissioner Shirley Hilton-Flanary, Chairman Mark Luttrell

ABSTAIN: Commissioner Stella Derrick

Gary D. Garvin, Director of Planning, presented to staff a request to hold a Public Hearing and take action on the approval of an Ordinance rezoning the property located at 318 S. Cherokee Street, more particularly described in the Ordinance, from "R-1" Single-Family Residential District to "I-1" Light Industrial District, and if approved authorize staff to revise the Official Zoning Map of the City to reflect said change. Mr. Garvin stated that the applicant, City of Muskogee (Public Works) is requesting to rezone the property at 318 S. Cherokee Street from "R-1" Single-Family District to "I-1" Light Industrial District to allow a new Public Works (Maintenance Headquarters) building to be located on the property. According to the Land Use Map, the Cherokee Street corridor (running parallel to the railroad) is classified as Light Industrial. The request to rezone to "I-1" Light Industrial complies with the Comprehensive Plan and Land Use Map adopted by the City of Muskogee. Notices have been sent to the property owners within a 300 foot radius, as required, and published in the paper twenty (20) days prior to the Public Hearing. Staff recommends approval of the Ordinance to rezone the property from "R-1" Single-Family Residential District to "I-1" Light Industrial District and to also authorize staff to revise the Official Zoning Map of the City to reflect said change.

Motion was made by Commissioner Jack Bethany, seconded by Commissioner Stella Derrick

AYE: Commissioner Jack Bethany, Chairman Mark Luttrull, Commissioner Patrick Cale, Commissioner Shirley Hilton, Commissioner Stella Derrick

Carried - Unanimously

There being no further business to come before the City of Muskogee Planning and Zoning Commission, Chairman Mark Luttrull adjourned the meeting at 9:38 a.m.