

**MINUTES**  
  
**OF THE PLANNING AND ZONING COMMISSION**  
**OF THE CITY OF MUSKOGEE, OKLAHOMA**  
**MET IN COUNCIL CHAMBERS OF CITY HALL**  
**FEBRUARY 7, 2022**

The Planning and Zoning Commission of the City of Muskogee, Oklahoma, met in Regular Session at 9:00 a.m., on February 7, 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; 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  
Susan Ross, Office Administrator

- 1 Chair Stacy Alexander presented the item to consider approval of Planning Commission Minutes of January 3, 2022, or take other necessary action.

Board member Leroy Walker made a motion to **approve** the minutes of the January 3, 2022 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, Vice Chair Darrell Russell, Commissioner Patrick Reeder, Commissioner D'Elbie Walker, Commissioner Leroy Walker Sr., Commissioner Michelle Shirley

Carried - Unanimously

Before the agenda items were read, Chair Stacy Alexander made a motion to limit the public comments to 3 minutes. Board Member D'Elbie Walker seconded the motion.

Motion was made by Chair Stacy Alexander, seconded by Commissioner D'Elbie Walker

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

Carried: Unanimously

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

Board Member D'Elbie Walker made a motion to **approve** 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. Board member 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

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

Board Member D'Elbie Walker made a motion to **approve** 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, Board Member Leroy Walker Sr. 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

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

Board Member Darrell Russell made a motion to **approve** the Preliminary and Final Plat of Saylor Place Addition. Board Member 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

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

Mrs. Callahan stated that 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.

Planning Chair Stacy Alexander opened the Public Hearing.

Erik Zeller, 2651 E 21st St St. 2, Tulsa, OK, stated that he is representing the applicant and they will be constructing a data processing center. The center will house computers and equipment and may bring some jobs to Muskogee but he is unsure on the number of employees.

Planning Chair Stacy Alexander closed the Public Hearing.

Board Member D'Elbie Walker made a motion to **approve** Resolution 2889 amending the Land Use Map regarding property located on the northeast corner of North 40th Street and West Shawnee from Residential to Local Commercial . Board Member Michelle Shirley seconded the motion.

Motion was made by Commissioner D'Elbie Walker, seconded by Commissioner Michelle Shirley

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 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. Mrs. Callahan stated that 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

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

Board Member Leroy Walker made a motion to **approve** Ordinance 4149-A to rezone property located on the east side of North 40th Street north of West Shawnee from R-4, Multi-Family to C-1, Local Commercial, Board Member Darrell Russell seconded the motion.

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

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

Carried - Unanimously

7

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

Board Member Darrell Russell asked if the rezoning would allow for a mobile home park. Tish Callahan stated that it could not and would have to be platted and approved for a mobile home park.

Chair Stacy Alexander opened the Public Hearing.

Terri Gann, 1000 Kershaw Dr., stated that she does not want her property rezoned to Mobile Home and that it is an agriculture use for goats and cattle that kids work with. Tish Callhan stated that it would not rezone her property, but only the property that the applicant owns.

Chair Stacy Alexander closed the Public Hearing.

Board Member Patrick Reeder made a motion to **approve** the Ordinance 4150-A to rezone property located west of South 55th Street between Tennyson and Estelle from R-1, Single-Family Residential to R-5, Mobile Home zone. Board Member Leroy Walker seconded the motion.

Motion was made by Commissioner Patrick Reeder, 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

8

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

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

Board Member Darrell Russell made a motion to **approve** Ordinance 4151-A to rezone property located at the west end of 301 N. York Street. Board Member Patrick Reeder seconded the motion.

Motion was made by Vice Chair Darrell Russell, 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

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

Chair Stacy Alexander opened the Public Hearing.

Andrew Olshen 1812 E. Woodland Circle, stated that he is speaking on behalf of the Woodland addition neighbors and that they are concerned about farm animals being so close to their homes. Mr. Olschen stated that the average price of the homes in the addition are \$300,000 up to \$400,000. Mr. Olschen stated that he is concerned about what is going to happen if it is rezoned to Agriculture.

Kurt McClelland, applicant 3701 S York Street, stated that he would be glad to answer questions and that he has talked to the owner behind him and he had no oppositions. Mr. McClelland stated that the type of farming he conducts is called regenerative farming and plans on raising chickens and cattle to sell eggs and beef at the farmers market. Mr. McClelland stated that he would also like to have a couple of pigs. Mr. McClelland stated that the chicken coops will be mobile and will house 300 chickens per season at around 1000 chickens per year. Mr. McClelland stated that he plans on building a home behind the current house and would need an easement from the road to access the property but he has not heard back from the Woodland Addition HOA. Board Member Leroy Walker stated that 1000 chickens is a lot and it is a concern. Board member Leroy Walker asked how many cattle he planned on having. Mr. McClelland stated he plans to have 8-10 cattle. Chair Stacy Alexander stated that the next item on the agenda is for a special use permit for growing and dispensing marijuana and wanted to clarify that if the rezoning is approved that the owner would have to get a special use permit to be able to have a marijuana grow farm.

Brad Williams 2101 E Woodland Circle, stated that the HOA is not allowing access to the private road and does not feel it is necessary Mr. Williams stated that he has talked to the neighbors to the south and they are not in favor of the rezoning request. Board Member D'Elbie Walker asked for clarification on the area that he will have the farm. Mr. McClelland showed the area to commission members on the power point projection slide.

Rachel Neighbors 1808 E Woodland Circle, stated that the owner has not spoken to all of the neighbors. Mrs. Neighbors stated that she moved out of an agriculture area to be in a residential area and that they have put in a swimming pool Mrs. Neighbors stated that there is already a chicken coop on the property which is not approved and has not been moved. Mrs. Neighbors stated that the owner knew when he bought the home that it was a residential zoning and that they do not want the smell of farm animals near their home.



John Leeds 1925 E Woodland Circle, stated the chicken coops have not been moved and have been in the same spot since last fall. Mr. Leeds stated that pigs smell and that he moved out of the country to get away from agriculture areas. Mr. Leeds stated that he is against the rezoning request.

Chair Stacy Alexander expressed her concerns about the impact of a zoning change and at times it can be a negative impact to home values. Board Member D'Elbie Walker stated that this is America and the homeowner has a right to apply for rezoning his property. Board Member Darrell Russell stated that he empathizes with the homeowner but that he is close to a residential subdivision and he understands the concerns.

Michelle Olshen 1812 E Woodland Circle, stated that she understands it is America but that Muskogee County has lots of county land available outside the city limits for farm use. Ms. Olshen stated that she agrees farmland is and can be beautiful but it is usually outside the limits of a city. Ms. Olshen stated that they have invested in their homes and worked hard to build up the Woodland Addition.

After more discussion between commissioners, Chair Stacy Alexander closed the Public Hearing.

Board Member Leroy Walker made a motion to **deny** Ordinance 4152-A to rezone property addressed as 3701 South York Street from R-1 Single Family Residential to Agricultural. Board Member Darrell Russell seconded the motion.

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

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

NAY: Commissioner D'Elbie Walker

Carried

10

Deputy City Attorney Matt Beese presented the item to 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. Mr. Beese stated that 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. Mr. Beese stated that this allows the City to establish things more specifically because of impact to the area. The types of businesses listed have a wider impact on areas. Mr. Beese stated that churches and night clubs will be removed from the list and that the list can be updated as needed by the Planning Commission. Mr. Beese stated that the special use permit will allow us to get more specific information from applicants.

Board Member D'Elbie Walker made a motion to 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. Board Member 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.