

MINUTES

OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF MUSKOGEE, OKLAHOMA MET IN COUNCIL CHAMBERS OF CITY HALL NOVEMBER 1, 2021

The Planning and Zoning Commission of the City of Muskogee, Oklahoma, met in Regular Session at 9:00 a.m., on November 1, 2021, in the Council Chambers, Municipal Building, 229 W. Okmulgee Ave., Muskogee, Oklahoma.

The meeting was called to order and the roll was called as follows:

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

Absent: Paige Frix, Commissioner

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

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

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

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

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

Carried - Unanimously

- 2 Planning Director Tish Callahan presented the item to consider approval of the Preliminary and Final Plat of Slims Addition, consisting of one (1) lot on 1.12 acres, located at 3112 Azalea Park Drive, or take any other necessary action. Mrs. Callahan stated that the applicant and owner, Chris Moses has submitted the Preliminary and Final Plat of Slims Addition consisting of one (1) lot on 1.12 acres, located at 3112 Azalea Park Drive. The request for the plat is to allow for a Slim Chicken's Restaurant to be constructed. Subdivision Review Committee reviewed and recommended approval of the Preliminary and Final Plat. The property meets the area and zoning regulations.

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

Motion was made by Commissioner D'Elbie Walker, seconded by Commissioner Patrick Reeder

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

Carried - Unanimously

- 3 Planning Director Tish Callahan presented the item to consider approval of the Preliminary and Final Plat of Parks on Peak Addition, consisting of one (1) lot on 4.14 acres, located on Peak Boulevard west of South 24th Street, or take any other necessary action. Mrs. Callahan stated that the applicant and owner, MacKenzie Parks has submitted the Preliminary and Final Plat of Parks on Peak Addition consisting of one (1) lot on 4.14 acres, located on Peak Boulevard west of South 24th Street. The request for the plat is to allow for a new industrial development for ID Transportation, Inc. Subdivision Review Committee reviewed and recommended approval of the Preliminary and Final Plat. The property meets the area and zoning regulations.

Commissioner D'Elbie Walker made a motion to **approve** the Preliminary and Final Plat of Parks on Peak Addition. Commissioner Darrell Russell seconded the motion.

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

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

Carried - Unanimously

- 4 Planning Director Tish Callahan presented the item to hold a Public Hearing and take action on the approval of Resolution 2873 amending the Land Use Map regarding property located along Gulick on the east side, north of Solomon Street, more particularly described in the Resolution from Residential to Local Commercial, and if approved authorize staff to revise the Land Use Map of the City to reflect said change. Mrs. Callahan stated that the City of Muskogee is requesting an amendment to the

Land Use Map in order to rezone property from R-1, Single Family Residential to C-1, Local Commercial. The rezoning request is to allow for the property addressed as 2516 Gulick to be used commercially. Currently, the rezoning request for C-1, Local Commercial does not comply with the Land Use Map; therefore, an amendment is required in order to approve the rezoning.

When the area was annexed into the City Limits, the property received the residential zoning classification per the City Code of Ordinances. At the time, the existing building was actively used as a convenience store and car wash and was allowed to continue that use as legal non-conforming. The property has been vacant over 90 days and lost the legal nonconforming use and now must conform with the regulations and requirements of the district. As the request for a commercial use does not conform with the regulations or requirements, the owner has requested the correct zoning classification for commercial use.

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

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

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

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

Carried - Unanimously

- 5 Planning Director Tish Callahan presented the item to hold a Public Hearing and take action on the approval of Ordinance 4135-A to rezone 2516 Gulick, being more particularly described in the ordinance from R-1, Single Family Residential to C-1, Local Commercial, and if approved authorize staff to revise the Official Zoning Map of the City to reflect said change, or take other necessary action. Bob and Janette Davis, applicants (John Bailey and Judy Davis, owners) are requesting to rezone the property addressed as 2516 Gulick from R-1, Single Family Residential to C-1, Local Commercial. Planning Director Tish Callahan stated that the applicants, Bob and Janette Davis are purchasing the property for use as a Mama Tigs pizza restaurant. When the area was annexed into the City Limits, the property received the residential zoning classification per the City Code of Ordinance. At the time, the existing building was actively used as a convenience store and car wash and was allowed to continue that use as legal non-conforming. The property has been vacant over 90 days and the legal nonconforming use is void. In order to come into compliance with the regulations and requirements of the City's zoning regulations, the business must be zoned correctly. Therefore, the applicants are requesting the appropriate commercial zoning classification for commercial use as a restaurant.

Existing zoning and land use:

Site: R-1, Single Family Residential

North: R-1, Single Family Residential (industrial use – mini storage facility)

South: R-1, Single Family Residential
East: R-1, Single Family Residential
West: A, Agriculture (vacant, undeveloped land in a flood plain)

The Comprehensive Plan/Land Use Map, adopted by the City of Muskogee, amended by Resolution 2873 now indicates commercial zoning within this area. Therefore, the request to rezone to the C-1, Local Commercial District complies with the Comprehensive Plan and Land Use Map.

Notices have been sent to the property owners within a 300 foot radius, as required, and a notice was published in the paper twenty (20) days prior to the Public Hearing.

A Public Hearing will be held on the following days:

November 1, 2021 at 9:00 a.m.: City of Muskogee Planning & Zoning Commission

November 1, 2021 at 5:30 p.m.: Public Work Committee

November 8, 2021 at 5:30 p.m. Muskogee City Council Meeting

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

Commissioner D'Elbie Walker made a motion to **approve** Ordinance 4135-A to rezone 2516 Gulick, being more particularly described in the ordinance from R-1, Single Family Residential to C-1, Local Commercial. Commissioner Darrell Russell seconded the motion.

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

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

Carried - Unanimously

- 6 Planning Director Tish Callahan presented the item to hold a Public Hearing and take action on the approval of Ordinance 4134-A to rezone 331 South 32nd Street, being more particularly described in the ordinance from C-1, Local Commercial to C-2, General Commercial, and if approved authorize staff to revise the Official Zoning Map of the City to reflect said change, or take other necessary action. Mrs. Callahan stated that Derek Harris, applicant (Tigerlilly Properites, owner) is requesting to rezone the property addressed as 331 South 32nd Street from C-1, Local Commercial to C-2, General Commercial. The request is to allow for the demolition and rebuild of the Wendy's Restaurant to be in compliance with the City's zoning regulations.

Existing zoning and land use:

Site: C-1, Local Commercial (Wendy's Restaurant)

North: C-1, Local Commercial (Medical Offices)

South: C-2, General Commercial and C-1, Local Commercial

East: South 32nd Street – C-1, Local Commercial (vacant lot)

West: R-1, Single Family Residential and Public Property (St. Francis Muskogee)

The Comprehensive Plan/Land Use Map indicates commercial zoning within this area. Therefore, the request to rezone to the C-2, General Commercial District complies with the Comprehensive Plan and Land Use Map.

Notices have been sent to the property owners within a 300-foot radius, as required, and a notice was published in the paper twenty (20) days prior to the Public Hearing.

A Public Hearing will be held on the following days:

November 1, 2021 at 9:00 a.m.: City of Muskogee Planning & Zoning Commission

November 1, 2021 at 5:30 p.m.: Public Work Committee

November 8, 2021 at 5:30 p.m. Muskogee City Council Meeting

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

Commissioner Darrell Russell made a motion to **approve** Ordinance 4134-A to rezone 331 South 32nd Street, being more particularly described in the ordinance from C-1, Local Commercial to C-2, General Commercial. Commissioner D'Elbie Walker seconded the motion.

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

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

Carried - Unanimously

7

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

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

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

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

Carried - Unanimously

There being no further business, the meeting was adjourned.