City of Choctaw
Regular Planning Commission Meeting
January 2, 2020 @ 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 Hold a Public Hearing on a Rezone application submitted by:
Applicant: Linn Russell
Location: 12395 SE 15th Street
Current Zoning: Rural Residential District (R-R)
Proposed Zoning: General Agricultural District (AG)
Legal Description: UNPLTD PT SEC 04 11N 1W 000 000 PT SW4 SEC 4
11N 1W BEG 315.72FT N OF SW/C W15ACRS E30ACRS S/2 SW4 TH
N710.57FT E495.06FT S976.37FT W327.97FT N265.72FTW164.27FT TO BEG
CONT 10.06ACRS MORE OR LESS

Open Public Hearing.
Receive Comments.
Close Public Hearing.

STAFF COMMENTS: See attached report.

4.2 Hold a Public Hearing on a Specific Use Permit application submitted by:
Applicant: Linn Russell
Location: 12395 SE 15th Street
Specific Use: Marijuana Grow Facility
Legal Description: UNPLTD PT SEC 04 11N 1W 000 000 PT SW4 SEC 4
11N 1W BEG 315.72FT N OF SW/C W15ACRS E30ACRS S/2 SW4 TH
N710.57FT E495.06FT S976.37FT W327.97FT N265.72FTW164.27FT TO BEG
CONT 10.06ACRS MORE OR LESS

Open Public Hearing.
Receive Comments.
Close Public Hearing.
4.3 Hold a Public Hearing on a Specific Use Permit application submitted by:

Applicant: Ken Novotny
Location: 2901 Plant Dr.
Specific Use: Marijuana Processing Facility
Legal Description: CHOCTAW BUS & INDUST PK BLK 002 LOT 004

Open Public Hearing.
Receive Comments.
Close Public Hearing.

STAFF COMMENTS: See attached report.

4.4 Regular meeting minutes for December 5, 2019

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.

6.1 Rezone application and Specific Use Permit application for Mark Banta, 2700 Louise Dr., will be postponed 2 months and considered at the regular Planning Commission meeting in February 2020.

7. Adjournment:

This agenda was posted in prominent public view at Choctaw City Hall on or prior to 5:00pm on December 19, 2019 in accordance with the Oklahoma Open Meeting Act.

Amanda Valent, 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. ACCESS TO RESTROOMS DURING THE MEETING WILL BE AVAILABLE UPON REQUEST TO CITY STAFF.

Page 2
Regular Planning Commission
January 2, 2020
CITY OF CHOCTAW

STAFF REPORT

Planning Commission Meeting of 1/2/2020

Planning & Development

Amanda Thomas
Prepared By

Guy Henson
Department Head

City Clerk Approval

AGENDA TITLE: Rezone Application submitted by Russell and Amy Linn

******************************************************************************

✓ **Public hearing required if this box is checked**

General Report:
-Russell and Amy Linn are the owners of this 10.10 Acre tract of land at 12395 S.E. 15th Street.
-Request to rezone from R-R "Rural Residential" to A-G "General Agricultural District"
-The amount and type of uses permitted in the proposed zoning of A-G "General Agricultural" are significantly greater than the uses permitted in the existing zoning of R-R "Rural Residential"
-If the rezone is approved the applicant has also submitted an application for a specific use permit for the purpose of establishing it as a marijuana grow facility
-The SUP will be considered as a separate public hearing.

Staff Comments:
City Water- Currently the residential property may be served from a private water well due to being out of the serviceable boundary for city water.

City Sanitary Sewer- The residential property may also be served by a private septic system due to being out of the serviceable boundary for city sanitary sewer.

The property has frontage along and can be accessed from S.E. 15th Street (an arterial street). The additional seventeen (17') foot utility and roadway easement has been shown as dedicated along S.E. 15th on the survey to fulfill the minimum width for an arterial street as indicated in the adopted Comprehensive Plan.
Rezoning of this property to A-G "General Agricultural zoning district" may be considered spot zoning with the ultimate development of the property with uses permitted in Agricultural zoning district. This may be inconsistent with the Future Land Use Plan which delineates this area as Low Density Residential.
Applicant: Russell and Amy Linn

Location: 12395 S.E. 15th Street

Current Zoning: R-R “Rural Residential District”

Proposed Zoning: A-G “General Agricultural District”

Russell and Amy Linn are the owners of this 10.10 acre tract of land. The 10.10 acre tract of land is located at 12395 S.E. 15th Street. The owner is requesting a change of zoning from R-R “Rural Residential District” to A-G “General Agriculture District”.

BUILDING USE REGULATIONS
City of Choctaw Code of Ordinances PART 12; ARTICLE F: “General Agricultural District”; At this time the property has an existing single-story brick structure, a metal building, a loafing, plastic, and brick building. If rezoning is accomplished the owners have filed a specific use permit application to develop the property for a cannabis grow facility and a tree farm. The owner has requested a specific use permit (SUP) for the purpose of establishing a marijuana grow operation. The SUP will be considered as a separate public hearing.

The zoning requirements for A-G “General Agricultural District” are as follows:
Area: 5 Acres
Frontage: 330 feet

Existing area and frontage:
Area: 10.10
Frontage: 330.62 Measured

Any development of the property will require a submittal of a site development plan and appropriate permits. The development will have to comply with the designated zoning classification at the time of submittal.

COMPREHENSIVE PLAN

- **Land Use** – At this time the property is used as low-density residential and has an existing single-story brick structure, a metal building, a loafing, plastic, and brick building.
  - *Spot Zoning* – Occurs when a change in zoning is, among other factors, not within the context of the Comprehensive Plan.
  - *Physical Constraints* – There are no built or natural constraints presented by the Comprehensive Plan, but if the property is developed further, the developer will need to be aware of any stormwater drainage, stormwater quality, and any other environmental impact.
  - *Future Land Use* – Low Density Residential – (Single family homes with lots that are typically one acre or larger excluding rights of way.)

- **Transportation** – The property can be accessed from S.E. 15th Street, a section line road. Please refer to paragraph “Transportation” to see more detail on the mandatory easements.
• **Infrastructure** – The property has shown the dedicated additional easements necessary to gain access to future utilities along S.E. 15th Street (see attached survey). Please refer to paragraph “Water” and “Sewer” to see more detail on if the property is eligible for mandatory connections and extensions.

• **Livable City** – The development of this property will have to ensure that the livability standards within the comprehensive plan are being met and follow all required regulations within the City’s adopted ordinances and resolutions.

**WATER**
Currently the residential property may be served from a private water well due to being out of the serviceable boundary. There are no public water mains located within 500 feet to extend or connect §19-164 or §19-165. A private water well system is required.

The installation of a public water service or private water well requires all appropriate permits and installation as required by the City of Choctaw, Oklahoma Water Resource Board (OWRB), and Oklahoma Department of Environmental Quality (ODEQ).

**SEWER**
Currently the residential property may be served from a private sanitary system due to being out of the serviceable boundary. There are no public sanitary sewer mains located within 500 feet to extend or connect §19-164 or §19-165. A private sanitary system is required.

The installation of a public sanitary sewer main or private septic system requires all appropriate permits and installation as required by the City of Choctaw and Oklahoma Department of Environmental Quality (ODEQ).

**TRANSPORTATION**
The property has frontage along S.E. 15th Street (Arterial Street). The additional seventeen (17’) foot utility and roadway easement has been shown as dedicated along the arterial street on the survey. This easement dedication will fulfill the minimum width for an arterial street as indicated in the adopted Comprehensive Plan. The easement will allow the proper width for utility relocation and proper road widening.

**EXISTING ZONING**
The property for which A-G zoning is requested is bound to the north and east by R-R “Rural Residential District”, bound to the south by the city limits of Midwest City, and bound to the west by R-R “Rural Residential District” and A-G “General Agricultural”. The uses permitted in the Rural Residential are principally residential uses along with other limited public uses such as, schools, parks, fire stations. The surrounding development pattern is consistent with Rural Residential Zoning.

**USES PERMITTED**

<table>
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<tr>
<th>A-G “General Agricultural”</th>
<th>R-R “Rural Residential”</th>
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<tr>
<td>Agriculture as described in A-G Chapter</td>
<td>Single-family detached dwellings, but not including trailer houses or mobile homes</td>
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<td>Single-family dwellings</td>
<td>Public schools and private schools where the curriculum is similar in nature and preparation of course work to the public schools</td>
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<td>Parks and forest preserves not operated for profit</td>
<td>Public park or playground</td>
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<td>Municipal or community recreation centers</td>
<td>Agricultural uses of the garden type that are not intended for commercial purpose</td>
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</table>
Accessory buildings or uses incidental to the foregoing principal uses

Police or fire stations

Temporary buildings and uses for construction purposes only and not for dwelling purposes, nor for a period that exceeds the completion of construction

Public buildings or buildings operated in the public interest by a not-for-profit corporation, including art galleries, post offices, libraries, or museums

Public or nor-for-profit auditoriums, stadiums, arenas, armories, or sanitariums

Police or fire stations

Public or private schools or colleges

Public utility and services uses including electric substations, gas regulator stations, electric, gas, telegraph, telephone, and water transmission metering and distribution equipment and structures, microwave relay tower, water reservoirs or pumping stations and other similar facilities

Trailer houses, or mobile homes, in accordance with provisions of the city codes provisions on mobile homes.

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**USES PERMITTED ON REVIEW**

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<tr>
<th>A-G “General Agricultural”</th>
<th>R-R “Rural Residential”</th>
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<tr>
<td>Antenna and Antenna Supporting Structure</td>
<td>Home Occupation – Type II</td>
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<td>Airport or Landing Field</td>
<td>Public or Private Schools with a compulsory education curriculum</td>
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<td>Cemetery</td>
<td>Religious Institution</td>
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<td>Golf Course/Driving Range</td>
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<td>Extractions Operations, Mining and Mineral Processing; Mining and Quarrying, Mineral Products Processing</td>
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<td>Marijuana Growing Facility</td>
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<td>Mining and Quarrying Mineral Products Processing</td>
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<td>Public or Private Schools with compulsory education curriculum</td>
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<td>Sewage Disposal Facility</td>
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<td>Rifle, Skeet and Trap Shooting Range</td>
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<td>Transmitting Tower</td>
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<td>Water Storage Facility</td>
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<td>Water Treatment Facility</td>
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*Uses permitted subject to additional requirements.*
PROPOSED ZONING
The A-G “General Agricultural District” is established for several purposes
1. “To provide for the continued use of land for predominately agricultural purposes.”
2. “To preserve undeveloped areas until they can feasibly be developed to urban standards and with adequate public safeguards of health, safety, etc.”
3. “To restrict development in areas subject to severe inundation until such times as it can be shown that these areas are no longer subject to flooding.”
The uses permitted in the Agricultural zoning district are significantly greater than what is permitted in the Rural Residential District.

CITY OF CHOCTAW STAFF
The City of Choctaw’s staff has reviewed the proposed zoning amendment by changing the zoning classification of the applicant’s property from R-R “Rural Residential District” to A-G “General Agricultural District”. Rezoning of this property to A-G “General Agricultural zoning district” may be considered spot zoning with the ultimate development of the property with uses permitted in Agricultural zoning district. This may be inconsistent with the Future Land Use Plan which delineates this area as Low Density Residential.
Zoning Case No. 1910090
Application Date: 10-18-79
Application Fee: 500.00
☐ Cash ☑ Check 131 ☐ C/C
Receipt Number: 31

APPLICATION
ZONING CHANGE [REZONING]

We, the undersigned, ask the City Council of the City of Choctaw, Oklahoma, to approve a zoning change as requested in this application on the tract of land described below. We attest to the truth and correctness of all facts and information presented with this application and will observe and conform in all aspects of the Zoning Regulations, as amended, of the City of Choctaw and have received a copy of the Policies and Procedures regulating the Zoning Amendment application. We hereby agree to pay all advertising and mailing notification costs differences which are greater than the amount paid with this application for the public hearings as required by the Choctaw Zoning Regulations. The City of Choctaw is authorized to prepare and publish all required legal advertising and mail notifications, the cost difference of which is to be billed to the name listed below for payment.

Present Zoning Classification: Rural Residential
Requested Zoning Classification: Agricultural

Legal Description of Property Requested to be Rezoned [attach additional sheets if needed]:

Lot 3, Block 16, SW 1/4 NW 1/4 Section 24, Town 8 North, Range 8 West, Caddo County, Oklahoma

Street Address or Other Common Property Description: 12345 SE 15th Street, Choctaw, OK 73020

Property Owner's Name(s): Russell and Amy Linn

If corporation, Corporate Official Name and Seal:

Mailing Address: 12345 SE 15th Street
City: Choctaw
State: OK
Zip: 73020

Email Address: linn55store@gmail.com
Telephone: 405-414-8058
Fax:

PROPERTY OWNER'S SIGNATURE: [Signature]

[Not necessary if there is an authorized representative. Authorized representative must sign below]

AUTHORIZED REPRESENTATIVE: I hereby certify that I am authorized to represent all of the property owners of the above described tract in the application. A power of attorney is attached.

Name: __________________________ Address: __________________________

Signature: _______________________ Telephone: _______________________

Dec 2018
EXHIBIT "A"
LEGAL DESCRIPTION

A part of the West 15 acres of the East 30 acres of the South Half (S/2) of the Southwest Quarter (SW/4) of Section Four (4), Township Eleven (11) North, Range One (1) West of the Indian Meridian, Choctaw, Oklahoma County, Oklahoma, being more particularly described as follows: Commencing at the Southeast corner of the Southwest Quarter of Section 4; thence South 89°43'29" West a distance of 991.62 feet to the Southwest corner of the West 15 acres of the East 30 acres of the South Half of the Southwest Quarter of said Section 4; Thence North 00°39'18" West, along the West line of the West 15 acres of the East 30 acres of the South Half of the Southwest Quarter of said Section 4, a distance of 315.72 feet to the Point or Place of Beginning; Thence continuing North 00°39'18" West a distance of 710.93 feet; thence North 89°42'52" East a distance of 494.87 feet; thence South 00°43'42" East a distance of 976.75 feet to a point 50.00 feet North of the South line of the Southwest Quarter of said Section 4; thence South 89°43'29" West, being 50.00 feet North of and parallel to the South line of the Southwest Quarter of said Section 4, a distance of 330.62 feet; thence North 00°40'46" West a distance of 265.72 feet; thence South 89°43'29" West and parallel to the South line of the Southwest Quarter of said Section 4, a distance of 165.19 feet to the point or place of beginning.
Basis of bearings: Bearings taken from deed.

This plat of survey meets the Oklahoma minimum standards for the practice of land surveying as adopted by the Oklahoma state board of registration for professional engineers and land surveyors.

See attached for descriptions.

D. Mike Dossey R.L.S. # 1431

PLAT OF SURVEY

Scale: 1" = 200'  
Date: 12/19/17  
Job No.: 1714266  
Dwg. No.: 1714266  
Page: 1 of 1
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CITY OF CHOCTAW

STAFF REPORT

Planning Commission  Meeting of:  1/2/2020

Planning & Development

Department

Amanda Thomas
Prepared By

Guy Henson
Department Head

City Clerk Approval

AGENDA TITLE: Specific Use Permit for a Tree Farm and Marijuana Growing Facility application submitted by Russell Linn

*****************************************************************************

☑ **Public hearing required if this box is checked**

General Report:

- Russell and Amy Linn are the owners of this 10.10 acre tract of land at 12395 SE 15th St.
- Request to rezone from R-R “Rural Residential District” to A-G “General Agriculture District” at the December 5, 2019 Planning Commission meeting agenda item 4.1
- The applicant is proposing to convert an existing apartment in an accessory barn to a marijuana growing facility and use approximately one acre of the property north of an existing pond as a proposed tree farm growing area.
- Conversion of the apartment will require the structure to meet City of Choctaw fire, building, and electrical code as well as all OMMA requirements.

Staff Comments:

City Water - Currently the residential property may be served from a private water well due to being out of the serviceable boundary. There are no public water mains located within 500 feet to extend or connect §19-164 or §19-165. A private water well system is required.

City Sanitary Sewer - Currently the residential property may be served from a private sanitary system due to being out of the serviceable boundary. There are no public sanitary sewer mains located within 500 feet to extend or connect §19-164 or §19-165. A private sanitary system is required.
The property has frontage along S.E. 15th Street (Arterial Street). The additional seventeen (17") foot utility and roadway easement has been shown as dedicated along the arterial street on the survey. This easement dedication will fulfill the minimum width for an arterial street as indicated in the adopted Comprehensive Plan.

Rezoning of this property to A-G "General Agricultural District" is required in order to be eligible to obtain a Specific Use Permit.

If approved, the applicant must meet all staff requirements for a marijuana grow facility.

Attached: Specific Use Permit Application, Legal, Aerial Map, and Project Description
CITY OF CHOCTAW
Staff Report

Applicant: Russell Linn
Location: 12395 S.E. 15th Street

Specific Use Permit: Specific Use Permit for a Tree Farm and Marijuana Growing Facility

Russell and Amy Linn are the owners of this 10.10 acre tract of land. The 10.10 acre tract of land is located at 12395 S.E. 15th Street. The owners requested a change of zoning from R-R “Rural Residential District” to A-G “General Agriculture District” at the December 5, 2019 Planning Commission meeting agenda item 4.1.

BUILDING USE REGULATIONS
City of Choctaw Code of Ordinances PART 12; ARTICLE F: “General Agricultural District”; At this time the property has an existing single-story brick structure, a metal building, a loafing, plastic, and brick building. If rezoning is accomplished (PC Agenda Item 4.1) the owners have applied for this specific use permit application to develop the property for a cannabis grow facility and a tree farm. The owner has requested a specific use permit (SUP) for the purpose of establishing a marijuana grow operation. Conversion of the apartment will require the structure to meet City of Choctaw fire, building, and electrical codes. The barn currently has a partial gravel driveway and approach off S.E. 15th Street. If approved one parking space is required. This can be at the residence or having a space at the barn. The latter would require the applicant to install a concrete approach at the driveway to the barn.

Any development of the property will require a submittal of a site development plan and appropriate permits. The development will have to comply with the designated zoning classification at the time of submittal.

COMPREHENSIVE PLAN
- **Land Use** – At this time the property is used as low-density residential and has an existing single-story brick structure, a metal building, a loafing, plastic, and brick building.
  - **Spot Zoning** - Occurs when a change in zoning is, among other factors, not within the context of the Comprehensive Plan.
  - **Physical Constraints** – There are no built or natural constraints presented by the Comprehensive Plan, but if the property is developed further, the developer will need to be aware of any stormwater drainage, stormwater quality, and any other environmental impact.
  - **Future Land Use** – Low Density Residential – *(Single family homes with lots that are typically one acre or larger excluding rights of way.)*

- **Transportation** – The property can be accessed from S.E. 15th Street, a section line road. Please refer to paragraph “Transportation” to see more detail on the mandatory easements.

- **Infrastructure** – The property has shown the dedicated additional easements necessary to gain access to future utilities along S.E. 15th Street (see attached survey). Please refer to paragraph “Water” and “Sewer” to see more detail on if the property is eligible for mandatory connections and extensions.

- **Access** – The existing driveway used for the principal structure on the property may be used for the proposed grow operation. If the existing driveway is not to be used for the proposed grow operation, the
additional driveway will require improvements to the approach and 1 parking space is to be provided at the barn.

- *Livable City* – The development of this property will have to ensure that the livability standards within the comprehensive plan are being met and follow all required regulations within the City’s adopted ordinances and resolutions.

**WATER**

Currently the residential property may be served from a private water well due to being out of the serviceable boundary. There are no public water mains located within 500 feet to extend or connect §19-164 or §19-165. A private water well system is required.

The installation of a public water service or private water well requires all appropriate permits and installation as required by the City of Choctaw, Oklahoma Water Resource Board (OWRB), and Oklahoma Department of Environmental Quality (ODEQ).

**SEWER**

Currently the residential property may be served from a private sanitary system due to being out of the serviceable boundary. There are no public sanitary sewer mains located within 500 feet to extend or connect §19-164 or §19-165. A private sanitary system is required.

The installation of a public sanitary sewer main or private septic system requires all appropriate permits and installation as required by the City of Choctaw and Oklahoma Department of Environmental Quality (ODEQ).

**TRANSPORTATION**

The property has frontage along S.E. 15th Street (Arterial Street). The additional seventeen (17’) foot utility and roadway easement has been shown as dedicated along the arterial street on the survey. This easement dedication will fulfill the minimum width for an arterial street as indicated in the adopted Comprehensive Plan. The easement will allow the proper width for utility relocation and proper road widening.

**EXISTING ZONING**

The property for which A-G zoning has been requested (PC Agenda Item 4.1) is bound to the north and east by R-R “Rural Residential District”, bound to the south by the corporate limits of Midwest City, and bound to the west by R-R “Rural Residential District” and A-G “General Agricultural”. The rezoning of agenda item 4.1 for this property is required in order to be eligible to obtain a specific use permit (SUP). The uses permitted in the Rural Residential are principally residential uses along with other limited public uses such as, schools, parks, fire stations. The surrounding development pattern is consistent with Rural Residential Zoning.

**CITY OF CHOCTAW STAFF**

The City of Choctaw’s staff has reviewed the proposed zoning amendment by changing the zoning classification of the applicant’s property from R-R “Rural Residential District” to A-G “General Agricultural District”. If approved, the applicant must meet all staff requirements for a marijuana grow facility.
Specific Use Permit

Application No.: 1910089
Application Date: 10-18-19
Cash ☐ Check ☑ 131 Credit Card ☐
Amount Received $30.00 Receipt No. 1216

Subject Address: 12395 SE 15TH STREET
Applicant: RUSSELL LINN

Property Owner: RUSSELL LINN

Phone: 465-414-8658

Address: 12395 SE 15TH STREET
City: Choctaw
State: OK
Zip: 73020

E-mail address: linnscotzer@gmail.com

Property Current Zoning: RURAL
Required Zoning: AGRICULTURAL

Code Section No.: 12-255

Acres: 10
Road Frontage: 324 FT
Comprehensive Plan Compatible: YES

Current Use (identify structures and improvements)

LIVESTOCK FARM AND FENCING, RESIDENTIAL HOME

What is the “Specific Use” requested?: TREE FARM AND INDOOR CANNABIS GROWING FACILITY

Benefits of proposed use to City of Choctaw? REVENUE FROM BUSINESS

City Utilities: Water ☐ Sewer ☐ N/A ☐ Estimated traffic count: NO INCREASED TRAFFIC

How will proposed change affect the roadway system serving your area: NO CHANGE

Will the proposed use be detrimental to property in the same zone or vicinity, if so, explain? No

Identify surrounding land uses: LIGHT RESIDENTIAL AND AGRICULTURAL

The undersigned declares that the above statements and those contained in any exhibits transmitted to the Planning Commission are true and correct to the best of my knowledge and that I received the Policies and Procedures regulating this application.

PROPERTY OWNER'S SIGNATURE: [Signature]
[Not necessary if there is an authorized representative. Authorized representative must sign below]

AUTHORIZED REPRESENTATIVE: I hereby certify that I am authorized to represent all of the property owners of the above described tract in the application. Power of Attorney must be attached.

Name: ___________________________ Address: ___________________________
Signature: ______________________ Telephone: ___________________________

County Parcel Number: 2194467000

June 2019
EXHIBIT "A"
LEGAL DESCRIPTION

A part of the West 15 acres of the East 30 acres of the South Half (S/2) of the Southwest Quarter (SW/4) of Section Four (4), Township Eleven (11) North, Range One (1) West of the Indian Meridian, Choctaw, Oklahoma County, Oklahoma, being more particularly described as follows: Commencing at the Southeast corner of the Southwest Quarter of Section 4; thence South 89°43'29" West a distance of 991.62 feet to the Southwest corner of the West 15 acres of the East 30 acres of the South Half of the Southwest Quarter of said Section 4; Thence North 00°39'18" West, along the West line of the West 15 acres of the East 30 acres of the South Half of the Southwest Quarter of said Section 4, a distance of 315.72 feet to the Point or Place of Beginning; Thence continuing North 00°39'18" West a distance of 710.93 feet; thence North 89°42'52" East a distance of 494.67 feet; thence South 00°43'42" East a distance of 976.75 feet to a point 50.00 feet North of the South line of the Southwest Quarter of said Section 4; thence South 89°43'29" West, being 50.00 feet North of and parallel to the South line of the Southwest Quarter of said Section 4, a distance of 330.62 feet; thence North 00°40'46" West a distance of 265.72 feet; thence South 89°43'29" West and parallel to the South line of the Southwest Quarter of said Section 4, a distance of 165.19 feet to the point or place of beginning.
BASIS OF BEARINGS: BEARINGS TAKEN FROM DEED.

THIS PLAT OF SURVEY MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

SEE ATTACHED FOR DESCRIPTIONS.

D. MIKE DOSSEY R.P.L.S. # 1431

PLAT OF SURVEY

SCALE: 1"=200'

DATE: 12/19/17

JOB NO.: 1714206

Dwg. No.: 1714206

APF. No.: 1

Sheet: 1  DE: 1
Use Description:
1. Approximately 1 acre used for tree planting with the intention of resale.
2. Approximately 565 sqft used for an indoor cannabis grow.
CITY OF CHOCTAW

STAFF REPORT

Planning Commission

Meeting of: 1/2/2020

Planning & Development

Department

Amanda Thomas
Prepared By

Guy Henson
Department Head

City Clerk Approval

AGENDA TITLE: Specific-Use Permit Application for 1440 at 2901 Plant Drive submitted by Ken Novotny

******************************************************************************

✓ **Public hearing required if this box is checked**

General Report:
- Ken Novotny is the applicant for this 1.0 tract of industrial land.
- The current zoning is I-L "Light Industrial"
- The proposed use of a medical marijuana processing facility will comply with the current zoning of I-L "Light Industrial"
- The applicant is proposing to convert the existing structure to a medical marijuana processing facility
- The property is bound to the west by I-L "Light Industrial", to the north and east by I-H "Heavy Industrial", and south by I-L "Light Industrial"
- Attached: Application, Warranty Deed, Project Narrative, Site Plans, Properties List

Staff Comments:
The specific use of the land use for which the applicant is requesting is compliant with both the existing surrounding land uses and with the Choctaw Comprehensive Plan.

Water- A City water main is located to the east of the property within the Plant Drive right-of-way. Development may be subject to sections §19-164 or §19-165

Sanitary Sewer- A City sanitary sewer main is located to the east of the property within the Plant Drive right-of-way. Development may be subject to sections §19-164 or §19-165

If approved the applicant must meet all staff requirements for a marijuana processing facility.

Conversion of the structure will require the structure to meet City of Choctaw fire, building, and electrical code.
Applicant:  Ken Novotny

Location:  2901 Plant Drive

Specific Use Permit:  Specific Use Permit for a Marijuana Processing Facility

Ken Novotny is the applicant for this 1.0 acre tract of land. The 1.0 acre tract of land is located at 2901 Plant Drive. The applicant is requesting a specific use permit for marijuana processing facility.

BUILDING USE REGULATIONS
City of Choctaw Code of Ordinances PART 12; ARTICLE M: “Light Industrial District”; at this time the property has an existing structure (see attached survey). The applicant has applied for this specific use permit application to develop the property for a marijuana processing facility. The applicant has requested a specific use permit (SUP) for the purpose of establishing a marijuana processing operation within the existing structure on the property. Conversion of the building for the specific use requested will require the structure to meet City of Choctaw fire, building, and electrical codes.

Any development of the property will require a submittal of a site development plan and appropriate permits. The development will have to comply with the designated zoning classification at the time of submittal.

COMPREHENSIVE PLAN

- **Land Use** – At this time the property use is defined as light industrial.
  - **Physical Constraints** – There are no built or natural constraints presented by the Comprehensive Plan, but if the property is developed further, the developer will need to be aware of any stormwater drainage, stormwater quality, and any other environmental impact.
  - **Future Land Use** – Industrial– (Industrial development has a wide range of uses, appearances, and intensities. The most intensive industrial uses would be refining or manufacturing facilities. Additional forms include industrial warehouse/storage facilities with indoor storage, industrial business parks, and (where permitted) sexually oriented businesses.)

- **Transportation** – The property can be accessed from Plant Drive. Please refer to paragraph “Transportation” to see more detail on the mandatory easements, if any.

- **Infrastructure** – Please refer to paragraph “Water” and “Sewer” to see more detail on if the property is eligible for mandatory connections and extensions.

- **Access** – The existing drive and parking lot used for the existing structure on the property may be used for the proposed processing operation.

- **Livable City** – The development of this property will have to ensure that the livability standards within the comprehensive plan are being met and follow all required regulations within the City’s adopted ordinances and resolutions.

WATER
The property may be served from an existing water main located in the Plant Drive right-of-way. Any installation of a public water service requires all appropriate permits and installation as required by the City of Choctaw, Oklahoma Water Resource Board (OWRB), and Oklahoma Department of Environmental Quality (ODEQ).

SEWER
The property may be served from an existing sanitary sewer main located in the Plant Drive right-of-way and between lots 4 and 5. Any installation of a public sanitary sewer service main requires all appropriate permits and installation as required by the City of Choctaw and Oklahoma Department of Environmental Quality (ODEQ).

TRANSPORTATION
The property has access and frontage along Plant Drive. A fifty (50) foot right-of-way easement has been dedicated on plat and shown on generalized site plan.

EXISTING ZONING
The property for which a specific use permit is requested is bounded to the west by “I-L Light Industrial District”, bound to the north and east by I-H “Heavy Industrial District” and bound to the south by “I-L “Light Industrial District”. The uses permitted in the Light Industrial are principally industrial uses such as, material sales, machine shops, printing and binding plants, warehouses and storage facilities, among others. The surrounding development pattern is consistent with Light and Heavy Industrial Zoning classifications.

CITY OF CHOCTAW STAFF
The City of Choctaw’s staff has reviewed the proposed specific use permit application for a marijuana processing facility. If approved, the applicant must meet all staff requirements for a marijuana process facility.
Specific Use Permit

Application No.: 1911062
Application Date: 1/15/19
Cash □ Check □ $2,944 Credit Card □
Amount Received $50.00 Receipt No. 1323

Subject Address: 2901 Plant Dr
Applicant: Ken Novatny

Property Owner: Ken Novatny
Phone: 921-4712

Address: 10201 SE 244th St
City: OKC
State: OK
Zip: 73150

E-mail address: Ken@eterna440.com


Acres: ____________ Road Frontage: ____________ Comprehensive Plan Compatible: ____________

Current Use (identify structures and improvements) Un Occupied

What is the “Specific Use” requested?: Med Marijuana

Benefits of proposed use to City of Choctaw? Jobs/Taxes

City Utilities: Water X Sewer □ N/A □ Estimated traffic count: 14

How will proposed change affect the roadway system serving your area: Increase daily traffic due to employees

Will the proposed use be detrimental to property in the same zone or vicinity, if so, explain? No

Identify surrounding land uses: Industrial / Sewer treatment

The undersigned declares that the above statements and those contained in any exhibits transmitted to the Planning Commission are true and correct to the best of my knowledge and that I received the Policies and Procedures regulating this application.

PROPERTY OWNER'S SIGNATURE: [ signature]
[Not necessary if there is an authorized representative. Authorized representative must sign below]

AUTHORIZED REPRESENTATIVE: I hereby certify that I am authorized to represent all of the property owners of the above described tract in the application. Power of Attorney must be attached.

Name: ___________________________ Address: ___________________________

Signature: ___________________________ Telephone: ___________________________

County Parcel Number: ___________________________

June 2019
KNOW ALL MEN BY THESE PRESENTS:

That Choctaw Utilities Authority, a public trust, party of the first part, in consideration of the sum of Ten and No/100 dollars and other valuable consideration to it in hand paid, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto JPM LEASING, L.L.C., an Oklahoma limited liability company, party of the second part, the following described real property and premises situate in Oklahoma County, State of Oklahoma, to wit:

Lots Four (4) and Five (5), Block Two (2), CHOCTAW BUSINESS AND INDUSTRIAL PARK, Choctaw, Oklahoma County, Oklahoma, according to the recorded plat thereof.

"Exempt documentary Stemp Tax O.S. Title 68, Article 32, Section 3202, Paragraph 11."

MAIL TAX STATEMENT TO:
JPM LEASING, L.L.C.
2500 Enterprise Blvd.
Choctaw, OK 73020

It is together with the improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same.

TO HAVE AND TO HOLD said described premises unto the said party of the second part, its successors and assigns forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages, and other liens and incumbrances of whatsoever nature, subject to those matters set forth on Exhibit "A" attached hereto and made a part hereof and less and except any oil gas and other minerals and all rights pertaining thereto, previously reserved or conveyed or record.

Signed and delivered this 14th day of July, 2004.


ACKNOWLEDGMENT

STATE OF OKLAHOMA, COUNTY OF OKLAHOMA, SS.

This instrument was acknowledged before me on July 14, 2004, by Dave Howe, Vice Chairman of Choctaw Utilities Authority, a public trust.

My commission expires: 5/28/2004

Salina M. Whorton
Notary Public
Written Project description.

Ken Novotny project called 1440

Proposed Use: Superfoods Processing facility

Number of buildings: 1

Open space or park: Not sure what's being asked. It's an existing building with a asphalt parking lot

Connection to road is an existing asphalt driveway to plant drive
1. 2675 Plant Drive-Cannabis company next door formerly Excell Products (the only structure within 300' according to Google maps)
2. 2500 Enterprise Rd-Excell Products
3. 16365 NE 23rd-Advent Heating and Air Cond
4. 16649 NE 23rd-Double Play-
5. 16557 Service Road-Oklahoma Tile and Carpet Dist
6. 16446 NE 23rd-Zoe Haskins CPA
7. 2801 Enterprise Rd-Action Gymnastics and Cheer
8. 16092 NE 23rd-Phat Phabz
9. 16758 NE 23rd-Douglas M Gierhart ATTY
10. 17311 NE 23rd-Eastern OK County Partnership
11. 16966 NE 23rd-Tractor Supply
12. 17012 NE 23rd-K&S Tires
13. 17400 NE 23rd-Rocky's place
14. 17425 NE 23rd-St-Bad boy Mowers
15. 17480-A-Sooner St Driving School
City of Choctaw
Regular Planning Commission Meeting
December 5 2019 @ 7:00pm
Choctaw City Hall, 2500 N Choctaw Road
Choctaw, Oklahoma 73020

MINUTES

1. Call to Order by Chair Chris Jordan @ 7:00 p.m.
2. Invocation and Pledge of Allegiance given by Chris Jordan.
3. Roll Call:
   4 Present: Philip Bradshaw; Jared Kobyluk; Chris Jordan;
             Larry Morgan
   3 Absent:  Michael Ray; Bobby Pearce; Matt DeToy

Staff: Guy Henson, Planning & Development Director
      Amanda Valent, City Clerk

4. Business Agenda: The following items are hereby designated for discussion and
   consideration which requires individual action.

4.1 Hold a Public Hearing on a Rezone application submitted by:
   Applicant:       Linn Russell
   Location:        12395 SE 15th Street
   Current Zoning:  Rural Residential District (R-R)
   Proposed Zoning: General Agricultural District (AG)
   Legal Description: UNPLTD PT SEC 04 11N 1W 000 000 PT SW4 SEC 4
                     11N 1W BEG 315.72FT N OF SW/C W15ACRS E30ACRS S/2 SW4 TH
                     N710.57FT E495.06FT S976.37FT W327.97FT N265.72FT W164.27FT TO BEG
                     CONT 10.06ACRS MORE OR LESS

   Public Hearing Opened @ 7:01pm.
   Receive Comments.
      Mr. Russell outlined his application and specific use intent.
   Public Hearing Closed @ 7:14pm.

   MOTION BY Jared Kobyluk and SECOND BY Philip Bradshaw to
   postpone the rezone application for sufficient posting of outside signs on the
   property.
MOTION CARRIED:
4 Ayes: Bradshaw, Kobyluk, Jordan, Morgan
0 Nays: None
3 Absent: Ray, Pearce, DeToy

4.2 Hold a Public Hearing on a Specific Use Permit application submitted by:
Applicant: Linn Russell
Location: 12395 SE 15th Street
Legal Description: UNPLTD PT SEC 04 11N 1W 000 000 PT SW4 SEC 4
11N 1W BEG 315.72FT N OF SW/C W15ACRS E30ACRS S/2 SW4 TH
N710.57FT E495.06FT S976.37FT W327.97FT N265.72FTW164.27FT TO BEG
CONT 10.06ACRS MORE OR LESS

MOTION BY Jared Kobyluk and SECOND BY Philip Bradshaw postpone
the rezone application for sufficient posting of outside signs on the property.

MOTION CARRIED:
4 Ayes: Bradshaw, Kobyluk, Jordan, Morgan
0 Nays: None
3 Absent: Ray, Pearce, DeToy

4.4 Set regular meeting date for January 2020.

Commissioners set January 2020 meeting date as January 2, 2020.

4.3 Regular meeting minutes for November 7 2019.

MOTION BY Philip Bradshaw and SECOND BY Jared Kobyluk to approve
the minutes as presented.

MOTION CARRIED:
4 Ayes: Bradshaw, Kobyluk, Jordan, Morgan
0 Nays: None
3 Absent: Ray, Pearce, DeToy

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.

None.

7. **Adjournment:**
   Called @ 7:22pm.

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**PLANNING COMMISSION**

__________________________________________

Dr. Chris Jordan, Chairman

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**ATTEST:**

__________________________________________

Amanda Valent, City Clerk