

City of Choctaw
Regular Planning Commission Meeting
September 6, 2018 @ 7:00pm
Choctaw City Hall, 2500 N Choctaw Road
Choctaw, Oklahoma 73020

1. **Call to Order.**
2. **Invocation and Pledge of Allegiance.**
3. **Roll Call.**

4. **Business Agenda:** The following items are hereby designated for discussion and consideration which requires individual action.
 - 4.1 General discussion on Zoning and Subdivision Regulations.

 - 4.2 Regular meeting minutes for August 2, 2018

5. **Public Comments:** This agenda item is for public comments on city related non-agenda items. In accordance with State law, the Planning Commission Board Members and City Staff are not allowed to respond to any comments made. Preference will be given to Choctaw Citizens and NO formal action will be taken. Speakers are limited to 3 minutes for a total of 15 minutes.

6. **Commissioner/Staff Remarks:** This item is listed to provide an opportunity for the commissioners and/or staff to make comments and/or request specific agenda items. No action will be taken.

7. **Adjournment:**

This agenda was posted in prominent public view at Choctaw City Hall on or prior to 5:00pm on September 4, 2018 in accordance with the Oklahoma Open Meeting Act.

Tina Rodriguez, City Clerk

THE CITY OF CHOCTAW ENCOURAGES PARTICIPATION FROM ALL ITS CITIZENS. IF PARTICIPATION AT ANY PUBLIC MEETING IS NOT POSSIBLE DUE TO A DISABILITY, PLEASE NOTIFY THE CITY CLERK AT LEAST TWENTY-FOUR (24) HOURS PRIOR TO THE SCHEDULED MEETING SO THAT NECESSARY ACCOMMODATIONS CAN BE MADE.

City of Choctaw
Regular Planning Commission Meeting
August 2, 2018 @ 7:00pm
Choctaw City Hall, 2500 N Choctaw Road
Choctaw, Oklahoma 73020

MINUTES

1. Call to Order by **Chair Chris Jordan @ 7:01 p.m.**
2. Invocation and Pledge of Allegiance given by **Chris Jordan.**
3. **Roll Call:**
 - 7 **Present:** **Chris Jordan; Larry Morgan; Leonard Szopinski; Bobby Pearce; Michael Ray; Jared Kobyluk; Matt DeToy**
 - 0 **Absent:** **None**

Staff: **Chad Denson, City Planner**
Tina Rodriguez, Secretary
4. **Business Agenda:** The following items are hereby designated for discussion and consideration which requires individual action.
 - 4.1 A Public Hearing to consider and make a recommendation for “Rezoning” submitted by:

Applicant: Reno260, LLC
Location: 13000-13500 Blk of NE 10th & 800-999 Blk of N Hiwassee & 100-500 Blk of N Hiwassee Rd
Current Zoning: Single Family Residential District (R-S)
Proposed Zoning: Planned Unit Development (PUD)
(Superimposed)
Legal Description: A part of the NW/4 and SW/4 of Section 34, T-12-N, R-1-W, of the Indian Meridian, Oklahoma County, Oklahoma.

Public hearing Opened @ 7:04pm

Tim Johnson, Johnson and Associates, spoke for the development. They have made changes to the development plan to meet the City's issues while leaving in almost all amenities previously presented.

Mark Zitzow, Johnson and Associates, presented a presentation of their new proposal which included proposed lot layouts and conceptual elevation designs. There will still be duplexes in the Tract 2 portion of the development and single family in Tract 1, there will be 167 lots with 221 units which comes to 4.5 dwellings per acre, sidewalks and common green area will still be included.

Steven Pryll, 13444 NE 10th, spoke against, he is opposed to the saturation of housing and has concerns about the common area that is adjacent to his property, he has concerns about people trespassing onto his property from the common area.

Mike Spencer, spoke against, he asked about the density comparison against what it is currently zoned for. He is concerned about water drainage issues.

Pauline Pryll, 13444 NE 10th, spoke against, she asked about the buffer between their property and the development. She is concerned that people will trespass on their land.

Jennifer Brooks, 13490 NE 10th, spoke against, asked them to consider less houses and no duplexes, she is concerned about flooding and property values.

Philip Cox, 121 Oakridge Dr, spoke against, asked them to consider a lower density plan, says that the comprehensive master plan has that area marked as rural residential.

Bill Meek, 13150 E Reno, spoke against, he is frustrated that this property keeps coming up for this type of development that exceeds the City zoning for the area, he is concerned about overcrowding at Westfall Elementary and concerned about flooding.

Chris Darrow, 267 N Hiwassee, spoke against, he is concerned about the school, drainage, traffic congestion, and wants to know if environmental impact studies have been done.

Robert Lomas, 12955 Twin Pines Ln, spoke against, he asked how long the property has been zoned R-S, he is concerned the developer will change the plan after getting approval, he is concerned about environmental impacts, asked if there are plans to widen 10th and Hiwassee to allow for the increase in traffic.

Closed @ 7:22pm

Chad Denson explained the low density definition in the Comp plan, addressed drainage issues and stated that that would be handled in the Engineered Subdivision Plan. Approving the land use is one step, then the subdivision plan approval is a second step. The Developments Engineer, City Engineer and the Department of Environmental Quality will all be involved at that state. There is a 10ft buffer strip along the entire east side, there is no fencing proposed. Duplexes are allowed by right under the current zoning, and the property has been zoned R-S since the 80's or 90's. The development plan cannot be changed without redoing the entire PUD process again. The City wants to widen 10th and Hiwassee however at this time the traffic counts are not high enough to justify it and the City will need to work out funding for the project. The article in the newspaper said that the application submission was a done deal, in that everything had been properly submitted, not that it had already been approved. The school is already aware of the impending growth and is

working on plans to handle the increase in student population. The houses will take time to be built which will allow time to prepare for the growth.

Matt Detoy asked about the trespassing area, the developer stated they intend to fence the entire property.

MOTION BY Michael Ray and SECOND BY Leonard Szopinski... to approve the recommendation to approve the rezone, contingent upon a fence being constructed around the common area, as the proposed plan meets the qualifications of the comprehensive master plan and PUD requirements and the density is in compliance with the current zoning for the property.

MOTION CARRIED:

7 Ayes: Morgan; Jordan; Szopinski; Ray; Pearce; Kobyluk; DeToy
0 Nays: None
0 Absent: None

4.2 A Public Hearing to consider and make a recommendation for “Rezoning” submitted by:

Applicant: Reno260, LLC

Location: 100-500 Blk of N Hiwassee Rd

Current Zoning: Rural Residential District (R-R)

Proposed Zoning: Planned Unit Development (PUD)
(Superimposed)

Legal Description: A part of the SW/4 of Section 34, T-12-N, R-1-W, of the Indian Meridian, Oklahoma County, Oklahoma.

Public hearing Opened @ 7:36 pm

Tim Johnson, Johnson and Associates, spoke for the development, he spoke about the concerns about drainage, they have studied the creek while planning the park land, the creek will be left in it’s

natural state with the exception of the addition of walking trails. The developments will also have detention ponds.

Mark Zitzow, Johnson and Associates, presented a presentation of their new proposal which included proposed lot layouts and conceptual elevation designs. Average lot size will be 1/2 acre, will have walking trails and fencing on lots, not flood plain and trails. No sidewalks because it is rural. Trail access will be through easements between houses on two or three places.

Chris Darrow, 267 N Hiwassee, spoke against, he is concerned that the dead end road will be an issue, concerned that the common area counts towards the density rate, concerned about traffic issues with the location of the entrance.

Philip Cox, 121 Oakridge Dr, spoke against, stated that the citizens wanted 1 acre lots, not half acre lots, says this does not meet the community requirement.

Derrick Young, spoke against, he says the community wants 1 acre lots, says they are committed to rural living on 1 acre lots. He wants the City and developer to work with the citizens and acre on 1 acre lots.

Robert Lomas, 12955 Twin Pines Ln, spoke against, he asked whether the developer stated a minimum house size or price in the submitted proposal. The Developer answered that they cannot put those restrictions on lots as it is considered discriminatory and is against the law.

Closed @ 7:51 pm

Chris Jordan asked about the dead end, can a fire truck turn around there or will they create a cul de sac. The Developer says in the platting state they will address that with a cul de sac or

hammer head. Michal Ray asked about providing a hydrant there. Developer stated that with the current plan, they intend to extend the City water main. Matt DeToy asked if the entrance visual requirements have been studied, developer said that would be handled in the plat, could be moved if needed. Chad said they are required to extend water, not sewer, so the properties will have septic systems.

MOTION BY Michael Ray and SECOND BY Larry Morgan... to approve the recommendation to approve the rezone, contingent upon fencing along access to the walking trails and placement of hydrants and a hammerhead at the end of the stub road, as the proposed plan meets standards for a PUD. The nay votes voted against because they consider that it is not consistent with the density and lot size requirements of current zoning classification in the area.

MOTION CARRIED:

4 Ayes: Morgan; Szopinski; Ray; Pearce
3 Nays: Jordan; Kobyluk; DeToy
0 Absent: None

- 4.3** A Public Hearing to consider and make a recommendation for “Rezoning” submitted by:
Applicant: Paul Murphy
Location: 670 N Westminster
Current Zoning: Rural Residential District (R-R)
Proposed Zoning: General Agricultural District (A-G)
Legal Description: A part of the NW/4 of Section 32, T-12-N, R-1-W, of the Indian Meridian, Oklahoma County, Oklahoma.

Public hearing Opened @ 8:04 pm

Paul Murphey, 11736 E 10th, spoke for, he says the City Ordinances limit what he can do on his property, he has several

trailers on the property that he uses for his cattle business but there are limits on how many trailers you can have on a residential lot. He wants to build more than one out building. He has cattle on site currently. He does not currently live on the property but wants to build a house and move there. He has 6 cows on the property currently and plans to build a 30x40 horse stall and another building for storage. He already has his tractor trailers for his commercial business parked on a nearby property.

David Williams, spoke against, he is the HOA representative for Windmill Farms, he says the rezoning is inconsistent with the zoning of surrounding properties. He is concerned about traffic, noise, damage to roads. HE believes commercial trucks will provide traffic hazards.

Rita Miller, 11095 NE 5th, spoke against, she has concerns that the road isn't big enough for large trucks. He has ben doing dirtwork for his building, causing drainage problems. He is advertising in the Chamber materials as a commercial trucking business. She does not think a trucking business belongs there.

Thomas Dean, 11301 NE 10th, spoke for, spoke in regards to the dirtwork, has not altered the creek drainage route. He states that Murphy intends to keep his commercial trucks on his commercial property. Says he should be allowed to make it agricultural so he can live there and have his cattle business.

Mark Morris, 11095 Ne 5th, asked how many commercial trucks have to be on a property before it's considered commercial. Says there will be environmental and traffic issues. Says more land has been cleared than one or two trucks would need. He wants to protect property values. Says he has heard Murphy intends to move his trucks there.

Heather Morris, said she has been told by other people that he intends to move his trucks to the property. She is concerned about water contamination issues with commercial trucks on the property and that agricultural zoning allows large equipment.

Closed @ 8:29 pm

Chris Jordan explained that if Mr. Murphy moved his trucks there, he would have to get a home occupancy and that would not allow his trucks to be there, that there are regulations that would prevent him from doing that. Chad said that rule wouldn't apply to A-G, it would depend on if he is using the trucks for commercial use or for personal use with the cattle. Matt DeToy asked what A-G would allow that he can't do now. Chad outlined trailer restrictions, vehicle restrictions, feed lot restrictions within Residential zoning. There is no other A-G in the local area. Chad clarified that trucks allowed on A-G can be tractor trailers for personal use. He cannot have commercial vehicles there, and if complaints are filed, City Staff would have to determine what the vehicles are used for.

MOTION BY Jared Kobyluk and SECOND BY Michael Ray... to approve the recommendation to approve the rezone, as the use is consistent with the Comprehensive plan as it is now and that the land cannot be used for commercial endeavors. The nay votes voted against because they felt it did not meet the requirements of the comp plan and it was inconsistent with the neighborhood.

MOTION CARRIED:

5	Ayes:	Jordan; Ray; Pearce; Kobyluk; DeToy
2	Nays:	Morgan; Szopinski
0	Absent:	None

- 4.4** A Preliminary Plat application submitted by:
Applicant: Who Dat Properties LLC

Number of Lots: 2

Location: 1654 S Choctaw Rd

Proposed Addition: Choctaw Retail

Legal Description: A part of the NW/4 of Section 12, T-11-N, R-1-W of the Indian Meridian, Oklahoma County, Oklahoma.

Applicant requested item be pulled and submitted on September's agenda prior to the meeting.

4.5 A Final Plat application submitted by:

Applicant: Who Dat Properties LLC

Number of Lots: 2

Location: 1654 S Choctaw Rd

Proposed Addition: Choctaw Retail

Legal Description: A part of the NW/4 of Section 12, T-11-N, R-1-W of the Indian Meridian, Oklahoma County, Oklahoma.

Applicant requested item be pulled and submitted on September's agenda prior to the meeting.

4.6 Regular meeting minutes for May 3, 2018

4.7 Special meeting minutes for May 17, 2018

MOTION BY Larry Morgan and SECOND BY Leonard Szopinski... to approve all the minutes on item 4.6 and 4.7 as presented.

MOTION CARRIED:

7 Ayes: Morgan; Jordan; Szopinski; Ray; Pearce; Kobyluk; DeToy

0 Nays: None

0 Absent: None

5. **Public Comments:** This agenda item is for public comments on city related non-agenda items. In accordance with State law, the Planning Commission Board Members and City Staff are not allowed to respond to any comments made. Preference will be given to Choctaw Citizens and NO formal action will be taken. Speakers are limited to 3 minutes for a total of 15 minutes.

None.

6. **Commissioner/Staff Remarks:** This item is listed to provide an opportunity for the commissioners and/or staff to make comments and/or request specific agenda items. No action will be taken.

Chad gave the Board an update about upcoming PUDs, Zoning Regulations, new ordinances for Medical Marijuana, Home Occupancy. Council will be working on Downtown Plan updates and they will need to be accepted in the coming months. After that Council wants the Zoning regulations worked on. Extending water mains has affected areas in the Comprehensive Master Plan. Chris Jordan thinks the density needs to be amended based on the introduction of more amenities to these areas increasing buildable acres. Bobby thinks the plan needs to be considered but the Ordinances are the rules to ultimately follow. Larry asked about Pointon, discussed how they should consider asking developers to help with utility extensions. Chris Jordan discussed how making exceptions need to have clear explanations to set precedence for future applicants, we have to be consistent.

Bobby asked about infrastructure updates to keep u with growth. Chad gave an update, we are working on building support along with the growth. Michael asked for an update on the Western Skies mobile home park, chad gave an update. Larry Morgan asked about the new members, Chad introduced Matt DeToy and Phillip Bradshaw.

7. **Adjournment:**
Called @ 9:00 p.m.