MINUTES
PLANNING & ZONING COMMISSION
REGULAR MEETING
CITY OF PRYOR CREEK, OKLAHOMA
THURSDAY, OCTOBER 1st, 2015 AT 7:00 P.M.

AS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT THE PLANNING & ZONING COMMISSION MET IN REGULAR SESSION IN THE COUNCIL CHAMBER, 12 NORTH ROWE ON THE ABOVE DATE AND TIME.

BOARD MEMBERS: MIKE DUNHAM, HERBIE SCHULTZ, GINA ALVIS WATTS, DARRELL MOORE, ANDY ROGERS, AND HARRIETT DUNHAM

1. **CALL MEETING TO ORDER, ROLL CALL AND DECLARE A QUORUM.**

At 7:05 p.m. Chairman Mike Dunham called the meeting to order and declared a quorum. Members present in addition to Mike Dunham were: Herbie Schultz, Andy Rogers and Harriett Dunham. Members absent: Gina Alvis Watts and Darrell Moore. Others Present: Building Inspector / Code Enforcement Officer Doug Moore, Dwayne Willis, Ken Young, Ernest Young, Velda Davis, Ken Palmer, Twila Palmer, Pam Fox, Houston Brittain, Shane Church and wife, Fred Sordahl and Terry Alyward (The Paper).

2. **DISCUSSION AND POSSIBLE ACTION TO APPROVE MINUTES.**
   a. **AUGUST 6th, 2015 REGULAR MEETING.**

Motion was made by Rogers and Second by Schultz to approve minutes of August 6th, 2015 Regular Meeting. Minutes approved. All voted yes.

3. **DISCUSS, POSSIBLY RECOMMEND COUNCIL ACTION TO APPROVE PLANNING AND ZONING COMMISSION SCHEDULE FOR 2016.**

Motion was made by Harriett Dunham and Second by Schultz to approve Planning and Zoning Commission Schedule for 2016 and remove December 3rd.

4. **PUBLIC HEARING.**
   a. **Rezoning Applicant: Dwayne Willis, has requested a zoning change for the undeveloped property a.k.a. 427 North Maple Street, more particularly described as follows:**

Beginning at the Northwest corner of said Southwest 10.67 Acres of Lot 3; Thence South along the West line of said Section 7, a distance of 681.04 feet; Thence East, a distance of 44.00 feet; Thence S14°E, a distance of 54 feet; Thence S31°30'E, a distance of 50 feet; Thence S36°30'E, a distance of 50 feet; Thence S46°30'E, a distance of 50 feet; Thence S51°30'E, a distance of 50 feet; Thence S73°E, a distance of 155 feet, to a point on the South line of Lot 1, Block 2, McLain Addition to Pryor Creek, which is 25 feet Northwesterly from the Southeast corner of said Lot 1; Thence N16°23'E, and parallel with the Easterly line of said Block 2, McLain Addition, a distance of 150 feet, to a point on the Northerly line of said Addition; Thence N16°23'E, a distance of 194.5 feet; Thence N58°46'E, a distance of 76 feet; Thence N75°26'E, a distance of 212 feet, to a point on the East line of said Southwest 10.67 Acres of said Lot 3, of Section 7; Thence North, a distance of 500 feet to the Northeast corner of said Southwest 10.67 Acres of Lot 3;

Thence N89°40'W, a distance of 703.78 feet to the Point of Beginning, LESS AND EXCEPT the South 130 feet of the North 155 feet of the West 200 feet of the Southwest 10.67 Acres of U.S. Government Lot 3.

The present zoning designation for this property is C-A/R, Automotive and Commercial Recreational District. The property owner has applied for a rezoning of this property to I-H, Heavy Industrial District.

b. DISCUSSION AND POSSIBLE ACTION.

Presentation by Doug Moore on said property, I-H (Heavy Industrial) District definition and that there is no chemical concern at this time. Explained that resident addresses for radius report came from Mayes County Abstract and all were noticed, but some were returned. Doug read an email from a resident concerned with increased traffic.

Heard from the following audience members:

Applicant: Wants to be compliant with zoning. Has been in current business for twenty-one years and did not realize his business was non-conforming.

Velda Davis: Speaking on behalf of her parents who are not in favor of increased traffic, concerned with decrease in property value, noise, increased taxes and health reasons created by chemicals.

Kenneth Young: Wanted clarification on I-H zone and what would zone change cause for future. Concerned with chemical spill, property value decrease and traffic increase. West side streets already take a backseat with the City. He also spoke with neighbors who say they did not receive letter about the meeting, and that the chemical business should be in the Industrial Park.

Ernest Young: Concerned about chemical storage and questioned if detrimental to neighbors and how it can be controlled. Concern that in future a slaughterhouse could move in and will stink up the area. Will also affect wildlife and decrease or eliminate if zoned I-H and will affect watershed. If passed he feels all this cannot be controlled and is "deadly against" it.

Shane Church: Owns Church's Body Shop and wanted to know if a zone change would affect his business. Doug stated that it would not and the C/AR zoning would stand for his property. I-H would only affect applicant's property. Shane stated he has no concerns if it doesn't affect him.

Mrs. Church: Speaking for neighbors concerned about increased traffic and noise because there is already a lot of traffic and noise.

Houston Brittain: Asked Doug if zoning will be looked at in Comprehensive Plan updating. Doug stated he does not anticipate any "blanket zoning", but zoning codes will be revisited. Doug used slaughterhouse business as example.

Public Hearing and comments closed at 7:50 PM and Discussion among Commission members ensued.

Rogers: Asked Doug if he and applicant talked about special exception being an option.
Doug: Was reviewed by City Attorney.
Rogers: Suggested a special exception would be more appropriate.

Mike: Concerned there is not a buffer zone.
Rogers: Asked Doug if there is a buffer strip and to define.
Doug: Our code does not identify a buffer strip.
Rogers: Asked Doug to define buffer strip.
Doug: Fences, forests, tree-line, etc. If added it would be pushing what we would be allowed to do with the code.

Harriett: Asked Doug if there is any I-H zone in the City.
Doug: No.
Harriett: Is there a creek on the property?
Doug: Property has drainage and floodplain issues.
Mike: How much is in floodplain?
Doug: Does not know.
Discussion ensued on where the floodplain was possibly located on property.

Harriett: Asked how much land will be used that requires I-H zone.
Applicant: Only in existing building on three acres. He was not aware of zoning issue until Doug told him. He does not want to make anyone mad. Wants to be compliant.
Harriett and applicant discuss future issues that might arise from zone change, with applicant agreeing there should be concern.

Rogers: Believes this is not the right tool to deal with this issue. Suggests again that it be dealt with through special exception.

Doug: Special Exception would have to be presented before the Board of Adjustment.

Motion made by Harriett Dunham and Second by Schultz to recommend denial of re-zoning from C/AR to I-H to City Council. All voted yes.

5. **PUBLIC HEARING.**
   a. Vacate Easement Applicant: Grand Lake Mental Health Centers, Inc., property owner of the property located at 109 N Fairland Street, aka:

Lot Numbered Three (3) of the FAIRLAND ADDITION to the Incorporated City of Pryor Creek, Mayes County, State of Oklahoma, according to the official recorded and filed plat thereof, LESS AND EXCEPT the East 459.9 Feet thereof, and LESS AND EXCEPT the South 10.00 Feet thereof.
AND
A tract of land situated in the South Half of the Southeast Quarter of the Southwest Quarter (S1/2 SE1/4 SW1/4) of Section Eight (8), Township Twenty-one (21) North, Range Nineteen (19) East of the Indian Base and Meridian Mayes County, State of Oklahoma, more particularly described as follows, to-wit:
Beginning at the Southwest corner of Lot 3 of the FAIRLAND ADDITION to the Incorporated City of Pryor Creek, Mayes County, Oklahoma, according to the official recorded and filed plat thereof; THENCE North 89 degrees 34' 30" East for a distance of 165.00 Feet and along the South line of said Lot 3; THENCE South 00 degrees 01' 36" East for a distance of 62.00 Feet and

along the West line of said Lot 3; THENCE South 89 degrees 34' 31" West for a distance of 165.00 Feet to a point on the East line of Fairland Street; distance of 165.00 Feet to a point on the East line of Fairland Street: THENCE North 00 degrees 01' 36" West for a distance of 62.00 Feet and along said East line to the Point of Beginning, AND LESS AND EXCEPT the South 10.0 Feet thereof.

The property owner of the address listed above has requested closing an Easement (legal description as follows):

A strip of land situated in Lots 3 of the FAIRLAND ADDITION to the City of Pryor Creek, Mayes County, Oklahoma, and more particularly described as follows, to-wit:
The South 10.0 Feet of the North 76.0 Feet of the West 175.0 Feet AND the West 10.0 Feet of the South 62.0 Feet of said Lot 3.

The portion of the Easement requested to be closed has never been utilized by the Public or by any entity. The majority of the portion of the Easement sought to be closed has a building constructed over it, and said building has existed for decades.

b. DISCUSSION AND POSSIBLE ACTION.

c. REQUEST TO APPROVE THE FAIRLAND ADDITION EASEMENT ORDINANCE TO CITY COUNCIL.

d. DISCUSSION AND POSSIBLE ACTION.

Doug explained to the Commission that a building was built on the easement and applicant requests vacating easement. He also stated MUB has approved and opened the Hearing for public comments at 8:00 PM.

Attorney for GLMHC, Fred Sordahl spoke to the Commission reiterating Doug's explanation and stating the vacating request is for Title purposes only.

Doug reported that the first reading for the Fairland Addition Easement Ordinance to the Council was October 6, 2015 and the final reading will be heard before City Council on October 20, 2015.

With no further public comments Doug closed the Hearing at 8:07 PM and opened the meeting for discussion among Commission members.

Mike Dunham reminds the Commission that this is a recommendation to Council only.

Motion made by Harriett Dunham and Second by Schultz to recommend approval to vacate easement and Fairland Addition Easement Ordinance to City Council. All voted yes.

6. ADJOURN.

Motion made by Rogers, Second by Shultz to adjourn at 8:10 PM.

MINUTES WRITTEN BY DEPUTY CLERK NENA ROBERTS Nena Roberts