In accordance with Senate bill 661, which temporarily modified the Open Meeting Act as approved by Governor Stitt on March 18, 2020, the Choctaw Planning Commission will host a virtual meeting option until the State of Emergency is lifted. Please join us using either option.

Teleconference dial in number:  +1 301 715 8592  
Conference ID: 843 356 758 
Join Meeting:  
https://us04web.zoom.us/j/843356758?pwd=OWJOMlhQUHZLS2U4em4vbFpVQkp5UT09

1. Call to Order.  
2. Invocation and Pledge of Allegiance.  
3. Roll Call. 
Commissioner Larry Morgan and Commissioner Jeff Wyatt will be joining the meeting via teleconference. 

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

<table>
<thead>
<tr>
<th>4.1</th>
<th>Hold a Public Hearing on a Rezone application submitted by:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Applicant:</strong></td>
<td>Robin &amp; Kevin Spence</td>
</tr>
<tr>
<td><strong>Location:</strong></td>
<td>2430 South Choctaw Road</td>
</tr>
<tr>
<td><strong>Current Zoning:</strong></td>
<td>General Agricultural District (AG)</td>
</tr>
<tr>
<td><strong>Proposed Zoning:</strong></td>
<td>Rural Residential District (R-R)</td>
</tr>
<tr>
<td><strong>Legal Description:</strong></td>
<td>TOWN OF ORCHARD ADD 000 000 BLKS 73 &amp; 74 EX A TR IN NW/C OF BLK 74 TH S240FT E212.96FT NE36.67FT E334.27FT N206.07FT W561.26FT TO BEG</td>
</tr>
</tbody>
</table>

Open Public Hearing.  
Receive Comments.  
Close Public Hearing.  

4.1.1 Consideration and possible action on the “rezone” request of Robin & Kevin Spence, 2430 South Choctaw Road.
4.2 A lot split application submitted by:

**Applicant:** Robin Spence  
**Location:** 2430 S. Choctaw Rd.  
**Current Zoning:** General Agricultural (A-G)  
**Proposed Lots:** 2 (two)  
**Legal Description:** TOWN OF ORCHARD ADD 000 000 BLKS 73 & 74 EX A TR IN NW/C OF BLK 74 TH S240FT E212.96FT NE36.67FT E334.27FT N206.07FT W561.26FT TO BEG

4.2.1 Consideration and possible action on the lot split request of Robin Spence, 2430 S. Choctaw Rd.

4.3 Hold a Public Hearing on a Rezone application submitted by:

**Applicant:** Raymond Modisette  
**Location:** 1401 South Choctaw Road  
**Current Zoning:** General Agricultural District (A-G)  
**Proposed Zoning:** General Commercial District (C-G)  
**Legal Description:** UNPLTD PT SEC 02 11N 1W 000 000 PT OF SE4 SEC 2 11N 1W N 1/2 OF SE4 OF SE4 OF SE4

Open Public Hearing.  
Receive Comments.  
Close Public Hearing.

4.3.1 Consideration and possible action on the “rezone” request of Raymond Modisette, 1401 South Choctaw Road.

4.4 A lot split application submitted by:

**Applicant:** Raymond Modisette  
**Location:** 1401 South Choctaw Road  
**Current Zoning:** General Agricultural (A-G)  
**Proposed Lots:** 2 (two)  
**Legal Description:** UNPLTD PT SEC 02 11N 1W 000 000 PT OF SE4 SEC 2 11N 1W N 1/2 OF SE4 OF SE4 OF SE4

4.4.1 Consideration and possible action on the lot split request of Raymond Modisette, 1401 South Choctaw Road.

4.5 Hold a Public Hearing on a Rezone application submitted by:

**Applicant:** Mike Abernathy  
**Location:** SE 15th Street
Current Zoning: General Agricultural District (A-G)
Proposed Zoning: Rural Residential District (R-R)
Legal Description: UNPLTD PT SEC 04 11N 1W 000 000 PT SE4 SEC 4
11N 1W BEG SW/C OF SE4 N660FT E330FT S660FT W330FT TO BEG
CONT 5ACRS MORE OR LESS ROADWAY

Open Public Hearing.
Receive Comments.
Close Public Hearing.

4.5.1 Consideration and possible action on the “rezone” request of Mike Abernathy, SE 15th Street.

<table>
<thead>
<tr>
<th>4.6</th>
<th>A lot split application submitted by:</th>
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</thead>
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<tr>
<td><strong>Applicant:</strong></td>
<td>Mike Abernathy</td>
</tr>
<tr>
<td><strong>Location:</strong></td>
<td>SE 15th Street</td>
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<tr>
<td><strong>Current Zoning:</strong></td>
<td>General Agricultural (A-G)</td>
</tr>
<tr>
<td><strong>Proposed Lots:</strong></td>
<td>2 (two)</td>
</tr>
</tbody>
</table>
| **Legal Description:** | UNPLTD PT SEC 04 11N 1W 000 000 PT SE4 SEC 4
11N 1W BEG SW/C OF SE4 N660FT E330FT S660FT W330FT TO BEG
CONT 5ACRS MORE OR LESS ROADWAY |

4.6.1 Consideration and possible action on the lot split request of Mike Abernathy, SE 15th Street.

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<th>A lot split application submitted by:</th>
</tr>
</thead>
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<tr>
<td><strong>Applicant:</strong></td>
<td>TFH Inc.</td>
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<tr>
<td><strong>Location:</strong></td>
<td>728 North Westminster</td>
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<td><strong>Current Zoning:</strong></td>
<td>Rural Residential District (R-R)</td>
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<tr>
<td><strong>Proposed Lots:</strong></td>
<td>2 (two)</td>
</tr>
</tbody>
</table>
| **Legal Description:** | UNPLTD PT SEC 32 12N 1W 000 000 PT NW4 SEC 32
12N 1W BEG 1034.20FT N OF SW/C NW4 TH ELY443.27FT N98.27FT
ELY23.53FT N186.84FT TH W TO W LINE NW4 TH S TO BEG SUBJ TO
ESMTS OF RECORD |

4.7.1 Consideration and possible action on the lot split request of THF Inc., 728 North Westminster.

| 4.8 | Regular meeting minutes for March 5, 2020 and Joint meeting minutes for March 5, 2020. |
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 Previously reviewed ordinances.**

7. **Adjournment:**

   *This agenda was posted in prominent public view at Choctaw City Hall on or prior to 5:00pm on March 27, 2020 in accordance with the Oklahoma Open Meeting Act.*

   Amanda Valent, City Clerk

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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.
AGENDA TITLE: Rezoning Application for 2430 S. Choctaw Road submitted by Robin and Kevin Spence.

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

- Robin and Kevin Spence are the owners of this 18.989 acre tract of land, located at 2430 S. Choctaw Road.
- Request is to rezone from A-G "General Agricultural District" to R-R "Rural Residential" for only the 2 acre parcel that will be created by the lot split, not the entire 18.989 acres.
- The required minimum lot area is 5 acres and minimum lot frontage is 330 feet. The current lot meets these requirements; however, the applicants' have applied for a Lot Split to create a 2 acre tract and approximately 17 acre tract. The smaller lot will have 120 feet of frontage and the larger lot will have approximately 415 feet of frontage, both along Choctaw Road.

City Water and Sewer: The property is currently on a private well and septic system as it is outside of the City's serviceable boundary.

Comprehensive Plan: This request is consistent with the Future Land Use Plan and the Future Density Plan, which delineate this property as Low Density Residential and within the Rural Protection boundary respectively.

Storm water: Staff has been made aware of a storm water flooding issue regarding the subject site and the sites to the north and south. Over time improvements were made to several properties within the FEMA identified Flood Zones which maybe contributing factors to the flooding issues in the area. Staff is consulting with the City Attorney regarding these improvements, as permits were not issued for the work and staff was not made aware of the work being done until a few years later.
Applicant: Robin and Kevin Spence

Location: 2430 S. Choctaw Road

Current Zoning: A-G “General Agricultural District”

Proposed Zoning: R-R “Rural Residential District”

REQUEST SUMMARY

Robin and Kevin Spence are the owners of this 18.989 acre tract of land, located at 2430 S. Choctaw Road. The owners are requesting a change of rezoning from A-G “General Agricultural District” to R-R “Rural Residential District” in order to apply for a lot split to allow for an additional single-family residence on the second parcel for their daughter. The change to R-R “Rural Residential District” is only requested for the two (2) acre parcel that will be created by the lot split (shown in red below), not the entire 18.989 acres. The remaining 16.989 acres will remain as A-G “General Agricultural District”.

![Diagram showing the requested rezoning and lot split]
EXISTING ZONING, PROPOSED ZONING AND LAND USE

The current zoning for the subject site is A-G “General Agricultural District”. There is currently a single-family residence and several accessory buildings located on the site. The eastern half of the land is mainly in FEMA Flood Zone A. No portion of the new two (2) acre tract requested is in the Flood Zone.

A single-family dwelling is a permitted use in the A-G “General Agricultural District”; however, the required minimum lot area is five (5) acres and minimum lot frontage is 330 feet. The current lot meets these requirements; however, the applicants’ have applied for a Lot Split to create a two (2) acre tract and approximately seventeen (17) acre tract. The smaller lot will not meet the minimum requirements of the A-G “General Agricultural District”. The smaller lot will have one hundred and twenty (120) feet of frontage and the larger lot will have approximately four hundred and fifteen (415) feet of frontage, both along Choctaw Road.

The Area and Height Regulations for an R-R “Rural Residential District” are listed below and any variances to these regulations would require a Board of Adjustment approval.

1. Minimum lot area 43,560 sf;
2. Minimum lot frontage 110 feet;
3. Maximum height 35 feet;
4. Minimum front yard setback 50 feet;
5. Minimum side yard setback 15 feet; and
6. Minimum rear yard setback 20% depth of lot

Any development of the property will require a submittal of a site development plan and appropriate permits. The development will have to comply with subdivision regulations, designated zoning classification, and all State of Oklahoma rules and regulations.

SURROUNDING LAND USE AND ZONING

The land use and zoning for the properties surrounding this parcel and shown in the aerial image below are as follows:

**North:** The properties to the north are zoned A-G “General Agricultural District” with single family homes.

**South:** There is one property zoned A-G “General Agricultural District” and others zoned R-S “Residential Single Family District” in the Scottsdale Subdivision.

**East:** To the east are zoned A-G “General Agricultural District” properties with single family homes.

**West:** To the west is Unincorporated Oklahoma County, but the uses are residential.
COMPREHENSIVE PLAN

- **Future Development Density Plan**: The subject property is within the “Rural Protection Boundary”. The development density of this area is 0.5 to 1 dwelling unit per acre. The Spences’ request is to lot split to allow to build a single-family home on Tract B. Their request for the rezoning and lot split for single-family homes are within the parameters set for the “Rural Protection Boundary” density.

- **Land Use** – Historically, the existing parcel has been used for a single-family residence.
  - **Future Land Use** – Low Density Residential – *(Single family homes with lots that are typically one acre or larger excluding rights of way.)* The applicant’s proposal of two (2) lots resulting in lots at (1) acre or greater, meets the recommendations of the Comprehensive Future Land Use Plans.
  - **Physical Constraints** – There is a large portion of Tract A in FEMA Flood Zone A; however, there is no existing improvements nor any proposed improvements within the floodplain.

- **Transportation** – Please refer to the “Transportation” paragraph to identify the required road easement dedication along South Choctaw Road.

- **Infrastructure** – This area is currently not served by sanitary sewer; however there is public water available nearby. Please refer to paragraph below “Water and Sewer” to see more details regarding mandatory connections and extensions.

- **Livable City** – The development of these properties 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 AND SEWER
The subject property has an existing private water well and septic system at this time.

There is a twelve (12) inch City water main located within the South Choctaw Road right of way. The said twelve (12) inch water main is approximately five hundred and eighty (580) feet from Tract A and one thousand feet (1000) feet from Tract B.

The City Code states if any portion of a single residential tract that is listed in sub-sections §19-164 or §19-165 comes within five hundred (500) feet from a public water or sanitary sewer main, the developer will be required to extend the mains to the furthest end of the newly developed tract and if a water or sewer main is adjacent to the tract of land or is within five hundred (500) feet from the main, the tract will be required to connect to the City water. Additionally, if any portion of a subdivision, multi-family development, non-residential development, or illegal lot split that is listed in sub-sections §19-164 or §19-165 comes within one thousand two hundred (1,200) feet from a public water main, the developer will be required to extend the water main to the furthest end of the newly developed tract and connect to the City water.

The sites are outside of the five hundred (500) feet radius requirement for water and sewer extension and connection as listed in the Code. Additional, as this is a lot split application for a single-family home, the one thousand two hundred (1,200) feet from a public water main extension requirement is not applicable. However, future development could require an extension or connection to the City’s water and/or sewer main.

Future installation and/or connection to a public water and sewer service or changes to the existing well and septic system will require all appropriate permits and installation as required by the City of Choctaw, Oklahoma Water Resource Board (OWRB), and Oklahoma Department of Environmental Quality (ODEQ).

STORM WATER
Staff has been made aware of a storm water flooding issue regarding the subject site and the sites to the north and south. Over time improvements were made to several properties within the FEMA identified Flood Zones which maybe contributing factors to the flooding issues in the area. Staff is consulting with the City Attorney regarding these improvements, as permits were not issued for the work and staff was not made aware of the work being done until a few years later.

TRANSPORTATION
The property has frontage along South Choctaw Road which is an arterial street. The Comprehensive Plan identifies arterials as roadways that are designed to convey longer trips and relatively heavy volumes of traffic; these roadways are primarily intended to provide mobility. These types of roadways may have four (4) to six (6) lanes of traffic requiring up to one hundred (100) feet of right-of-way. The statutory right-of-way requirement for arterials is thirty-three (33) feet on one half of the roadway and therefore an additional seventeen (17) feet of public roadway and utility easement will be dedicated with the lot split to allow for proper width for utility relocation and proper road widening.
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 A-G “General Agricultural District” to R-R “Rural Residential District”. This request is consistent with the Future Land Use Plan which delineates this area as Low Density Residential.
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: AG  Requested Zoning Classification: RR

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

town of orchard blk 73 + 74 except atr

NE corner of blk 74 being 120' N - S by 300' E + W

Street Address or Other Common Property Description: 2430 S. Choctaw Rd
Choctaw, OK 73020

Property Owner’s Name(s): Kevin P. and Robin A. Spence

If corporation, Corporate Official Name and Seal:

Mailing Address: 2430 S. Choctaw Rd
Choctaw  OK   73020

City  State  Zip

Email Address: robin.k.spence@yahoo.com

Telephone: 405.414.0613  Fax: 816.693.6256

PROPERTY OWNER’S 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
QUESTIONS ON REZONING APPLICATION

1. What is the current use of the property? 
   Home, agriculture

2. Why are you requesting a change in zoning? 
   Lot split for daughter & family to build their home on

3. Are there any deed restrictions of restrictive covenants that would affect the use of this property? 
   If so, what are they and attach a copy to this applications?

4. Has a rezoning ever been requested for this property in the past by the current owner? 
   If so, what zoning classification was requested and when? 
   No

5. If the rezoning is approved, does the applicant intend to develop the property? 
   Only to allow daughter & family to build their home on
WARRANTY DEED

KNOX ALL MEN BY THESE PRESENTS:

That Daniel J. Dysart and Tamra Tyree-Dysart, Husband and Wife and Robin Tyree-Spence and Kevin Ray Spence, Wife and Husband,

party of the first part, in consideration of the sum of ***TEN AND NO/10 DOLLARS AND OTHER VALUABLE CONSIDERATION, IN HAND PAID, RECEIVED AND ACKNOWLEDGED***, does hereby grant, bargain, sell, and convey unto

Robin Tyree-Spence and Kevin Ray Spence, Wife and Husband,

Whose address is: 2430 S. Choctaw Rd.,
Choctaw, OK 73020

party of the second part, the following described real property and premises situated in Oklahoma County, State of Oklahoma, to wit:

Blocks Seventy-three (73) and Seventy-four (74). LESS AND EXCEPT One Hundred Twenty (120) feet South by Three Hundred (300) feet East in the Northwest Corner of Block Seventy-four (74) in the TOWN OF ORCHARD, Oklahoma County, Oklahoma, according to the recorded plat thereof.

Together with all fixtures and improvements, and all appurtenances, subject to existing zoning ordinances, plat or deed restrictions, utility easements serving the property, including all mineral rights owned by party of the first part, which may be subject to lease, and excluding mineral rights previously reserved or conveyed of record, and warrants title to the same.

TO HAVE AND TO HOLD said described premises unto the said parties of the second part, and their heirs and assigns forever, free, clear and discharged of and from all former grants, claims, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature, EXCEPT FOR and SUBJECT TO those exceptions set forth hereinabove.

SIGNED AND DELIVERED the date(s) on the acknowledgment(s) below.

Daniel J. Dysart
Tamra Tyree-Dysart
Robin Tyree-Spence
Kevin Ray Spence

ACKNOWLEDGMENT

State of Oklahoma County of Oklahoma

The foregoing instrument was acknowledged before me on this 24th day of May, 2016 by Daniel J. Dysart and Tamra Tyree-Dysart, Husband and Wife and Robin Tyree-Spence and Kevin Ray Spence, Wife and Husband.

My Commission Expires: 1-1-2020

EC No.: 1603-0023-69
Larry Stein
Oklahoma County Assessor's Office

Ownership Radius Report

This Report is for Account Number R196533000 and is a 300-foot radius from the outside of the polygon. If the minimum number of different owners was not reached it was extended by 100-foot increments until the required number of different owners was reached, or the maximum distance was reached. This report does not constitute a legal survey or document, for definitive description of real property and ownership; consult the deeds recorded in the Oklahoma County Clerks Office.
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<td>2430 CHOCTAW DR</td>
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<td>2666 EISENHOUR DR</td>
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<td>MILLER CHARLES L JR &amp; DOLOREI</td>
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AGENDA TITLE: Lot Split Application for 2430 S. Choctaw Road submitted by Robin and Kevin Spence.

- Robin and Kevin Spence are the owners of this 18.989 acre tract of land, located at 2430 S. Choctaw Road. The property is zoned an A-G “General Agricultural District”.

- Applicant is requesting a lot split to create two (2) lots. Tract A shall be 16.989 acres with 415.17 feet of lot frontage along South Choctaw Road. Tract B shall be 2 acres with 120 feet of frontage along South Choctaw Road.

- This request was tabled at the March Planning Commission Meeting, so that the Commission could review the Lot Split and Rezoning requests at the same meeting.

Staff Comments:

- City Water and Sewer- The property is currently on a private well and septic system as it is outside of the City's serviceable boundary.

- Comprehensive Plan: The lot split request falls with the parameters of the “Rural protection boundary”. It is also consistent with the Future Land Use Plan which delineates this area as Low Density Residential, which is defined as single-family homes with lots that are typically one acre or larger excluding rights of way.

- The lot size & frontage of Tract B does not comply with the A-G district; however, the applicant has submitted an application for rezoning the property to an R-R “Rural Residential District”. The R-R district requires a minimum lot size of 1 acre & minimum lot frontage of 110 feet. Therefore if the Planning Commission chooses to approve the rezoning request and lot split application, a caveat would have to be added to make the lot split approval contingent upon the rezoning request approval by City Council.
CITY OF CHOCTAW  
Short Form Subdivision Report

Applicant: Robin and Kevin Spence
Location: 2430 S. Choctaw Road
Current Zoning: A-G “General Agricultural District”
Request: Subdivide a 18.989 acre tract of land into 2 tracts

Robin and Kevin Spence are the owners of this 18.989 acre tract of land, located at 2430 S. Choctaw Road. The property carries an A-G “General Agricultural District” zoning classification. Pursuant to §19-202 Short Form Subdivision, the applicant is requesting to subdivide the existing parcel into two (2) parcels to allow for an additional single-family residence on the second parcel for their daughter.

EXISTING ZONING AND BUILDING USE REGULATIONS
The current zoning for the property is A-G “General Agricultural District” which requires a minimum of five (5) acres lot area and a minimum lot frontage of 330 feet. The current parcel is 18.989 acres in size and has 535.17 feet frontage along S. Choctaw Road. The applicant is requesting to subdivide the property in an east-west manner.

Proposed Tract A is 16.989 acres in size and will have 415.17 feet of frontage along S. Choctaw Road. Proposed Tract B is 2 acres in size and will have 120 feet frontage along S. Choctaw Road. The proposed lot size and lot frontage for Tract B does not meet the minimum requirements of the A-G “General Agricultural District”; however, the applicant has submitted an application for rezoning the property to an R-R “Rural Residential District”. This request will be presented at the April 2nd, 2020 Planning Commission meeting. The minimum lot size for an R-R “Rural Residential District” is 1 acre and the minimum lot frontage requirement is 110 feet. Therefore if the Planning Commission chooses to approve this lot split application, a caveat would have to be added to make the approval contingent upon the rezoning request approval so not to create a non-conforming lot.

There is an existing single story 1,543 square foot residential structure, several barns, out buildings and a greenhouse on the existing property and would all remain within the boundaries of Proposed Tract A. There are no structures within Proposed Tract B; however, as mentioned above the applicant does wish to add a single-family residence on Tract B. The applicant has not submitted for any development or building permits at this time.

Any development submittal will have to be reviewed by the City of Choctaw and appropriate state departments. The development will have to comply with subdivision and zoning regulations, as well as all state requirements. All appropriate permits will have to be issued by the appropriate parties.
**COMPREHENSIVE PLAN**

- **Future Development Density Plan:** The subject property is within the “Rural Protection Boundary”. The development density of this area is 0.5 to 1 dwelling unit per acre. The Spences’ request is to lot split to allow to build a single-family home on Tract B. Their request for the lot split for single-family homes is within the parameters set for the “Rural Protection Boundary” density.

- **Land Use** – Historically, the existing parcel has been used for a single-family residence.
  - **Future Land Use** – Low Density Residential – *(Single family homes with lots that are typically one are or larger excluding rights of way.)* The applicant’s proposal of two (2) lots resulting in lots at (1) acre or greater, meets the recommendations of the Comprehensive Future Land Use Plans.
  - **Physical Constraints** – There is a large portion of Tract A in FEMA Flood Zone A; however, there is no existing improvements nor any proposed improvements within the floodplain.

- **Transportation** – Please refer to the “Transportation” paragraph to identify the required road easement dedication along South Choctaw Road.

- **Infrastructure** – This area is currently not served by sanitary sewer; however there is public water available nearby. Please refer to paragraph below “Water and Sewer” to see more details regarding mandatory connections and extensions.

- **Livable City** – The development of these properties 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 AND SEWER
The subject property has an existing private water well and septic system at this time.

There is a twelve (12) inch City water main located within the South Choctaw Road right of way. The said twelve (12) inch water main is approximately five hundred and eighty (580) feet from Tract A and one thousand feet (1000) feet from Tract B.

The City Code states if any portion of a single residential tract that is listed in sub-sections §19-164 or §19-165 comes within five hundred (500) feet from a public water or sanitary sewer main, the developer will be required to extend the mains to the furthest end of the newly developed tract and if a water or sewer main is adjacent to the tract of land or is within five hundred (500) feet from the main, the tract will be required to connect to the City water. Additionally, if any portion of a subdivision, multi-family development, non-residential development, or illegal lot split that is listed in sub-sections §19-164 or §19-165 comes within one thousand two hundred (1,200) feet from a public water main, the developer will be required to extend the water main to the furthest end of the newly developed tract and connect to the City water.

The sites are outside of the five hundred (500) feet radius requirement for water and sewer extension and connection as listed in the Code. Additional, as this is a lot split application for a single-family home, the one thousand two hundred (1,200) feet from a public water main extension requirement is not applicable. However, future development could require an extension or connection to the City’s water and/or sewer main.

Future installation and/or connection to a public water and sewer service or changes to the existing well and septic system will require all appropriate permits and installation as required by the City of Choctaw, Oklahoma Water Resource Board (OWRB), and Oklahoma Department of Environmental Quality (ODEQ).

STORM WATER
Staff has been made aware of a storm water flooding issue regarding the subject site and the sites to the north and south. Over time improvements were made to several properties within the FEMA identified Flood Zones which maybe contributing factors to the flooding issues in the area. Staff is consulting with the City Attorney regarding these improvements, as permits were not issued for the work and staff was not made aware of the work being done until a few years later.

TRANSPORTATION
The property has frontage along South Choctaw Road which is an arterial street. The Comprehensive Plan identifies arterials as roadways that are designed to convey longer trips and relatively heavy volumes of traffic; these roadways are primarily intended to provide mobility. These types of roadways may have four (4) to six (6) lanes of traffic requiring up to one hundred (100) feet of right-of-way. The statutory right-of-way requirement for arterials is thirty-three (33) feet on one half of the roadway and therefore an additional seventeen (17) feet of public roadway and utility easement will be dedicated with this lot split to allow for proper width for utility relocation and proper road widening.

CITY OF CHOCTAW STAFF
The City of Choctaw’s staff has reviewed the lot split for Robin and Kevin Spence. Staff has completed its review of the lot split request.
CITY OF CHOCTAW
2500 N Choctaw Rd / PO Box 567, Choctaw, OK 73020
Phone (405)390.2999 / Fax (405)390.3332

Short Form Subdivision (Lot Split)
APPLICATION
(Please Print in Ink or Type)

Applicant: Robin A+ Kevin R Spence
Address: 2430 S Choctaw Rd Choctaw OK 73020
Phone: 405.408.1976 Cell: 
Email Address: RobinArespence@yahoo.com

Property address: 2430 S Choctaw Rd Choctaw OK 73020

Legal Description: Town of Orchard Blk 73,474 exp ATRN E+W
NW corner of Blk 74 being 120°N S by 300'

Number of Acres: 19.17

Number of proposed tracts: 2

Property zoning district: AG to be rezoned to RR upon approval.

I hereby certify and attest that I am the current and legal owner of the above described property located in the City of Choctaw and that I received a copy of the Policies and Procedures regulating this application.

Signature of Owner/authorized agent: Robin A+ Kevin R Spence
Date: 1.19.2020

*Owner or authorized agent must be present at public meeting.

Do Not Write Below This Line—Official Use Only

Permit #: 2022 001 
Receipt #: 1573
Total Amount Paid: $1275.00
Date Paid: 2-3-2020

Cash 
Check # 153 

County Parcel Number: 

Dec 2018
WARRANTY DEED

KNOw ALL MEN BY THESE PRESENTS:

That Daniel J. Dysart and Tamra Tyree-Dysart, Husband and Wife and Robin Tyree-Spence and Kevin Ray Spence, Wife and Husband, party of the first part, in consideration of the sum of ***TEN AND NO/10 CENTS*** dollars and other valuable consideration, in hand paid, the receipt of which is acknowledged, do hereby grant, bargain, sell, and convey unto:

Annette Robin Tyree-Spence and Kevin Ray Spence, Wife and Husband

Whose address is: 2430 S. Choctaw Rd.
Choctaw, OK 73020

party of the second part, the following described real property and premises situated in Oklahoma County, State of Oklahoma, to wit:

Blocks Seventy-three (73) and Seventy-four (74). LESS AND EXCEPT One Hundred Twenty (120) feet South by Three Hundred (300) feet East in the Northwest Corner of Block Seventy-four (74) in the TOWN OF ORCHARD, Oklahoma County, Oklahoma, according to the recorded plat thereof.

Together with all fixtures and improvements, and all appurtenances, subject to existing zoning ordinances, plat or deed restrictions, utility easements serving the property, including all mineral rights owned by party of the first part, which may be subject to lease, and excluding mineral rights previously reserved or conveyed of record, and warrants title to the same.

TO HAVE AND TO HOLD said described premises unto the said parties of the second part, and their heirs and assigns forever, free, clear and discharged of and from all former grants, claims, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature, EXCEPT FOR and SUBJECT TO those exceptions set forth hereinafter.

SIGNED and DELIVERED the date(s) on the acknowledgment(s) below:

Daniel J. Dysart
Tamra Tyree-Dysart
Robin Tyree-Spence
Kevin Ray Spence

ACKNOWLEDGMENT

State of Oklahoma, County of Oklahoma

The foregoing instrument was acknowledged before me on this 24th day of May, 2016 by Daniel J. Dysart and Tamra Tyree-Dysart, Husband and Wife and Robin Tyree-Spence and Kevin Ray Spence, Wife and Husband.

My Commission Expires: 1-1-2020

Notary Public

EC No.: 1603-0023-69
AGENDA TITLE: Rezoning Application for 1401 S. Choctaw Road submitted by Raymond Modisette

- Raymond Modisette is the owner of this 5 acre tract of land, located at 1401 S. Choctaw Road.
- Request is to rezone from A-G "General Agricultural District" to C-G "General Commercial District" in order to split his lot and have the flexibility of selling the lots to a future local business or for a new home to be built.
- Rezoning to the C-G "General Commercial District" would allow for both commercial and residential uses on the property.

City Water & Sewer- The property is currently on a private well and septic system as it is outside of the City's serviceable boundary.

Comprehensive Plan: The subject site falls within the "Rural protection boundary" on the future density plan, which notes a development density of 0.5-1 dwelling unit per acre.

Future Land Use Plan: The property's designation is Low Density Residential. However as discussed above, the applicant is seeking to rezone his property to C-G "General Commercial District". The properties to the South and East of the subject site are designated as Local Business. Local Business is described as "light retail, service uses, and professional office activities that aim to meet the needs of the residents in the immediate vicinity. This land designation includes boutique retail shops, small sized restaurants and services such as financial, legal and insurance."
CITY OF CHOCTAW
Staff Report

Applicant: Raymond Modisette
Location: 1401 S. Choctaw Road
Current Zoning: A-G “General Agricultural District”
Proposed Zoning: C-G “General Commercial District”

REQUEST SUMMARY
Raymond Modisette is the owner on this five (5) acre tract of land, located at 1401 S. Choctaw Road. He is requesting a change of zoning from A-G “General Agricultural District” to C-G “General Commercial District” in order to split his lot and have the flexibility of selling the lots to a future local business and/or for a new home to be built. Rezoning to the C-G “General Commercial District” would allow for both commercial and residential uses on the property.

EXISTING ZONING, PROPOSED ZONING AND LAND USE
The current zoning for the subject site is A-G “General Agricultural District”. There is currently a single-family residence located on the five (5) acre site.

A single-family dwelling is a permitted use in the A-G “General Agricultural District”; however, the required minimum lot area is five (5) acres and minimum lot frontage is 330 feet. The current lot meets these requirements; however, the applicant have applied for a Lot Split to create a 1.67 acre tract and 3.33 acre tract. These proposed lots do not meet the minimum requirements for an A-G “General Agricultural District” requirements. AS listed above, the applicant requesting the change of zoning and lot split in order to have the flexibility to sell his lots to allow for a future local business or a new single family home.

The C-G “General Commercial District” allows several uses and specific uses; but also allows any uses permitted in the C-C “Convenience Commercial District” and C-O “Commercial Office District”. The C-C “Convenience Commercial District” also allows the uses permitted in the R-G “General Residential District” which allows all uses in the R-S “Single Family Residential District”. A full list of permitted uses (including specific uses) in the districts mentioned above are attached to the end of this report.

Any development of the property will require a submittal of a site development plan and appropriate permits. The development will have to comply with subdivision regulations, designated zoning classification, and all State of Oklahoma rules and regulations.
SURROUNDING LAND USE AND ZONING

The land use and zoning for the properties surrounding this parcel and shown in the aerial image below are as follows:

**North:** The properties to the north are zoned R-S “Single-Family Residential District” with single family homes.

**South:** The properties to the south are zoned C-G “General Commercial District” and C-C “Convenience Commercial District”. The C-G zoned property is currently in use by Choctaw Self-Storage and the C-C properties are vacant.

**East:** To the east are zoned C-G “General Commercial District” and C-D “Open Display Commercial District: District”. The C-G zoned property is vacant and the C-D zone property currently has a gas station and strip center.

**West:** To the west are zoned A-G “General Agricultural District” properties with single family homes.
COMPREHENSIVE PLAN

- **Future Development Density Plan:** The subject property is within the “Rural Protection Boundary”. The development density of this area is 0.5 to 1 dwelling unit per acre.

- **Land Use** – Historically, the existing parcel has been used for a single-family residence.
  - **Future Land Use** – The property’s designation on the Land Use Plan is Low Density Residential (shown in the purple rectangle below). However as discussed above, the applicant is seeking to rezone his property to C-G “General Commercial District”. The properties to the South and East of the subject site are designated as Local Business (seen in red on the image below). Local Business is described as “light retail, service uses, and professional office activities that aim to meet the needs of the residents in the immediate vicinity. This land designation includes boutique retail shops, small sized restaurants and services such as financial, legal and insurance.”

- **Transportation** – Please refer to the “Transportation” paragraph to identify the required road easement dedication along South Choctaw Road.

- **Infrastructure** – This area is currently not served by sanitary sewer; however there is public water available nearby. Please refer to paragraph below “Water and Sewer” to see more details regarding 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 AND SEWER**

The subject property is served by private water at this time. There is an existing twelve (12) inch water line in the South Choctaw Road right-of-way. However, this area of the City is not serviced by public sewer.

City Code states the following regarding mandatory water/sewer connections and extensions:

- **§19-164.A Mandatory Connections** – The following properties must connect to Authority Water and Sanitary Sewer Main Lines:
  - New primary building development that abut existing public water and/or sanitary sewer mains;
  - Developed properties that abut existing water mains with failed water wells;
  - Developed properties that abut existing sewer main with a failed septic system;
  - In the event that a sanitary sewer extension or service is installed within twenty five (25) feet of a private water well, the well shall be abandoned and the property owner shall connect to the Authority’s water systems;
  - Lawn irrigation only is exempt from this rule. A backflow device must be installed and tested annually as required in the adopted International Plumbing Code.

- **§19-165.C Mandatory Extension** – The said property must extend the utility main if any point of the property is within five hundred (500) foot circumference of an existing public water or sanitary sewer main:
  - Platted or un-platted new primary building development;
  - Existing platted or un-platted developed properties that has a failed private water well(s) and or failed private sanitary sewer systems.

Connection to City Water will be required with any future development or large improvements on Mr. Modisette’s property, based on the Code’s Mandatory Connection requirement.

The subject site is likely served by a private sanitary system, such as a septic system, as is it outside of the City’s current service boundary. There are no public sanitary sewer mains located within five hundred (500) feet for the property owner to extend or connect to as required by §19-165. Therefore, a private sanitary system is required and the installation/maintenance will have to adhere to the requirements of the City of Choctaw and Oklahoma Department of Environmental Quality (ODEQ).

**TRANSPORTATION**

The property has frontage along South Choctaw Road which is an arterial street. The Comprehensive Plan identifies arterials as roadways that are designed to convey longer trips and relatively heavy volumes of traffic; these roadways are primarily intended to provide mobility. These types of roadways may have four (4) to six (6) lanes of traffic requiring up to one hundred (100) feet of right-of-way. The statutory right-of-way requirement for arterials is thirty-three (33) feet on one half of the roadway and therefore an additional seventeen (17) feet of public roadway and utility easement will be dedicated with the lot split to allow for proper width for utility relocation and proper road widening.
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 A-G “General Agricultural District” to C-G “General Commercial District”. This request is NOT consistent with the Future Land Use Plan which delineates this area as Low Density Residential. However, the properties to the South and East are designated as Local Business on the Future Land Use and are zoned commercial as well.
### C-G
*(includes all C-C and C-O uses)*

<table>
<thead>
<tr>
<th>Activity</th>
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<tr>
<td>Ambulance service office or garage</td>
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<td>Bakery</td>
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<tr>
<td>Bus terminal</td>
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<td>Carpenter and cabinet shop</td>
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<td>Commercial school or hall</td>
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<td>Dental laboratory;</td>
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<td>Department store</td>
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<td>Drive-in restaurant</td>
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<td>Electric transmission station</td>
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<tr>
<td>Feed and fuel store</td>
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<tr>
<td>Frozen food locker</td>
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<tr>
<td>Funeral parlor or mortuary</td>
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<tr>
<td>Furniture repair and upholstery</td>
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<td>Heating, ventilating or plumbing supplies, sales and services</td>
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<td>Ice storage locker plant or storage house for food</td>
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<td>Interior decorating store</td>
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<td>Kennel</td>
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<td>Key shop</td>
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<td>Laboratories, testing and experimental</td>
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<td>Laundry</td>
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<tr>
<td>Leather goods shop</td>
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<td>Liquor store</td>
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<td>Metal</td>
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<tr>
<td>Music, radio or television shop</td>
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<tr>
<td>Nursery or garden supply store</td>
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<td>Optical manufacturing</td>
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<td>Outdoor advertising signs</td>
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<tr>
<td>Pawn shop</td>
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<tr>
<td>Pet shop</td>
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<td>Sign painting shop</td>
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<td>Hospital for small animals</td>
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<tr>
<td>Sporting goods store</td>
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<tr>
<td>Toy store</td>
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<tr>
<td>Wholesale Distributing</td>
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Any other store or shop for retail trade or for rendering personal, professional or business service which does not produce more noise, odor, dust, vibration, blast or traffic than those enumerated above.

### C-G
*(continued)*

Advertising signs and structures, provided that lighted signs of flashing or intermittent type shall be prohibited; and further provided that this shall not prevent the use of animated signs located entirely within the building which can be seen only from the street side of the building. No billboard shall exceed twenty (20) feet in height or sixty (60) feet in width, and no billboards shall be placed on top of any building.

Buildings, structures and uses accessory and customarily incidental to any of the above uses, provided that there shall be no manufacture, processing or compounding of products other than such as are customarily incidental and essential to retail establishments.

New and used automobile sales and services, new machinery sales and service, repair and public garages, provided no gasoline is stored above ground, used automobile and machinery sales, used automobile and machinery repairing if conducted wholly within a completely enclosed building, but not including automobile or machinery wrecking establishments or junk yards.

No article or material stored or offered for sale in connection with uses permitted under Paragraphs 1 through 5 above shall be stored or displayed outside the confines of a building unless it is so screened by permanent ornamental wall, fences, or planting that it cannot be seen from adjoining streets or lots when viewed by a person standing on ground level; provided, however, that no screening in excess of seven (7) feet in height shall be required, except automobile service stations, i.e., oil, batteries, tires, wiper blades, etc. No permanent open display will be permitted on sidewalks or public right-of-way. Automobile service stations may be used for the storage of rental trucks or trailers, provided, however the storage space shall be screened by walls or permanent ornamental fencing that the stored trucks or trailers cannot be seen from adjoining streets or lots where viewed by a person standing adjacent to the service station site on ground level; and further provided that no screening in excess of seven (7) feet in height shall be required.
### Specific Use Permit in C-C

- Amusement enterprise
- Auto court or tourist court
- Auto Pool
- College or University Hospital
- Commercial Resort Facilities when located on a 40 acre or larger tract
- Gun Club
- Homeless Center
- Marijuana Retailer
- Museum
- Public or Private Schools with a compulsory education curriculum
- Research Laboratories
- Storage warehouse
- Trade School
- Transmitting Tower
- Water Storage Facility
- Wholesale distributing center

### C-O

(continued)

Trade schools and schools for vocational training
Recreational uses associated with and maintained primarily for the benefit and use of the occupants and families of the uses listed above.
Shops and stores associated with and incidental to the uses listed above and maintained only for serving the occupants thereof.
Buildings and structures and uses customarily incidental and accessory to the above uses.
Name plate and sign relating only to the principal use. The sign, when located at the property line, shall have a maximum height of ten (10) feet, shall have a masonry base, and shall be lighted by spot lights or from within a translucent plastic face. No flashing or intermittent lighting shall be permitted.

### C-O

(includes all C-C uses)

Art gallery
Assembly halls for non-profit corporations
Business colleges
Hospital and sanatoriums
Hotel
Laboratories for research and testing
Museums
Music conservatories
Office buildings in which no activity is carried on catering to retail trade with the general public and no stock of goods is maintained for sale to customers. These shall include, but shall not necessarily be limited to, doctors, dentists, lawyers, architects, and engineers; provided, however, that this shall in no way be construed as permitting undertaking establishments and funeral homes.
Public and private schools and colleges with students in residence and dormitories associated therewith.

### C-C

(includes R-G uses)

- Antique shops
- Appliance store
- Artists supplies and hobby shop
- Automobile parking lot
- Bakery shop
- Barber and beauty shops
- Book store
- Camera shop
- Candy store
- Car wash
- Catering establishments
- Clothing or wearing apparel shops
- Curio shop
- Dairy products store
- Delicatessen
- Drug store
- Florist shop
- Furniture store
- Gift shop
- Grocery shop
- Hardware store
- Jewelry shop
- Laundry and dry cleaning pick-up stations
- Meat store
- Medical facility
- Music store
- Newspaper or magazine sales
### C-C (Continued)

<table>
<thead>
<tr>
<th>Business Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notion store</td>
</tr>
<tr>
<td>Office supply store</td>
</tr>
<tr>
<td>Optometrist sales and services</td>
</tr>
<tr>
<td>Paint and decorating shop</td>
</tr>
<tr>
<td>Pharmacy</td>
</tr>
<tr>
<td>Photographer studio</td>
</tr>
<tr>
<td>Radio and TV sales and service</td>
</tr>
<tr>
<td>Restaurants (not drive-in)</td>
</tr>
<tr>
<td>Self-service laundries</td>
</tr>
<tr>
<td>Sewing machine sales and service</td>
</tr>
<tr>
<td>Shoe repair shop</td>
</tr>
<tr>
<td>Sporting goods store</td>
</tr>
<tr>
<td>Supermarket</td>
</tr>
<tr>
<td>Tailor shop</td>
</tr>
<tr>
<td>Theater</td>
</tr>
<tr>
<td>Toy store</td>
</tr>
<tr>
<td>Variety store</td>
</tr>
</tbody>
</table>

Accessory buildings and uses customarily incidental to the above uses, provided that there shall be no manufacturing of products other than such as are customarily incidental to retail establishments.

Any other commercial use deemed by the board of adjustment to be of a similar nature to those listed above.

### Specific Use Permit in R-G (continued)

<table>
<thead>
<tr>
<th>Use Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dormitories, halfway housing, quarter housing</td>
</tr>
<tr>
<td>Home Occupation – Type II</td>
</tr>
<tr>
<td>Mobile home parks, in compliance with § 12-275 of this chapter and Chapter 3, Part 19 of this code</td>
</tr>
<tr>
<td>Nursing Home</td>
</tr>
<tr>
<td>Public or Private Schools with a compulsory education curriculum</td>
</tr>
<tr>
<td>Religious Institution</td>
</tr>
</tbody>
</table>

### R-S

<table>
<thead>
<tr>
<th>Use Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family detached dwellings and duplexes, subject to the requirements of this chapter, but not including trailer houses or mobile homes.</td>
</tr>
<tr>
<td>Public schools and private schools where the curriculum is similar in nature and preparation of course work to the public schools.</td>
</tr>
<tr>
<td>Public park or playground</td>
</tr>
<tr>
<td>Agricultural uses of the garden type that are not intended for commercial purposes.</td>
</tr>
<tr>
<td>Police or fire stations</td>
</tr>
<tr>
<td>Home occupation minor (Type I)</td>
</tr>
</tbody>
</table>

### Specific Use Permit in R-G

<table>
<thead>
<tr>
<th>Use Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apartments</td>
</tr>
<tr>
<td>Child Care Center or similar use as determined by DHS rules.</td>
</tr>
<tr>
<td>Convalescent home, rest home, and hospitals, public or private.</td>
</tr>
<tr>
<td>Dormitories, halfway housing, quarter housing</td>
</tr>
<tr>
<td>Home Occupation – Type II</td>
</tr>
<tr>
<td>Mobile home parks, in compliance with § 12-275 of this chapter and Chapter 3, Part 19 of this code</td>
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<tr>
<td>Nursing Home</td>
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<tr>
<td>Public or Private Schools with a compulsory education curriculum</td>
</tr>
<tr>
<td>Religious Institution</td>
</tr>
</tbody>
</table>
PLEASE NOTE:
This map was created solely as a representation use by the City of Choctaw, Oklahoma. The City of Choctaw, Oklahoma assumes no responsibility for the content or accuracy of this map.

Map Created:
March 20, 2020
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 AG Requested Zoning Classification C-G

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

See Attachment

Street Address or Other Common Property Description: 1401 S. Choctaw Road

Property Owner's Name(s): Raymond Modisette

If corporation, Corporate Official Name and Seal: 

Mailing Address: 12125 SE 15th

Choctaw OK 73020

Email Address: rmodisette@cox.net

Telephone: 405-520-8685 Fax:

PROPERTY OWNER'S 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: 

Signature: 

Address: 

Telephone: 

Dec 2018
QUESTIONS ON REZONING APPLICATION

[Attach additional sheets if necessary]

1. What is the current use of the property? Agriculture

2. Why are you requesting a change in zoning? Lot Split

3. Are there any deed restrictions of restrictive covenants that would affect the use of this property?
   If so, what are they and attach a copy to this application? No

4. Has a rezoning ever been requested for this property in the past by the current owner?
   If so, what zoning classification was requested and when? No

5. If the rezoning is approved, does the applicant intend to develop the property? No
To whom it may concern,

I would like to request a re-zone of this property in preparation of a lot split. We would like to have the flexibility of selling this to future local business or for a new home to be built. The zoning that is being requested would fulfill either of these needs.

Raymond Modisette
12125 SE 15th St
Choctaw, OK 73020
405.820.8585
QUIT CLAIM DEED
(All of Grantor's Interest)

STATE OF OKLAHOMA  )
COUNTY OF OKLAHOMA  )

For Ten and No/100 Dollars ($10.00) and other good and adequate consideration, RAYMOND A. MODISETTE and MARY ANN BARR, formerly MARY A. MODISETTE, Joint tenants with right of survivorship, 12125 S.E. 15th, Choctaw, Oklahoma 73020, heretofore referred to collectively as Grantor, convey, assign and quit claim to RAYMOND A. MODISETTE, 12125 S.E. 15th, Choctaw, Oklahoma 73020, hereinafter referred to as Grantee, all of Grantor’s right, title and interest in and to the following lands and any appurtenances thereto in the county and state named above:

Part of the SE/4 of Section 2-11N-1W being the N/2SE/4 SE/4 SE/4 with a physical address of 1401 S. Choctaw Road, Choctaw, Oklahoma 73020

Grantor deems to have conveyed and assigned to Grantee all of Grantor’s Interest in the lands and further Grantor shall not have, claim or demand any rights, title or interests in the lands or any part of the lands.

This Quit Claim Deed is signed by Grantor as of the date of acknowledgement of Grantor’s signature below.

Grantor:

RAYMOND A. MODISETTE
MARY ANN BARR

STATE OF OKLAHOMA  )
COUNTY OF OKLAHOMA  )

Sworn to and subscribed before me by the said RAYMOND A. MODISETTE and MARY ANN BARR, formerly MARY A. MODISETTE, on this the 26th day of June, 2017, to certify which witness my hand and official seal.

Notary Public

My Commission Expires: 2/13/2021

20170404381
Filing Fee: $13.00
07/06/2017 11:24:31 AM
DEED
Larry Stein
Oklahoma County Assessor’s Office

Ownership Radius Report

This Report is for Account Number R194805300 and is a 300-foot radius from the outside of the polygon. If the minimum number of different owners was not reached it was extended by 100-foot increments until the required number of different owners was reached, or the maximum distance was reached. This report does not constitute a legal survey or document, for definitive description of real property and ownership; consult the deeds recorded in the Oklahoma County Clerks Office.
| accountno | name1           | name2             | mailingaddress1 | mailingaddress2 | city    | state | zipcode | subname | block | lot | legal                                                                 | location                        |
|-----------|----------------|-------------------|-----------------|-----------------|---------|-------|---------|---------|-------|----------------------------------------------------------|---------------------------------|
| R194805300 | MODISSETTE RAYMOND A |                   | 12125 SE 15TH ST |                 | CHOCTAW | OK    | 73020-7101 | UNPLTD PT SEC 02 11N 1W 000 000 PT OF SE4 SEC 2 11N 1W 1/2 OF SE4 OF SE4 OF SE4 | 1401 S CHOCTAW RD               |
| R194805500 | COX EMILY J & LOUIS H |                   | 14943 SE 15TH ST |                 | CHOCTAW | OK    | 73020-7007 | UNPLTD PT SEC 02 11N 1W 000 000 PT OF SE4 SEC 2 11N 1W E 1/2 OF SW4 OF SE4 OF SE4 LESS A TRIN SW/C 47FT E&W BY 186FT N&S | 15493 SE 15TH ST               |
| R194785175 | BOYLE 2 LLC      |                   | 20975 SE 29TH ST |                 | HARRAH  | OK    | 73045   | UNPLTD PT SEC 01 11N 1W 000 000 PT SW4 SEC 1 11N 1W BEG AT SW/C OF SW4 TH E466.69FT N466.69FT W466.69FT S466.69FT TO BEG OR TR 81 BONANZA ACRS UNREC EX S&W 33FT | 1530 S CHOCTAW RD, Unit A CHOCTAW |
| R194805010 | KRINGLEN KYLE D   |                   | 14822 SE 12TH ST |                 | CHOCTAW | OK    | 73020-7002 | UNPLTD PT SEC 02 11N 1W 000 000 PT SE4 SEC 2 11N 1W BEG 250.23FT W NE/C NW4 OF SE4 OF SE4 TH S659.22FT W250.0FT N659.25FT E250.0FT TO BEG CONT 3.78ACRS MORE OR LESS EX N25FT FOR RD | 14822 SE 12TH ST               |

Oklahoma County Assessor
300 ft. Radius Report
1/31/2020
<table>
<thead>
<tr>
<th>Parcel Number</th>
<th>Owner</th>
<th>Address</th>
<th>City</th>
<th>County</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>194805000</td>
<td>DAVIS NANCY FAY</td>
<td>14826 SE 12TH ST</td>
<td>CHOCTAW</td>
<td>OK</td>
<td>UNPLTD PT SEC 02 13N 1W 000 000 PT 12N 1W BEG NE/C NW/4 OF SE4 TH S859.13FT W247.45FT N659.22FT E252.03FT TO BEG CONT 3.78ACRS MORE OR LESS EX 25FT FOR RD 14826 SE 12TH ST CHOCTAW</td>
</tr>
<tr>
<td>194805250</td>
<td>OKLAHOMA SELF STORAGE LLC</td>
<td>1037 W AMETHYST DR</td>
<td>ST GEORGE</td>
<td>UT</td>
<td>UNPLTD PT SEC 02 13N 1W 000 000 PT 12N 1W BEG NW 256.24FT W OF SE/C SE4 TH W403.83FT N330.01FT E461.93FT S159.98FT W58.24FT S170FT TO BEG CONT 3.27ACRS MORE OR LESS SUBJ TO ESMTS OF RECORD 14945 SE 15TH ST CHOCTAW</td>
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<tr>
<td>194804750</td>
<td>BRYANT CHARLOTTE &amp; BILL CO TRS</td>
<td>2600 S SPENCER LN</td>
<td>CHOCTAW</td>
<td>OK</td>
<td>UNPLTD PT SEC 02 13N 1W 000 000 PT 12N 1W BEG 0 S/2 S/2 NE4 SE4 1221 S CHOCTAW RD CHOCTAW</td>
</tr>
<tr>
<td>194804755</td>
<td>BRYANT CHARLOTTE CO TRS</td>
<td>15343 NE 36TH ST</td>
<td>CHOCTAW</td>
<td>OK</td>
<td>UNPLTD PT SEC 02 13N 1W 000 000 PT 12N 1W BEG 0 S/2 S/2 NE4 SE4 1351 S CHOCTAW RD CHOCTAW</td>
</tr>
<tr>
<td>194782035</td>
<td>DYE BETTY L REV LIVING TRUST</td>
<td>735 N WHITE OAK AVE</td>
<td>MIDWEST CITY</td>
<td>OK</td>
<td>UNPLTD PT SEC 01 13N 1W 000 000 PT S15 1N 1W BEG 466.69FT N OF SW/C SW 1001.1FT N193.31FT W193.31FT TO BEG EX W38FT &amp; N30FT FOR ROADS 0 UNKNOWN</td>
</tr>
<tr>
<td>Parcel Number</td>
<td>Owner(s)</td>
<td>Address</td>
<td>Location</td>
<td>Zip Code</td>
<td>Description</td>
</tr>
<tr>
<td>---------------</td>
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<td>----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>R194785100</td>
<td>HOPE TRACY ANN</td>
<td>1346 S CHOCTAW RD</td>
<td>Choctaw</td>
<td>73020-7083</td>
<td>UNPLTD PT SEC 01 11N 1W 000 000 FT SW4 SEC 1 11N 1W BEG 685FT N &amp; 50FT E OF 5W/C SW4 TH N305FT E299.60FT SLY305 BFT W276.12FT TO BEG CONT 2.02ACRS MORE OR LESS SUBJ TO ESMTS OF RECORD 1346 S CHOCTAW RD CHOCTAW</td>
</tr>
<tr>
<td>R194805255</td>
<td>SIDDHI LLC</td>
<td>305 E MAIN ST</td>
<td>Jones</td>
<td>73049</td>
<td>UNPLTD PT SEC 02 11N 1W 000 000 FT OF SE4 SEC 2 11N 1W BEG SE/C SE4 TH W256.24FT N170FT E295.24FT S170FT TO BEG PLUS BEG 170FT N OF SE/C SE4 TH W198FT N159.98FT E198FT S159.97FT TO BEG CONT 73ACRS MO 0 UNKNOWN</td>
</tr>
</tbody>
</table>
AGENDA TITLE: Lot Split Application for a property located at 1401 S. Choctaw Road submitted by Raymond Modisette.

- Raymond Modisette is the owner of this 5 acre tract of land, located at 1401 S. Choctaw Road.

- Applicant is requesting a lot split to create two (2) lots. Proposed Tract 1 is 1.67 acres in size and will have 110 feet frontage along S. Choctaw Road. Proposed Tract 2 is 3.33 acres in size and will have 220 feet frontage along S. Choctaw Road.

- If the Planning Commission chooses to approve this lot split application, a caveat would have to be added to make the lot split approval contingent upon the rezoning request approval by City Council, so not to create a non-conformity.

Staff Comments: City Water and Sewer- The subject property is served by private water at this time. There is an existing twelve (12) inch water line in the South Choctaw Road right-of-way. However, this area of the City is not serviced by public sewer. Connection to City Water will be required with any future development or large improvements on Mr. Modisette’s property, based on the Code’s Mandatory Connection requirement.

Future Land Use Plan: The property’s designation is Low Density Residential. However as discussed above, the applicant is seeking to rezone his property to C-G “General Commercial District”. The properties to the South and East of the subject site are designated as Local Business. Local Business is described as “light retail, service uses, and professional office activities that aim to meet the needs of the residents in the immediate vicinity. This land designation includes boutique retail shops, small sized restaurants and services such as financial, legal and insurance.”
Raymond Modisette is the owner of this 5 acre tract of land, located at 1401 S. Choctaw Road. The property carries an A-G “General Agricultural District” zoning classification; however, the applicant has submitted a request to rezone to C-G “General Commercial District” (to be heard at the same meeting). Pursuant to §19-202 Short Form Subdivision, the applicant is requesting to subdivide the existing parcel into two (2) parcels to have the flexibility of selling the lots to a future local business and/or for a new home to be built. Rezoning to the C-G “General Commercial District” would allow for both commercial and residential uses on the property.

EXISTING ZONING AND BUILDING USE REGULATIONS
The current zoning for the property is A-G “General Agricultural District” which requires a minimum of five (5) acres lot area and a minimum lot frontage of 330 feet. The current parcel is 5 acres in size and has 330 feet frontage along S. Choctaw Road. The applicant is requesting to subdivide the property in an east-west manner.

Proposed Tract 1 is 1.67 acres in size and will have 110 feet frontage along S. Choctaw Road. Proposed Tract 2 is 3.33 acres in size and will have 220 feet frontage along S. Choctaw Road. The new lots do not meet the minimum requirements of the A-G “General Agricultural District; however, the applicant has requested to rezone his property to C-G “General Commercial District”. This request will be presented at the April 2nd, 2020 Planning Commission meeting as well. The minimum lot size for a C-G “General Commercial District” is 12,000 square feet and the minimum lot frontage requirement is 100 feet. Therefore if the Planning Commission chooses to approve this lot split application, a caveat would have to be added to make the lot split approval contingent upon the rezoning request approval by City Council, so not to create a non-conformity.

There is currently a single-family residence located on the five (5) acre site. Any development submittal will have to be reviewed by the City of Choctaw and appropriate state departments. The development will have to comply with subdivision and zoning regulations, as well as all state requirements. All appropriate permits will have to be issued by the appropriate parties.

COMPREHENSIVE PLAN
- **Future Development Density Plan:** The subject property is within the “Rural Protection Boundary”. The development density of this area is 0.5 to 1 dwelling unit per acre.
- **Land Use** – Historically, the existing parcel has been used for a single-family residence.
  - **Future Land Use** – The property’s designation on the Land Use Plan is Low Density Residential (shown in the purple rectangle below). However as discussed above, the applicant is seeking to
rezone his property to C-G “General Commercial District”. The properties to the South and East of the subject site are designated as Local Business (seen in red on the image below). Local Business is described as “light retail, service uses, and professional office activities that aim to meet the needs of the residents in the immediate vicinity. This land designation includes boutique retail shops, small sized restaurants and services such as financial, legal and insurance.”

- **Transportation** – Please refer to the “Transportation” paragraph to identify the required road easement dedication along South Choctaw Road.
- **Infrastructure** – This area is currently not served by sanitary sewer; however there is public water available nearby. Please refer to paragraph below “Water and Sewer” to see more details regarding 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 AND SEWER**

The subject property is served by private water at this time. There is an existing twelve (12) inch water line in the South Choctaw Road right-of-way. However, this area of the City is not serviced by public sewer.

The City Code does require mandatory connections and extensions of water and sewer if the property is within five hundred (500) feet of an existing City water or sewer main. Additionally, extensions are required if any portion of a subdivision, multi-family development, non-residential development, or illegal lot split is within one thousand two hundred (1,200) feet of an existing water main. The closest water and sewer mains are over four thousand five hundred (4,500) feet away from this property.

Connection to City Water will be required with any future development or large improvements on Mr. Modisette’s property, based on the Code’s Mandatory Connection requirement.
The subject site is likely served by a private sanitary system, such as a septic system, as it is outside of the City’s current service boundary. There are no public sanitary sewer mains located within five hundred (500) feet for the property owner to extend or connect to as required by §19-165. Therefore, a private sanitary system is required and the installation/maintenance will have to adhere to the requirements of the City of Choctaw and Oklahoma Department of Environmental Quality (ODEQ).

**TRANSPORTATION**

The property has frontage along South Choctaw Road which is an arterial street. The Comprehensive Plan identifies arterials as roadways that are designed to convey longer trips and relatively heavy volumes of traffic; these roadways are primarily intended to provide mobility. These types of roadways may have four (4) to six (6) lanes of traffic requiring up to one hundred (100) feet of right-of-way. The statutory right-of-way requirement for arterials is thirty-three (33) feet on one half of the roadway and therefore an additional seventeen (17) feet of public roadway and utility easement will be dedicated with this lot split to allow for proper width for utility relocation and proper road widening.

**CITY OF CHOCTAW STAFF**

The City of Choctaw’s staff has reviewed the lot split for Mike Abernathy. Staff has completed its review of the lot split request.
PLEASE NOTE:
This map was created solely as a representation use by the City of Choctaw, Oklahoma. The City of Choctaw, Oklahoma assumes no responsibility for the content or accuracy of this map.

Map Created:
March 20, 2020
Applicant: Raymond Madonna
Address: 12125 SE 15th Choctaw, OK 73020
Phone: 405-826-8885  Cell: 405-826-8885
Email Address: rmadonna@comcast.net
Property address: 1401 S. Choctaw Road
Legal Description: Unplotted Pt Sec 2 T11N R1W
Pt of SE 4 Sec 2 T11N R1W N 1/4 of SE 4 of SE 4
Number of Acres: 5
Number of proposed tracts: 2
Property zoning district: A - C

I hereby certify and attest that I am the current and legal owner of the above described property located in the City of Choctaw and that I received a copy of the Policies and Procedures regulating this application.

Raymond Madonna  1-28-2020
Signature of Owner, or authorized agent  Date

*Owner or authorized agent must be present at public meeting.

Do Not Write Below This Line—Official Use Only

Permit #: 2002007  Receipt #: 1544
Total Amount Paid: $1,275.00  Date Paid: 2-3-2020
☐ Cash  ☑ Check # 993  ☐ Credit Card

County Parcel Number: 1206-19480-5300
SURVEYOR'S CERTIFICATE
January 24, 2020

I, Michael A. Dawson, a Professional Land Surveyor in the State of Oklahoma, do hereby certify that the field work was completed as of the date set forth above and that an on-the-ground survey was made under my supervision of a tract of land described as follows:

LEGAL DESCRIPTION
Part of the SE/4 of Section 2-11N-1W being the N/2 SE/4 SE/4.

This survey does not show:
The identifying titles of all recorded plats, filed maps, right-of-way maps, or similar documents with their appropriate recording data, filing dates and map numbers, of the surveyed premises. Nor does it show the names of adjoining owners as they appear of record and recorded lot or parcel numbers, recording information identifying the current description of record and similar information, where appropriate.

I further certify that the property corners were set or found as shown.

This 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, as adopted July 23, 2013.

Note: Only the improvements as shown hereon were located as per client's request.

Any alteration of this property boundary survey or legal description by any party other than the author, stated below, voids this property boundary survey and legal description and the plat of survey to which it relates.

Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts which an accurate and current title search may disclose.

MICHAEL A.
DAWSON
1516

PATHFINDER SURVEYING
1401 S. CHOCOLAT RD.

PART OF THE SOUTHEAST QUARTER
SECTION 2-11N-1W
OKLAHOMA COUNTY, OKLAHOMA

W--K FENCE
FIP=FOUND IRON PIN
SIP=SET IRON PIN WITH LS 1816 CAP
DNS=OID NOT SET
R--HEIGHT OF WAY

BASIS OF BEARING IS BASED ON
THE EAST LINE OF SE/4
NORTH 00° 28' 28" W

SCALE: 1" = 80'

VICINITY MAP

Legend
LEGAL DESCRIPTION

Tract 1

A part of Southeast Quarter (SE/4) of Section Two (2), Township Eleven (11) North, Range One (1) West of the Indian Meridian, Oklahoma County, Oklahoma, being more particularly described as follows:

COMMENCING at the Southeast corner of said SE/4, thence N00°28'28" W along the East line of said SE/4, said line being the basis of bearing for this description, a distance of 549.86 feet to the POINT OF BEGINNING; thence S89°57'22" W a distance of 659.90 feet to a point on the West line of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE/4 SE/4 SE/4) of said Section 2; thence N00°26'43" W along said West line a distance of 110.00 feet to the Northwest corner of the SE/4 SE/4 SE/4 of said Section 2; thence N89°57'22" E along the North line of said SE/4 SE/4 SE/4 a distance of 659.84 feet to a point on the East line of said SE/4; thence S00°28'28" E along said East line a distance of 110.00 feet to the point of beginning.

Said tract contains ±72583.8 square feet, or ±1.67 acres more or less.
LEGAL DESCRIPTION

Tract 2

A part of Southeast Quarter (SE/4) of Section Two (2), Township Eleven (11) North, Range One (1) West of the Indian Meridian, Oklahoma County, Oklahoma, being more particularly described as follows:

COMMENCING at the Southeast corner of said SE/4, thence N00°28'28"W along the East line of said SE/4, said line being the basis of bearing for this description, a distance of 329.93 feet to the POINT OF BEGINNING; thence S89°56'24"W a distance of 660.01 feet to a point on the West line of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE/4 SE/4 SE/4) of said Section 2; thence N00°26'43"W along said West line a distance of 220.12 feet; thence N89°57'22"E a distance of 659.90 feet to a point on the East line of said SE/4; thence S00°28'28"E along said East line a distance of 219.93 feet to the point of beginning.

Said tract contains ±145203.7 square feet, or ±3.33 acres more or less.
The West 17.00 feet of the East 50.00 feet of the following described property.

Part of the Southeast Quarter (SE/4) of Section Two (2), Township Eleven (11) North, Range One (1) West, of the Indian Meridian, Oklahoma County, Oklahoma, being the North Half, of the Southeast Quarter of the Southeast Quarter, of the Southeast Quarter. (N/2 SE/4 SE/4 SE/4).
QUIT CLAIM DEED
(All of Grantor's Interest)

STATE OF OKLAHOMA,
COUNTY OF OKLAHOMA

For Ten and No/100 Dollars ($10.00) and other good and adequate consideration, RAYMOND A. MODISSETTE and MARY ANN BARR, formerly MARY A. MODISSETTE, joint tenants with right of survivorship, 12125 S.E. 15th, Choctaw, Oklahoma 73020, herein referred to collectively as Grantor, convey, assign and quit claim to RAYMOND A. MODISSETTE, 12125 S.E. 15th, Choctaw, Oklahoma 73020, hereinafter referred to as Grantee, all of Grantor's right, title and interest in and to the following lands and any appurtenances thereto in the county and state named above:

Part of the SE/4 of Section 2-11N-1W being the N/2 SE/4 SE/4 SEY4 with a physical address of 1401 S. Choctaw Road, Choctaw, Oklahoma 73020.

Grantor deems to have conveyed and assigned to Grantee all of Grantor's interest in the lands and further Grantor shall not have, claim or demand any rights, title or interests in the lands or any part of the lands.

This Quit Claim Deed is signed by Grantor as of the date of acknowledgement of Grantor's signature below.

[Signature]

RAYMOND A. MODISSETTE

MARY ANN BARR

STATE OF OKLAHOMA,
COUNTY OF OKLAHOMA

Sworn to and subscribed before me by the said RAYMOND A. MODISSETTE and MARY ANN BARR, formerly MARY A. MODISSETTE, on this the 5th day of June, 2017, to certify which witness my hand and official seal.

[Signature]

Kendra Monroe
Notary Public

My Commission Expires: 3/1/21

2017080619035620
Filing Fee: $13.00
07/06/2017 11:24:31 PM
DEED

[Stamp]
AGENDA TITLE: Rezoning Application for a property located on SE 15th Street submitted by Mike Abernathy.

- Mike Abernathy is the owner of this 5 acre tract of land, located at on SE 15th Street, between Hiwassee Road and Anderson Road.

- Request is to rezone from A-G “General Agricultural District” to R-R “Rural Residential” to allow for a lot split.

- The current lot meets the A-G “General Agricultural District” regulations of a minimum lot size of five (5) acres and a minimum frontage of three hundred and thirty (330) feet. The proposed lots are 2.5 acres in size with 166.78 feet of frontage; these would meet the minimum requirements of an R-R “Rural Residential District”.

- City Water and Sewer - The property is currently on a private well and septic system as it is outside of the City's serviceable boundary.

- Comprehensive Plan: The subject property is within the “Rural Protection Boundary”. The development density of this area is 0.5 to 1 dwelling unit per acre.

- This request is also consistent with the Future Land Use Plan which delineates this area as Low Density Residential, which is defined as single-family homes with lots that are typically one acre or larger excluding rights of way.
Applicant: Mike Abernathy
Location: SE 15th Street
Current Zoning: A-G “General Agricultural District”
Proposed Zoning: R-R “Rural Residential District”

REQUEST SUMMARY
Mike Abernathy is the owner of this 5 acre tract of land, located at on SE 15th Street, between Hiwassee Road and Anderson Road. The owner is requesting a change of rezoning from A-G “General Agricultural District” to R-R “Rural Residential District” in order to apply for a lot split.

EXISTING ZONING, PROPOSED ZONING AND LAND USE
The current zoning for the subject site is A-G “General Agricultural District”. The site is currently vacant; the applicant is requesting to rezone in order to subdivide the property into two (2) equally sized lots.

The current lot meets the A-G “General Agricultural District” regulations of a minimum lot size of five (5) acres and a minimum frontage of three hundred and thirty (330) feet. The proposed lots are 2.5 acres in size with 166.78 feet of frontage; these would meet the minimum requirements of an R-R “Rural Residential District”.

The Area and Height Regulations for an R-R “Rural Residential District” are listed below and any variances to these regulations would require a Board of Adjustment approval.

1. Minimum lot area 43,560 sf;
2. Minimum lot frontage 110 feet;
3. Maximum height 35 feet;
4. Minimum front yard setback 50 feet;
5. Minimum side yard setback 15 feet; and
6. Minimum rear yard setback 20% depth of lot

Any development of the property will require a submittal of a site development plan and appropriate permits. The development will have to comply with subdivision regulations, designated zoning classification, and all State of Oklahoma rules and regulations.
SURROUNDING LAND USE AND ZONING
The land use and zoning for the properties surrounding this parcel and shown in the aerial image below are as follows:

**North:** The property to the north is zoned A-G “General Agricultural District” and is vacant.

**South:** To the south is Midwest City, but the uses are residential.

**East:** To the east is a A-G “General Agricultural District” property with a single family home.

**West:** To the west are more single-family homes within the R-R “Rural Residential District”.

COMPREHENSIVE PLAN

- **Future Development Density Plan:** The subject property is within the “Rural Protection Boundary”. The development density of this area is 0.5 to 1 dwelling unit per acre.

- **Land Use** – Historically, the existing parcel has been used for a single-family residence.
  - **Future Land Use** – Low Density Residential – *(Single family homes with lots that are typically one acre or larger excluding rights of way.)* The applicant’s proposal of two (2) lots resulting in lots at (1) acre or greater, meets the recommendations of the Comprehensive Future Land Use Plans.

- **Transportation** – Please refer to the “Transportation” paragraph to identify the required road easement dedication along SE 15th Street.

- **Infrastructure** – The property is outside of the City’s water and sewer serviceable area.

- **Livable City** – The development of these properties 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 AND SEWER
The subject property will have to be served by a private well and sanitary septic system as it is outside of the City’s current serviceable boundary.

The City Code does require mandatory connections and extensions of water and sewer if the property is within five hundred (500) feet of an existing City water or sewer main. Additionally, extensions are required if any portion of a subdivision, multi-family development, non-residential development, or illegal lot split is within one thousand two hundred (1,200) feet of an existing water main. The closest water and sewer mains are over four thousand five hundred (4,500) feet away from this property.

Installation of the well and septic system will require all appropriate permits and installation as required by the City of Choctaw, Oklahoma Water Resource Board (OWRB), and Oklahoma Department of Environmental Quality (ODEQ).

TRANSPORTATION
The property has frontage along SE 15th Street which is an arterial street. The Comprehensive Plan identifies arterials as roadways that are designed to convey longer trips and relatively heavy volumes of traffic; these roadways are primarily intended to provide mobility. These types of roadways may have four (4) to six (6) lanes of traffic requiring up to one hundred (100) feet of right-of-way. The statutory right-of-way requirement for arterials is thirty-three (33) feet on one half of the roadway and therefore an additional seventeen (17) feet of public roadway and utility easement will be dedicated with the lot split to allow for proper width for utility relocation and proper road widening.

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 A-G “General Agricultural District” to R-R “Rural Residential District”. This request is consistent with the Future Land Use Plan which delineates this area as Low Density Residential.
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 AG Requested Zoning Classification RR

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

Street Address or Other Common Property Description:

Property Owner’s Name(s): Mike Abernathy

If corporation, Corporate Official Name and Seal:

Mailing Address: 199 BEACON STREET

City: CHOCTAW State: OK Zip: 73020

Email Address: PHO5192.LIVE.com

Telephone: 405-615-9284 Fax:

PROPERTY OWNER’S 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
QUESTIONS ON REZONING APPLICATION
[Attach additional sheets if necessary]

1. What is the current use of the property? **VACANT LAND**

2. Why are you requesting a change in zoning? **SPLIT LOT TO SELL PROPERTY**

3. Are there any deed restrictions or restrictive covenants that would affect the use of this property?
   If so, what are they and attach a copy to this application? **NO**

4. Has a rezoning ever been requested for this property in the past by the current owner?
   If so, what zoning classification was requested and when? **NO**

5. If the rezoning is approved, does the applicant intend to develop the property?
   **NO**
JOINT TENANCY
WARRANTY DEED

Know All Men by These Presents:

THAT, Stephen W. Ford, a single person, party of the first part, in consideration of the sum of TEN and No/100 ($10.00) and other valuable considerations in hand paid, the receipt of which is hereby acknowledged, does hereby Grant, Bargain, Sell and convey unto Michael Abernathy and Debbie D. Abernathy, husband and wife as joint tenants and not as tenants in common, with full rights of survivorship, the whole estate to vest in the survivor in the event of the death of either, parties of the second part, the following described real property and premises situate in Oklahoma County, State of Oklahoma, to wit:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

Tax ID No.: 19464010
Grantee's Mailing Address: 199 BEACON ST.
                           OKC, OK 73120

together with all the improvements thereon and the appurtenances thereto belonging, and warrant the title to the same.

TO HAVE AND TO HOLD said described premises unto the said parties of the second part, as joint tenants, and to the heirs and assigns of the survivor forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature. SUBJECT to existing zoning, easements, right-of-ways and restrictive covenants on record.

Signed and delivered this 18th day of May, 2018

[Signature]
Stephen W. Ford

State of Oklahoma
County of Oklahoma

Before me, the undersigned, a Notary Public in and for said County and State on this 18th day of May, 2018, personally appeared, Stephen W. Ford, a single person, to me known to be the identical person(s) who executed the within and foregoing instrument and acknowledged to me that same was executed as the free and voluntary act and deed of said person(s) for the uses and purposes therein set forth.

Given under my hand and seal this day and year last above written.

[Signature]
Commission Expires

RETURN TO:
Stewart Title of Oklahoma, Inc.
701 N. Broadway, Suite 300
Oklahoma City, OK 73102

$172.50  2/15
EXHIBIT "A"
LEGAL DESCRIPTION

A tract in the Southwest Corner of the Southeast Quarter (SE/4) of Section Four (4), Township Eleven (11) North, Range One (1) West of the Indian Meridian, in Oklahoma County, Oklahoma, according to the Government Survey thereof, and more particularly described as follows to-wit: Beginning at the SW Corner of the said SE/4, thence North along the West line thereof 650 feet; thence East and parallel to the North line 330 feet; thence South parallel to the West line 660 feet; thence West parallel to the North line 330 feet to the point or place of beginning.
**Account:** R194664010  
**Type:** Residential  
**Location:** 0 UNKNOWN  
**Owner Name 1:** ABERNATHY MICHAEL & DEBBIE D  
**Owner Name 2:**  
**Billing Address 1:** 199 BEACON ST  
**Billing Address 2:**  
**City, State, Zip:** CHOCTAW, OK 73020  
**Associated:** Land Value: 115,000  
**Sect 4-T11N-R1W Qtr SE**  
**UNPLTD PT SEC 04 11N 1W Block 000 Lot 000**  
**UNPLTD PT SEC 04 11N 1W 000 000 PT SE4 SEC 4 11N 1W BEG SW/C OF SE4 N660FT E330FT S660FT W330FT TO BEG CONT 5ACRS MORE OR LESS LESS ROADWAY**  

**Full Legal Description:**

```
No comparable sales returned.
```

**Account #** | **Grant Year** | **Exemption Description** | **Amount**
--- | --- | --- | ---
R194664010 | 2020 | 5% Capped Account | 0

**Date** | **Type** | **Book** | **Page** | **Price** | **Grantee** | **Grantee**
--- | --- | --- | --- | --- | --- | ---
5/18/2018 | Deeds | 13744 | 408 | 115,000 | FORD STEPHEN W ABERNATHY MICHAEL & DEBBIE D
3/22/2011 | Deeds | 11603 | 102 | 65,000 | MOONEY DAVID W & VIRGINIA FORD STEPHEN W
11/1/1971 | Historical | 4011 | 1261 | 0 | MOONEY DAVID W & VIRGINIA

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APPLICATION CHECKLIST
ZONING CHANGE [REZONING]
City of Choctaw, Oklahoma

This checklist is provided to help you make sure that you submit everything that is required for a complete rezoning application. The application must be complete and all items listed on the checklist must accompany the application or this case WILL NOT be processed for hearing. The application must be submitted no later than 3:00 p.m. to Choctaw City Hall, at least thirty (30) days prior to the Planning Commission public hearing at which the request for rezoning will be heard. Contact the Development Services Department at 405.390.5136 for filing deadlines and meeting dates.

APPLICATION FORM:

Incomplete applications will not be considered.
Completed application, with supporting documents, must be submitted thirty (30) days prior to the Planning Commission hearing.

☐ List the current zoning classification of the property.
☐ List the zoning classification you are requesting. See the Choctaw Zoning Regulations, Chapter 12, for specific zoning district classifications.
☐ Provide the legal description of the property to be rezoned. You may attach the legal description on a separate sheet.
☐ Current property owner must sign the application unless there is an authorized representative. If authorized representative, include Power of Attorney.
☐ Provide a copy of Warranty Deed (as evidenced by OK County). If filed with County less than five (5) years—show proof of receiving legal lot split approval.

Provide one (1) Certified survey of total site with the following information:
1. Legal description of total area and computed area to the hundredth of an acre;
2. Scale, North Point and Date;
3. Key map showing the location of the tracts referenced to existing and proposed major streets and section line roads.
4. Location of existing building (size and type) and dedicated streets at the point where they adjoin and/or are immediately adjacent to the site;
5. Length of boundaries of the tracts created and proposed location and width of streets, alleys, and types of easements and building setback lines where applicable;
6. Location of utilities including existing or proposed, whether on or adjacent to the site;
7. General drainage shown by use of directional arrows; and

☐ Provide an answer to questions 1-5 on the application.

PROPERTY OWNERS NOTIFICATION:

Provide a certified list of all property owners’ names and addresses within 300’ of the area to be rezoned that has been compiled and prepared by the Oklahoma County Assessor’s Office or a title company authorized to issue title policies in the state of Oklahoma.

EASEMENTS:

If located on a section line road, the property owners requesting rezoning must provide the City of Choctaw with a 17’ road and utility easement and shall be submitted with this application.

NOTE:
The Choctaw Planning Commission SHALL NOT forward its recommendation to the City Council when the applicant or the applicant’s agent does not appear at the public hearing to provide evidence regarding the request for a change in zoning classification. Also, final action by the city Council SHALL NOT be taken until the applicant has reimbursed the City for the costs of advertising and mail notifications to adjacent property owners.

Submit Application To:
Choctaw City Hall
PO Box 567
2500 N Choctaw Rd
Choctaw, OK 73020

For mail delivery, use the PO Box address and for hand delivery or parcel delivery, use the street address.
Larry Stein
Oklahoma County Assessor's Office

Ownership Radius Report

This Report is for Account Number R194664010 and is a 300-foot radius from the outside of the polygon. If the minimum number of different owners was not reached it was extended by 100-foot increments until the required number of different owners was reached, or the maximum distance was reached. This report does not constitute a legal survey or document, for definitive description of real property and ownership; consult the deeds recorded in the Oklahoma County Clerks Office.
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| R168521210| JONES THERON CUNTON |                    | 12969 SE 15TH ST| CHOCTAW         | OK      |       | 73020-7101| CASS    | 000   | 000 | CASS TOWNSHIP 000 000 PT SE4 SEC 4 11N 1W SE4 EX 51/2 OF 51/2 | 0 UNKNOWN | 2008     |
| R156051000| JOHNSON DONIE B &amp; B | JOANN               | 14050 HUMMINGBIRD DR |                | CHOCTAW | OK    | 73020-7018| UNPLTD PT SEC 05 11N 1W | 000   | 000 | UNPLTD PT SEC 05 11N 1W 000 000 PT NW4 SEC 9 11N 1W W 1/2 OF E 1/2 E 1/2 NE4 NW4 CONT SACRS MORE OR LESS PLUS A TR BEING E2 OF W2 E2 NE4 NW4 EX A TR BEG 329.81FT W OF NE/C NW4 TH W164.51FT | 0 UNKNOWN | 2008     |
| R194667500| NOSSAVAN TIMOTHY B  |                    | 12500 MAX LN    | CHOCTAW         | OK      |       | 73020-7161| UNPLTD PT SEC 04 11N 1W | 000   | 000 | UNPLTD PT SEC 04 11N 1W 000 000 PT NW4 SEC 4 11N 1W PT N10ACRS OF E15ACRS OF SE4 OF NW4 BEG1319.76FT N &amp; 2395.81FT E OF SW/C SW4 TH E246.35FT S881.01FT W242.87FT N880.92FT TO BEG CONT 4.55ACRS MORE OR | 12500 MAX LN | 2017     |
| R194664000| AMICO ETHE ANN      |                    | 12601 SE 15TH ST| CHOCTAW         | OK      |       | 73020-7102| UNPLTD PT SEC 04 11N 1W | 000   | 000 | UNPLTD PT SEC 04 11N 1W 000 000 PT SE4 SEC 4 11N 1W BEG 330FT E OF SW/C OF SE4 N660FT E330FT S660FT W330FT TO BEG CONT SACRS MORE OF LESS ROADWAY | 12601 SE 15TH ST | 1998     |</p>
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<td>12518 SE 16TH CT</td>
<td>CHOCTAW</td>
<td>73020-6710</td>
<td>SUNDANCE SEC 1</td>
<td>002 008</td>
</tr>
<tr>
<td>R209351280</td>
<td>SOX INVESTMENTS LLC</td>
<td>15100 S WESTERN AVE STE 100</td>
<td>OKLAHOMA CITY</td>
<td>73170-9359</td>
<td>SUNDANCE SEC 1</td>
<td>002 009</td>
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<tr>
<td>R209351290</td>
<td>COOPER DUSTIN J &amp; CHRISTI A</td>
<td>12510 SE 16TH CT</td>
<td>CHOCTAW</td>
<td>73020-6710</td>
<td>SUNDANCE SEC 1</td>
<td>002 010</td>
</tr>
</tbody>
</table>
AGENDA TITLE: Lot Split Application for a property located on SE 15th Street submitted by Mike Abernathy.

- Mike Abernathy is the owner of this 5 acre tract of land, located at on SE 15th Street, between Hiwassee Road and Anderson Road.

- Applicant is requesting a lot split to create two (2) lots. Both Proposed Tracts A and B are identical. They will be 2.51 acres in size and will have 166.78 feet of frontage along SE 15th Street.

- If the Planning Commission chooses to approve this lot split application, a caveat would have to be added to make the lot split approval contingent upon the rezoning request approval by City Council, so not to create a non-conformity.

City Water and Sewer- The subject property will have to be served by a private well and sanitary septic system as it is outside of the City’s current serviceable boundary.

Comprehensive Plan: The subject site falls within the “Rural protection boundary” on the future density plan, which notes a development density of 0.5-1 dwelling unit per acre. Mr. Abernathy’s request is to lot split to allow for two future single-family residences on a 2.5 acre tract of lands; therefore his request is within the parameters set for the “Rural Protection Boundary” density.

This request is also consistent with the Future Land Use Plan which delineates this area as Low Density Residential, which is defined as single-family homes with lots that are typically one acre or larger excluding rights of way.
Applicant: Mike Abernathy

Location: SE 15th Street

Current Zoning: A-G “General Agricultural District”

Request: Subdivide a 5 acre tract of land into 2 tracts

Mike Abernathy is the owner of this 5 acre tract of land, located at on SE 15th Street, between Hiwassee Road and Anderson Road. The property carries an A-G “General Agricultural District” zoning classification; however, the applicant has submitted a request to rezone to R-R “Rural Residential District” (to be heard at the same meeting). Pursuant to §19-202 Short Form Subdivision, the applicant is requesting to subdivide the existing parcel into two (2) parcels sell and/or build two single family homes on each lot.

EXISTING ZONING AND BUILDING USE REGULATIONS
The current zoning for the property is A-G “General Agricultural District” which requires a minimum of five (5) acres lot area and a minimum lot frontage of 330 feet. The current parcel is 5 acres in size and has 333 feet frontage along SE 15th Street. The applicant is requesting to subdivide the property in a north-south manner.

Both Proposed Tracts A and B are identical. They will be 2.51 acres in size and will have 166.78 feet of frontage along SE 15th Street. The new lots do not meet the minimum requirements of the A-G “General Agricultural District”; therefore, the applicant has submitted an application for rezoning the property to an R-R “Rural Residential District”. This request will be presented at the April 2nd, 2020 Planning Commission meeting as well. The minimum lot size for an R-R “Rural Residential District” is 1 acre and the minimum lot frontage requirement is 110 feet. Therefore if the Planning Commission chooses to approve this lot split application, a caveat would have to be added to make the lot split approval contingent upon the rezoning request approval by City Council, so not to create a non-conformity.

The original tract of land is currently vacant. Any development submittal will have to be reviewed by the City of Choctaw and appropriate state departments. The development will have to comply with subdivision and zoning regulations, as well as all state requirements. All appropriate permits will have to be issued by the appropriate parties.

COMPREHENSIVE PLAN
- Future Development Density Plan: The subject property is within the “Rural Protection Boundary”. The development density of this area is 0.5 to 1 dwelling unit per acre.
- Land Use – Historically, the existing parcel has been used for a single-family residence.
  - Future Land Use – Low Density Residential – (Single family homes with lots that are typically one are or larger excluding rights of way.) The applicant’s proposal of two (2) lots resulting in lots at (1) acre or greater, meets the recommendations of the Comprehensive Future Land Use Plans.
- **Transportation** – Please refer to the “Transportation” paragraph to identify the required road easement dedication along SE 15th Street.
- **Infrastructure** – The property is outside of the City’s water and sewer serviceable area.
- **Livable City** – The development of these properties 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.

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**WATER AND SEWER**

The subject property will have to be served by a private well and sanitary septic system as it is outside of the City’s current serviceable boundary.

The City Code does require mandatory connections and extensions of water and sewer if the property is within five hundred (500) feet of an existing City water or sewer main. Additionally, extensions are required if any portion of a subdivision, multi-family development, non-residential development, or illegal lot split is within one thousand two hundred (1,200) feet of an existing water main. The closest water and sewer mains are over four thousand five hundred (4,500) feet away from this property.

Installation of the well and septic system will require all appropriate permits and installation as required by the City of Choctaw, Oklahoma Water Resource Board (OWRB), and Oklahoma Department of Environmental Quality (ODEQ).
TRANSPORTATION
The property has frontage along SE 15th Street which is an arterial street. The Comprehensive Plan identifies arterials as roadways that are designed to convey longer trips and relatively heavy volumes of traffic; these roadways are primarily intended to provide mobility. These types of roadways may have four (4) to six (6) lanes of traffic requiring up to one hundred (100) feet of right-of-way. The statutory right-of-way requirement for arterials is thirty-three (33) feet on one half of the roadway and therefore an additional seventeen (17) feet of public roadway and utility easement will be dedicated with this lot split to allow for proper width for utility relocation and proper road widening.

CITY OF CHOCTAW STAFF
The City of Choctaw’s staff has reviewed the lot split for Mike Abernathy. Staff has completed its review of the lot split request.
PLEASE NOTE:
This map was created solely as a
representation use by the City of
Choctaw, Oklahoma. The City of
Choctaw, Oklahoma assumes no
responsibility for the content or
accuracy of this map.

Map Created:
March 19, 2020
PLAT OF SURVEY
PART OF THE SE/4, SEC. 4, T11N,
R1W, I.M., OKLAHOMA COUNTY, OKLAHOMA

PARENT LEGAL DESCRIPTION

A tract of land being in the Southwest Corner of the Southeast Quarter (SE/4) of Section Four (4), Township 11 North (T11N), Range 1 West (R1W) of the Indian Meridian, Oklahoma County, Oklahoma, according to the Government thereof, and more particularly described as follows:
Beginning at the Southwest Corner of the said Southeast Quarter (SE/4); thence North along the West line thereof 660.00 feet; thence East and parallel to the North line 330.00 feet; thence South parallel to the West line 660.00 feet; thence West parallel to the North line 330.00 feet to the Point of Beginning.

AND

TRACT A

A tract of land being part of the Southwest Quarter (SW/4) of the Southeast Quarter (SE/4) of Section Four (4), Township 11 North (T11N), Range 1 West (R1W) of the Indian Meridian, Oklahoma County, Oklahoma being more described as follows:
Beginning at the Southwest Corner of the Southeast Quarter (SE/4) of Section Four (4); thence East along the South line of the Southwest Quarter (SE/4), North 89'58"08'E East a distance of 166.78 feet to a point; thence North 00'18"16' West a distance of 659.89 feet to a point; thence South 89'45"08'E West a distance of 165.00 feet to a point; thence South 00'08"59'E East a distance of 659.89 feet to the Point of Beginning.

TRACT B

A tract of land being part of the Southwest Quarter (SW/4) of the Southeast Quarter (SE/4) of Section Four (4), Township 11 North (T11N), Range 1 West (R1W) of the Indian Meridian, Oklahoma County, Oklahoma being more described as follows:
Commencing at the Southwest Corner of the Southeast Quarter (SE/4) of Section Four (4); thence East along the South line of the Southeast Quarter (SE/4), North 89'56"08'E East a distance of 166.78 feet to the Point of Beginning; thence continuing East along the South line of Section Four (4), North 89'56"08'E East a distance of 165.00 feet to a point; thence North 00'27"33' West a distance of 659.91 feet to a point; thence South 89'58"08'E West a distance of 165.00 feet to a point; thence South 00'18"16' East a distance of 659.89 feet to the Point of Beginning.

PLAT OF SURVEY
TO SERVE
ABERNATHY
SAH-4601

This Plat of Survey meets the standards established Title 58 O.S. 471.1 and Chapter 246:10-1-1-3 of the rules of the Board of Licensure for Professional Engineers and Land Surveyors.

Basis of Bearing: GIRD NORTH

Last Site Visit: 04/04/2019

GR, WHitere, 4/30/2019 1-6,578 sq. ft. 8/20/2019 OKLA., CITY, OKLAHOMA 73102 2019 741-1677 2019 741-1677

SCALE:

1/"=100'

Sheet No.

2 or 2

SURVEYOR:

ALLEN E. HENRY

NOTARY PUBLIC COMMISSION #16000981

LARRY DALE JAMES

DATED: 04/04/2019

PLAT OF SURVEY

TO SERVE

ABERNATHY

SAH-4601

This Plat of Survey meets the standards established Title 58 O.S. 471.1 and Chapter 246:10-1-1-3 of the rules of the Board of Licensure for Professional Engineers and Land Surveyors.

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Signature:

ALLEN E. HENRY

NOTARY PUBLIC COMMISSION #16000981

LARRY DALE JAMES

DATED: 04/04/2019

Signature:

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ALLEN E. HENRY

NOTARY PUBLIC COMMISSION #16000981

LARRY DALE JAMES

DATED: 04/04/2019

Signature:

ALLEN E. HENRY

NOTARY PUBLIC COMMISSION #16000981

LARRY DALE JAMES

DATED: 04/04/2019

Signature:
Applicant: Mike Abemathy

Address: 195 Beaver St, Choctaw, OK 73020

Phone: 405-615-8284 Cell: 405-615-8284

Property address: ____________________________

Legal Description: See Attachment Exhibit A

Number of Acres: 5

Number of proposed tracts: 2

Property zoning district: Proposed Rezone to RR

I hereby certify and attest that I am the current and legal owner of the above described property located in the City of Choctaw and that I received a copy of the Policies and Procedures regulating this application.

Signature of Owner, or authorized agent: ____________________________

Date: 02-25-2020

*Owner or authorized agent must be present at public meeting.

Do Not Write Below This Line—Official Use Only

Permit #: 2002078 Receipt #: 1635

Total Amount Paid: $650.00 Date Paid: 2-25-2020

□ Cash □ Check # 3993 □ Credit Card ____________________________

County Parcel Number: 1214-194160-4010

Apr 2018
JOINT TENANCY
WARRANTY DEED

Know All Men by These Presents:

THAT, Stephen W. Ford, a single person, party of the first part, in consideration of the sum of TEN and No/100 ($10.00) and other valuable considerations in hand paid, the receipt of which is hereby acknowledged, does hereby Grant, Bargain, Sell and Convey unto Michael Abernathy and Debbie D. Abernathy, husband and wife as joint tenants and not as tenants in common, with full rights of survivorship, the whole estate to vest in the survivor in the event of the death of either, parties of the second part, the following described real property and premises situate in Oklahoma County, State of Oklahoma, to wit:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

Tax ID No.: 194664010
Grantee's Mailing Address: 199 Beacon St, Chickasha, OK 73018
together with all 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 parties of the second part, as joint tenants, and to the heirs and assigns of the survivor forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature. SUBJECT to existing zoning, easements, right-of-ways and restrictive covenants of record.

Signed and delivered this 18th day of May, 2018

[Signature]

Stephen W. Ford

STATE OF OKLAHOMA
COUNTY OF OKLAHOMA

Before me, the undersigned, a Notary Public in and for said County and State on this 18th day of May, 2018, personally appeared, Stephen W. Ford, a single person, to me known to be the identical person(s) who executed the within and foregoing instrument and acknowledged to me that same was executed as the free and voluntary act and deed of said person(s) for the uses and purposes therein set forth.

Given under my hand and seal the day and year last above written.

Commission Expires:

RETURN TO:
Stewart Title of Oklahoma, Inc.
701 N. Broadway, Suite 300
Oklahoma City, OK 73102

$172.50 2/15
EXHIBIT "A"
LEGAL DESCRIPTION

A tract in the Southwest Corner of the Southeast Quarter (SE/4) of Section Four (4) Township Eleven (11) North, Range One (1) West of the Indian Meridian, in Oklahoma County, Oklahoma, according to the Government Survey thereof, and more particularly described as follows to-wit: Beginning at the SW Corner of the said SE/4, thence North along the West line thereof 660 feet; thence East and parallel to the North line 330 feet; thence South parallel to the West line 660 feet; thence West parallel to the North line 330 feet to the point or place of beginning.
AGENDA TITLE: Lot Split Application for a property located at 728 N Westminster Road submitted by TFH Inc.

- TFH Inc. is the owner of this 3 acre tract of land, located at 728 N Westminster Road.

- Applicant is requesting a lot split to create two (2) lots. Proposed Tract 1 is 1.67 (not including right-of-way) with 173 feet of frontage and Proposed Tract 2 is 1 acre (not including right-of-way) with 112 feet of frontage.

- The side yard setback for a one story building in the R-R "Rural Residential District" is 15 feet for primary buildings. The larger home will be 15.5 feet away from the new property line and the smaller home will be 24.5 feet. As both of these buildings are one story building, the side yard setback requirements will be met.

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

Comprehensive Plan: The subject site falls within the “Rural protection boundary” on the future density plan, which notes a development density of 0.5-1 dwelling unit per acre. TFH Inc.’s request is within the parameters set for the “Rural Protection Boundary” density.

This request is also consistent with the Future Land Use Plan which delineates this area as Low Density Residential, which is defined as single-family homes with lots that are typically one acre or larger excluding rights of way.
TFH Inc. is the owner of this 3 acre un-platted tract of land, located at 728 N Westminster Road. The property carries an R-R “Rural Residential District” zoning classification. Pursuant to §19-202 Short Form Subdivision, the applicant is requesting to subdivide the existing parcel into two (2) parcels; both lots will front along N Westminster Road.

**EXISTING ZONING AND BUILDING USE REGULATIONS**

The current zoning for the property is R-R “Rural Residential District” which requires a minimum of 43,560 square foot lot size and a minimum lot frontage of 110 feet. The property is bound by R-R “Rural Residential District” on the north, east and south; to the west is Midwest City. There are currently two homes on the lot: one was constructed in 1970 and is 3,002 square feet; and the other was constructed in 1986 and is 988 square feet.

The current parcel is 3 acres in size and has 285.11 feet frontage along N Westminster Road. The applicant is requesting to subdivide the property in an east-west manner. Both Tract 1 and Tract 2 will front N Westminster Road. There are currently two driveways leading to the subject site and with the lot split, each lot will have a driveway. Proposed Tract 1 is 1.67 (not including right-of-way) with 173 feet of frontage and Proposed Tract 2 is 1 acre (not including right-of-way) with 112 feet of frontage.
The side yard setback for a one story building in the R-R “Rural Residential District” is 15 feet for primary buildings and 10 feet for accessory buildings. The larger home on the property will be 15.5 feet away from the new property line and the smaller home will be 24.5 feet. As both of these buildings are one story building, the side yard setback requirements will be met.

Any development submittal will have to be reviewed by the City of Choctaw and appropriate state departments. The development will have to comply with subdivision and zoning regulations, as well as all state requirements. All appropriate permits will have to be issued by the appropriate parties.

**COMPREHENSIVE PLAN**

- **Future Development Density Plan:** The subject property is within the “Rural Protection Boundary”. The development density of this area is 0.5 to 1 dwelling unit per acre. TFH Inc.’s request is to lot split is within the parameters set for the “Rural Protection Boundary” density.
- **Land Use** – Historically, the existing parcel has been used for a single-family residence.
  - **Future Land Use** – Low Density Residential – *(Single family homes with lots that are typically one are or larger excluding rights of way.)* The applicant’s proposal of two (2) lots resulting in lots at (1) acre or greater, meets the recommendations of the Comprehensive Future Land Use Plans.
  - **Physical Constraints** – There are no built or natural constraints present as listed in the Comprehensive plan, but if the property is developed, the developer will need to be aware of any stormwater drainage, stormwater quality, and all other environmental impacts.
- **Transportation** – The property is accessed via N Westminster Road which is an arterial street. Please refer to the “Transportation” paragraph to identify the required road easement dedication.
- **Infrastructure** – The property owner will have to meet all infrastructure requirements as discussed in the Comprehensive Plan and the City Code with any future development of these sites. Please refer to paragraphs “Water and Sewer” to see more details regarding mandatory connections and extensions.
- **Livable City** – The development of these properties 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 AND SEWER**

The subject property is served by a private well and sanitary septic system as it is outside of the City’s current serviceable boundary.

The City Code does require mandatory connections and extensions of water and sewer if the property is within five hundred (500) feet of an existing City water or sewer main. Additionally, extensions are required if any portion of a subdivision, multi-family development, non-residential development, or illegal lot split is within one thousand two hundred (1,200) feet of an existing water main.

Installation of any additional well and septic systems will require all appropriate permits and installation as required by the City of Choctaw, Oklahoma Water Resource Board (OWRB), and Oklahoma Department of Environmental Quality (ODEQ).
**TRANSPORTATION**
The property has frontage along N Westminster Road, The Comprehensive Plan identifies arterials as roadways that are designed to convey longer trips and relatively heavy volumes of traffic; these roadways are primarily intended to provide mobility. These types of roadways may have four (4) to six (6) lanes of traffic requiring up to one hundred (100) feet of right-of-way. The statutory right-of-way requirement for arterials is thirty-three (33) feet on one half of the roadway and therefore an additional seventeen (17) feet of public roadway and utility easement will be dedicated with this lot split along N Westminster Road to allow for proper width for utility relocation and proper road widening.

**CITY OF CHOCTAW STAFF**
The City of Choctaw’s staff has reviewed the lot split for TFH Inc. Staff has completed its review of the lot split request.
PLEASE NOTE:
This map was created solely as a representation use by the City of Choctaw, Oklahoma. The City of Choctaw, Oklahoma assumes no responsibility for the content or accuracy of this map.
CITY OF CHOCTAW
2500 N Choctaw Rd / PO Box 567, Choctaw, OK 73020
Phone (405)390.2999 / Fax (405)390.3332

Short Form Subdivision (Lot Split)
APPLICATION
(please print in ink or type)

Applicant: TFH inc

Address: 11621 Woodland Hill Dr. Choctaw OK 73020

Phone: 405-414-6192  City  State  Zip

Email Address: family.investment@gmail.com

Property address: 728 N Westminster Choctaw OK 73020

Legal Description: See Attachment Legal Description Tract 1

Number of Acres: 3.24

Number of proposed tracts: 2

Property zoning district: RR

I hereby certify and attest that I am the current and legal owner of the above described property located in the City of Choctaw and that I received a copy of the Policies and Procedures regulating this application.

Signature of Owner, or authorized agent *

Date  March 2, 2020

*Owner or authorized agent must be present at public meeting.

Do Not Write Below This Line—Official Use Only

Permit #: 2003008  Receipt #: 1473

Total Amount Paid: $1950.00  Date Paid: 3.3.2020

Cash  Check # 3524  Credit Card

County Parcel Number: 2328 · 19477 · 2405

Feb 2020
**SURVEYOR'S CERTIFICATE**

February 27, 2020

I, Michael A. Dawson, a Professional Land Surveyor in the State of Oklahoma, do hereby certify that the field work was completed as of the date set forth above and that an on the ground survey was made under my supervision of a tract of land described as follows:

**LEGAL DESCRIPTION**

All of the West Half of the Southwest Quarter of the Northwest Quarter of Section Thirty-two (32), Township Twelve (12) North, Range One (1) West, Oklahoma County, Oklahoma. LESS AND EXCEPT: A part of the West Half of the Southwest Quarter of the Northwest Quarter of Section Thirty-two (32), Township Twelve (12) North, Range One (1) West, of the Indian Meridian, Oklahoma County, Oklahoma, being more particularly described as follows: Beginning at the Southeast corner of the West Half of the Southwest Quarter of the Northwest Quarter of said Section Thirty-two (32), a distance of 390.00 feet; Thence West and parallel to the South line of the West Half of the Southwest Quarter of the Northwest Quarter of said Section Thirty-two (32), a distance of 165.00 feet; Thence South and parallel to the East line of the West Half of the Southwest Quarter of the Northwest Quarter of said Section Thirty-two (32), a distance of 390.00 feet to the South line of the West Half of the Southwest Quarter of the Northwest Quarter of said Section Thirty-two (32); Thence East along the South line of the West Half of the Southwest Quarter of the Northwest Quarter of said Section Thirty-two (32), a distance of 165.00 feet to the point of beginning.

AND LESS AND EXCEPT: A tract of land being a part of the West Half of the South West Quarter (SW4) of the Northwest Quarter (NW4) of Section Thirty-two (32), Township Twelve (12) North, Range One (1) West, of the Indian Meridian, Oklahoma County, Oklahoma, more particularly described as follows: Beginning at the Southwest corner (SW/C) of said SW4 SW4; thence North 60°41'38" East a distance of 1034.20; Thence North 88°57'57" East a distance of 144.27 feet; Thence North 00°41'38" West a distance of 98.27 feet; Thence North 88°57'57" East a distance of 23.13 feet; thence North 60°41'38" West a distance of 186.84 feet; Thence North 88°57'57" East a distance of 189.22 feet; thence 50°04'13" East a distance of 929.14 feet; Thence South 88°59'03" West a distance of 165.00 feet; Thence South 60°40'13" East a distance of 390.00 feet; Thence South 88°59'03" West a distance of 490.48 feet to the point of beginning.

I further certify that the property corners were set as shown.

This 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, as adopted July 25, 2013.

[Signature]

Michael A. Dawson, PLS

1816

[Stamp]
SURVEYOR'S CERTIFICATE  
February 27, 2020

I, Michael A. Dawson, a Professional Land Surveyor in the State of Oklahoma, do hereby certify that the field work was completed as of the date set forth above and that an on the ground survey was made under my supervision of a tract of land described as follows:

LEGAL DESCRIPTION

Tract 1
A tract of land being a part of the Southwest Quarter (SW/4) of the Northwest Quarter (NW/4) of Section Thirty-two (32), Township Twelve (12) North, Range One (1) West, of the Indian Meridian, Oklahoma County, Oklahoma, more particularly described as follows: COMMENCING at the Southwest corner of said NW/4; thence N00°41'38"W along the West line of said NW/4, said line being the basis of bearing for this description, a distance of 1146.30 feet to the POINT OF BEGINNING; thence continuing N00°41'38"W a distance of 173.01 feet; thence N88°57'57"E a distance of 466.80 feet; thence S00°41'38"E a distance of 167.24 feet; thence S88°25'58"W a distance of 284.36 feet; thence N00°41'38"W a distance of 11.75 feet; thence S88°57'57"W a distance of 183.18 feet to the point of beginning. Said tract contains 81608.8 square feet, or 1.87 acres more or less.

Tract 2
A tract of land being a part of the Southwest Quarter (SW/4) of the Northwest Quarter (NW/4) of Section Thirty-two (32), Township Twelve (12) North, Range One (1) West, of the Indian Meridian, Oklahoma County, Oklahoma, more particularly described as follows: COMMENCING at the Southwest corner of said NW/4; thence N00°41'38"W along the West line of said NW/4, said line being the basis of bearing for this description, a distance of 1034.20 feet to the POINT OF BEGINNING; thence continuing N00°41'38"W a distance of 112.10 feet; thence N88°57'57"E a distance of 183.18 feet; thence S00°41'38"E a distance of 11.75 feet; thence N85°25'58"E a distance of 284.26 feet; thence S00°41'38"E a distance of 19.60 feet; thence S88°25'58"W a distance of 23.53; thence S00°41'38"E a distance of 98.27 feet; thence S88°57'57"W a distance of 443.27 feet to the point of beginning. Said tract contains 49164.4 square feet, or 1.13 acres more or less.

This survey does not show:

- The identifying titles of all recorded plats, filed maps, right of way maps, or similar documents with their appropriate recording data, filing dates and map numbers, of the surveyed premises. Nor does it show the names of adjoining owners as they appear of record and recorded lot or parcel numbers, recording information identifying the current description of record and similar information, where appropriate.

I further certify that the property corners were set or found as shown.

This 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, as adopted July 23, 2013.

Note: Only the improvements as shown hereon were located as per client's request.

Any alteration of this property boundary survey or legal description by any party other than the author, stated below, voids this property boundary survey and legal description and the plat of survey to which it relates.

Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts which an accurate and current title search may disclose.
LEGAL DESCRIPTION

Tract 1

A tract of land being a part of the Southwest Quarter (SW/4) of the Northwest Quarter (NW/4) of Section Thirty-two (32), Township Twelve (12) North, Range One (1) West, of the Indian Meridian, Oklahoma County, Oklahoma, more particularly described as follows: COMMENCING at the Southwest corner of said NW/4; thence N00°41’38”W along the West line of said NW/4, said line being the basis of bearing for this description, a distance of 1146.30 feet to the POINT OF BEGINNING; thence continuing N00°41’38”W a distance of 173.01 feet; thence N88°57’57”E a distance of 466.80 feet; thence S00°41’38”E a distance of 167.24 feet; thence S85°25’58”W a distance of 284.26 feet; thence N00°41’38”W a distance of 11.75 feet; thence S88°57’57”W a distance of 183.18 feet to the point of beginning.

Said tract contains ±81608.8 square feet, or 1.87 acres more or less.
LEGAL DESCRIPTION
Tract 2

A tract of land being a part of the Southwest Quarter (SW/4) of the Northwest Quarter (NW/4) of Section Thirty-two (32), Township Twelve (12) North, Range One (1) West, of the Indian Meridian, Oklahoma County, Oklahoma, more particularly described as follows: COMMENCING at the Southwest corner of said NW/4; thence N00°41’38”W along the West line of said NW/4, said line being the basis of bearing for this description, a distance of 1034.20 feet to the POINT OF BEGINNING; thence continuing N00°41’38”W a distance of 112.10 feet; thence N88°57’57”E a distance of 183.18 feet; thence S00°41’38”E a distance of 11.75 feet; thence N85°25’58”E a distance of 284.26 feet; thence S00°41’38”E a distance of 19.60 feet; thence S88°57’57”W a distance of 23.53; thence S00°41’38”E a distance of 98.27 feet; thence S88°57’57”W a distance of 443.27 feet to the point of beginning.

Said tract contains ±49164.4 square feet, or 1.13 acres more or less.
The East 17.00’ of the West 50.00’ of the following described tract.

All of the West Half of the Southwest Quarter of the Northwest Quarter of Section Thirty-two (32), Township twelve (12) North, Range One (1) West, Oklahoma County, Oklahoma.

LESS AND EXCEPT: A part of the West Half of the Southwest Quarter of the Northwest Quarter of Section Thirty-two (32), Township Twelve (12) North, Range One (1) West, of the Indian Meridian, Oklahoma County, Oklahoma, being more particularly described as follows: Beginning at the Southeast corner of the West Half of the Southwest Quarter of the Northwest Quarter of said Section Thirty-two (32); Thence North along the East line of the West Half of the Southwest Quarter of the Northwest Quarter of said Section Thirty-two (32), a distance of 390.00 feet; Thence West and parallel to the South line of the West Half of the Southwest Quarter of the Northwest Quarter of said Section Thirty-two (32) a distance of 165.00 feet; Thence South and parallel to the East line of the West Half of the Southwest Quarter of the Northwest Quarter of said Section Thirty-two (32), a distance of 390.00 feet to the South line of the West Half of the Southwest Quarter of the Northwest Quarter of said Section Thirty-two (32); Thence East along the South line of the West Half of the Southwest Quarter of the Northwest Quarter of said Section Thirty-two (32), a distance of 165.00 feet to the point of beginning. AND LESS AND EXCEPT: A tract of land being a part of the West Half of the Southwest Quarter (SW/4) of the Northwest Quarter (NW/4) of Section Thirty-two (32), Township Twelve (12) North, Range One (1) West, of the Indian Meridian, Oklahoma County, Oklahoma, more particularly described as follows: Beginning at the Southwest corner (SW/C) of said W/2 SW/4 NW/4; thence North 00°41’38” West a distance of 1034.20 feet; Thence North 88°57’57” East a distance of 443.27 feet; Thence North 00°41’38” West a distance of 98.27 feet; Thence North 88°57’57” East a distance of 23.53 feet; thence North 00°41’38” West a distance of 186.84 feet; Thence North 88°57’57” East a distance of 189.22 feet; thence S00°40’13” East a distance of 929.14 feet; Thence South 88°58’05” West a distance of 165.00 feet; Thence South 00°40’13” East a distance of 390.00 feet; thence South 88°58’05” West a distance of 490.48 feet to the point of beginning.
WARRANTY DEED
STATUTORY FORM INDIVIDUAL

Deed presented for filing by: Stewart Title of Oklahoma, Inc.
File No.: 623462
Stewart Title Guaranty Company

Know All Men by These Presents:

THAT, Tod J. Pade, and Ronda Pade, Husband and wife, party/parties of the first part, in consideration of the sum of TEN and No/100 ($10.00) and other valuable considerations in hand paid, the receipt of which is hereby acknowledged, does hereby Grant, Bargain, Sell and convey unto TFH, INC., party/parties of the second part, the following described real property and premises situated in Oklahoma County, State of Oklahoma, to wit:

See Exhibit "A" attached hereto and made a part hereof.

TAX ID No.: 194772406
Grantee's Mailing Address: ____________________________

Together with all 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/parties of the second part, his/her/their/its heirs and assigns forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature. SUBJECT to existing zoning, easements, right-of-ways and restrictive covenants of record.

Signed and delivered this 29 day of February, 2020

____________________________
Tod J. Pade

____________________________
Ronda Pade

623462
INDIVIDUAL ACKNOWLEDGMENT

State of
County of

Before me, the undersigned, a Notary Public in and for said County and State on this 29 day of February, 2020, personally appeared, Tod J. Pade, and Ronda Pade, Husband and wife, to me well known to be the identical person(s) who executed the within and foregoing instrument and acknowledged to me that same was executed as the free and voluntary act and deed of said person(s) for the uses and purposes therein set forth.

Given under my hand and seal the day and year last above written.

____________________________
Commission Expires: 5-15-2020

RETURN TO:
Stewart Title of Oklahoma, Inc.
1712 South Post Road, Suite A
Midwest City, OK 73130

Filing Fees: $ Doc Stamps: $
City of Choctaw
Regular Planning Commission Meeting
March 5, 2020 @ 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:
   6 Present: Phillip Bradshaw; Jared Kobyluk; Chris Jordan;
              Larry Morgan; Jeff Wyatt; Bobby Pearce
   0 Absent: None

Staff: Guy Henson, Development Services Director
       Purvi Patel, City Planner
       Amanda Valent, City Clerk

Development Services Director Henson introduced Jeff Wyatt, new Ward 5 Planning Commissioner.

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: Paul Maxwell
   Location: 15870 SE 29th Street
   Current Zoning: General Agricultural District (AG)
   Proposed Zoning: Rural Residential District (R-R)
   Legal Description: UNPLTD PT SEC 13 11N 1W PT NE4 SEC 13 11N 1W BEG 475.20FT W OF NE/C OF NE4 TH S412.50FT W52.80FT S247.50FT W132FT N660FT E184.80FT TO BEG CONT 2.50ACRS MORE OR LESS

Public Hearing Opened at 7:02pm.
Receive Comments.
   No comments were received.
Public Hearing Closed at 7:09pm.
MOTION BY Larry Morgan and SECOND BY Jared Kobyluk to approve the rezone request with the contingency that if a home is built in the future the City of Choctaw permitting process must be adhered to and that no structure is to be placed on the 65’ lot.

MOTION CARRIED:
6    Ayes:    Bradshaw, Kobyluk, Jordan, Morgan, Wyatt, Pearce
0    Nays:    None
0    Absent:    None

4.2 Hold a Public Hearing on a Specific Use Permit application submitted by:
Applicant:    Leon McMillan
Location:    5450 N. Henney Rd.
Current Zoning:    General Agricultural District (AG)
Proposed Use:    Marijuana Grow Facility
Legal Description:    UNPLTD PT SEC 11 12N 1W 000 000 PT SW4 SEC 11
                     12N 1W BEING W660FT OF S/2 N/2 SW4 CONT 10ACRS MORE OR LESS

Public Hearing Opened at 7:21pm.
Receive Comments.

Michael Ray, 5700 N Henney, spoke in favor of the proposed specific use permit.
Rebecca Ray, 5700 N Henney, spoke in favor of the proposed specific use permit.
Nikki Conley, 5421 N Henney, wrote a letter, read aloud by Rebecca Ray, speaking in favor of the proposed specific use permit.
Sheila Eckard, Leon McMillan employee, spoke in favor of the proposed specific use permit.
Richard Lottman, 5232 N Henney, spoke in opposition of the proposed specific use permit.
Mike Schultz, 5116 N Henney, spoke in opposition of the proposed specific use permit.
Dawn Schultz, 5116 N Henney, spoke in opposition of the proposed specific use permit.
Patty Allen, Lot 7, N Henney, spoke in opposition of the proposed specific use permit.

Public Hearing Closed at 7:59pm.

A. MOTION BY Larry Morgan and SECOND BY Phillip Bradshaw that the proposed use will have minimal impact on the adjoining property.
MOTION CARRIED:
6 Ayes: Bradshaw, Kobyluk, Jordan, Morgan, Wyatt, Pearce
0 Nays: None
0 Absent: None

B. MOTION BY Larry Morgan and SECOND BY Jared Kobyluk that the proposed use will not have an adverse impact on the community as a whole.

MOTION CARRIED:
6 Ayes: Bradshaw, Kobyluk, Jordan, Morgan, Wyatt, Pearce
0 Nays: None
0 Absent: None

C. MOTION BY Larry Morgan and SECOND BY Jared Kobyluk that the proposed use will not have an adverse impact on public properties.

MOTION CARRIED:
6 Ayes: Bradshaw, Kobyluk, Jordan, Morgan, Wyatt, Pearce
0 Nays: None
0 Absent: None

D. MOTION BY Larry Morgan and SECOND BY Phillip Bradshaw that the Specific Use Permit is approved contingent upon the following items:

1. 8 ft. fence, chain link material or better
2. Specific Use Permit Re-application required for any additional structures
3. Monitored Security
4. Operation must be contained within the structure applied for

MOTION CARRIED:
6 Ayes: Bradshaw, Kobyluk, Jordan, Morgan, Wyatt, Pearce
0 Nays: None
0 Absent: None

4.3 A lot split application submitted by:
Applicant: Robin Spence
Location: 2430 S. Choctaw Rd.
Current Zoning: General Agricultural (A-G)
Proposed Lots: 2 (two)
Legal Description: TOWN OF ORCHARD ADD 000 000 BLKS 73 & 74 EX A TR IN NW/C OF BLK 74 TH S240FT E212.96FT NE36.67FT E334.27FT N206.07FT W561.26FT TO BEG

Item postponed to the April 2, 2020 meeting.

4.4 A lot split application submitted by:
Applicant: Toby Traweek Jr.
Location: 12526 NE 10th Street
Current Zoning: Rural Residential District (R-R)
Proposed Lots: 2 (two)
Legal Description: UNPLTD PT SEC 33 12N 1W 000 000 PT OF NE4 SEC 33 12N 1W W165FT OF W 1/2 OF NW4 OF NE4 LESS S7FT OF N40FT

MOTION BY Larry Morgan and SECOND BY Phillip Bradshaw to approve the lot split as presented.

MOTION CARRIED:
6 Ayes: Bradshaw, Kobyluk, Jordan, Morgan, Wyatt, Pearce
0 Nays: None
0 Absent: None

4.5 Regular meeting minutes for February 6, 2020

MOTION BY Larry Morgan and SECOND BY Phillip Bradshaw to approve the minutes as presented.

MOTION CARRIED:
6 Ayes: Bradshaw, Kobyluk, Jordan, Morgan, Wyatt, Pearce
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.

None.

7. **Adjournment:**
   Called @ 8:32pm.

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**PLANNING COMMISSION**

**ATTEST:**

Dr. Chris Jordan, Chairman

Amanda Valent, City Clerk
Joint Meeting
City Council/Choctaw Utilities Authority & Choctaw Planning Commission
March 5, 2020 @ 4:00pm
EOC Tech Center, 4601 N Choctaw Road
Choctaw, Oklahoma 73020

MINUTES

1. Call to Order  Meeting convened at 4:07pm
   City Council/CUA Roll Call:
   7  Present: Chad Williams; Mike Birdsong; Jeannie Abts; Roger Malone;
      Steve Krieske; Dale Gill; Randy Ross
   0  Absent:  None

   Planning Commission Roll Call:
   4  Present: Jared Kobyluk, Chris Jordan, Larry Morgan, Bobby Pearce,
       Jeff Wyatt
   1  Absent: Phillip Bradshaw

   Staff Present: Ed Brown, City Manager/Executive Director;
                  Amanda Valent/City Clerk; Guy Henson/Development
                  Services Director; Purvi Patel/City Planner


   Dawn Warrick, Freese & Nichols gave a presentation on the use of the comprehensive plan and the day to day development review process and recommendations for addressing requests for residential development with lot sizes smaller than those permitted within existing zoning districts. The group reviewed a survey of zoning regulations pertaining to Agricultural and Single-Family zoning districts for several cities within the OKC metropolitan area, viewed aerial maps of subdivisions within Choctaw and their relative lot size and heard citizen comments. General consensus to amend minimum lot size to 7,500 sq. ft. and amend PUD to not allow the use of a PUD for just a smaller lot size.

   The full report of that session is made a part of these minutes.
3. Adjournment:
   Adjourned @ 5:04 pm.

ATTEST:

Amanda Valent, City Clerk

CITY OF CHOCTAW, OK

Randy Ross, Mayor
City of Choctaw, Oklahoma
City Council/Choctaw Utilities Authority
& Planning Commission
Joint Meeting
March 5, 2020

Facilitated by:
Milissa Ellefson
Eastern Oklahoma County Tech Center
City of Choctaw Vision

"Living in a Great City is not just a Right, it’s a Responsibility"

City Council/CUA Members, the Mayor and the Choctaw Planning Commission held a joint meeting conducted by Eastern Oklahoma County Tech Center on March 5, 2020. In attendance and participating at this meeting were Mayor Randy Ross, Council Members, Chad Williams, Mike Birdsong, Jeannie Abts, Roger Malone, Steve Krieske, Dale Gill, City Manager Ed Brown, Planning Commission Chairman Dr. Chris Jordan, and Planning Commissioners Jared Kobyluk, Larry Morgan, Bobby Pearce, and Jeff Wyatt.

The meeting focused on the discussion and consideration of the use of the Comprehensive Plan in the day to day development review process and whether to consider how best to accommodate smaller lot sizes.
Day to Day Use of Comprehensive Plan

- Comprehensive Plan is a guide to provide policy direction responsive to City’s vision and goals
- The Comprehensive Plan is not a law, but rather a flexible document that should not be used to gag development
- Changes to the Future Land Use Map in the Comprehensive Plan may be for good cause and such action should be deliberate and well researched in order to maintain consistency and ensure vision of the Plan is preserved

Smaller Lot Sizes

- Concentrated development and higher densities in appropriate locations can conserve the natural environment and maximize the City’s fiscal resources
- Extending public services will create opportunities for additional development
- Providing opportunity for developments with smaller lot sizes can expand City’s ability to grow consistently with the Comprehensive Plan

Recommendations

1. New Zoning District
   a. Provide greater diversity of housing types, sizes and price points
   b. Allows for smaller lot sizes but does not entitle a property to a smaller lot size
c. Used to deter the use of PUD to accommodate smaller lot sizes

d. Provides the ability to standardize setbacks and other criteria

2. Planned Unit Development (PUD)

a. Flexibility in design

b. City still has the ability to negotiate additional amenities

3. Recommended Ordinance Changes

a. §19-125.B.

b. §12-230
Survey of Local Jurisdictions for Agricultural & Single Family Zoning Requirements

Staff reviewed a survey of zoning regulations pertaining to Agriculture and Single-Family zoning districts for several cities within the OKC metropolitan area. The effort focused on lot size, frontage and coverage requirements. The purpose was to see how Choctaw’s requirements compared to other Cities.

City of Choctaw

<table>
<thead>
<tr>
<th>Zoning</th>
<th>Lot Size</th>
<th>Frontage</th>
<th>Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-G</td>
<td>5 acres</td>
<td>330 ft</td>
<td>10%</td>
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<tr>
<td>R-R</td>
<td>43,560 sq ft (1 acre)</td>
<td>110 ft</td>
<td>None</td>
</tr>
<tr>
<td>R-S</td>
<td>10,000 sq ft</td>
<td>75 ft</td>
<td>30%</td>
</tr>
<tr>
<td>R-G</td>
<td>10,000 sq ft</td>
<td>75 ft</td>
<td>30%</td>
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City of Mustang

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<tbody>
<tr>
<td>A-1</td>
<td>5 acres</td>
<td>100 ft</td>
<td>Interior 25%</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Corner 30%</td>
</tr>
<tr>
<td>R-E</td>
<td>.75 acre</td>
<td>55 BL*/40 Street</td>
<td>Interior 25%</td>
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<td></td>
<td></td>
<td></td>
<td>Corner 30%</td>
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<tr>
<td>R-I</td>
<td>7,200 sq ft</td>
<td>60 BL*/45 Street</td>
<td>Interior 35%</td>
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*Building Line
### City of Yukon

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<tbody>
<tr>
<td>Ag</td>
<td>5 acres</td>
<td>330 ft</td>
<td>10%</td>
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<tr>
<td>R-R</td>
<td>1 acre</td>
<td>120 BL*/60 Street</td>
<td>20%</td>
</tr>
<tr>
<td>R-1</td>
<td>6,600 sq ft</td>
<td>60 BL*/Wedge Lot</td>
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<td></td>
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<td>35 ft</td>
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### City of Moore

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<tr>
<td>A-1</td>
<td>5 acres</td>
<td>320 ft</td>
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<tr>
<td>A-2</td>
<td>2 acres</td>
<td>100 ft</td>
<td>25%</td>
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<tr>
<td>R-E</td>
<td>.75 to 2 acres</td>
<td>60BL*/35 Street</td>
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<tr>
<td>R-1</td>
<td>6,000 sq ft</td>
<td>55BL*/35 Street</td>
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### City of Midwest City

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<tr>
<td>A-1</td>
<td>87,120 sq ft</td>
<td>100BL*.85 Street</td>
<td>20%</td>
</tr>
<tr>
<td>R-35</td>
<td>35,000 sq ft</td>
<td>80BL*/65 Street</td>
<td>30%</td>
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<tr>
<td>R-22</td>
<td>22,000 sq ft</td>
<td>70BL*/55 Street</td>
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<tr>
<td>R-10</td>
<td>10,000 sq ft</td>
<td>70BL*/55 Street</td>
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<tr>
<td>R-8</td>
<td>8,000 sq ft</td>
<td>50BL*/35 Street</td>
<td>40%</td>
</tr>
<tr>
<td>R-6</td>
<td>6,000 sq ft</td>
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### City of Norman

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<td>A-1</td>
<td>2 acres</td>
<td>50BL*/35 Street</td>
<td>Interior 25%</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Corner 30%</td>
</tr>
<tr>
<td>A-2</td>
<td>10 acres</td>
<td>330 BL*/250 Street</td>
<td>Interior 25%</td>
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<td></td>
<td></td>
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<td>Corner 30%</td>
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<tr>
<td>R-E</td>
<td>2 acres</td>
<td>150BL*/65 Street</td>
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<tr>
<td></td>
<td></td>
<td>35 Cul-de-sac</td>
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<tr>
<td>R-1</td>
<td>6,000 sq ft</td>
<td>50BL*/35 Street</td>
<td>40%</td>
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### City of Edmond

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<tr>
<td>Gen. Ag.</td>
<td>5 acres</td>
<td>250 ft</td>
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<tr>
<td>Rural Est. (R-1)</td>
<td>2 acres</td>
<td>100 ft</td>
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<td>Suburban St (R-2A)</td>
<td>60,000 sq ft</td>
<td>100 ft</td>
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<tr>
<td>Single-Family (A)</td>
<td>6,000 sq ft</td>
<td>50 ft</td>
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### City of Harrah

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<tbody>
<tr>
<td>A-1</td>
<td>5 acres</td>
<td>70BL*/35 Street</td>
<td>Interior 25%</td>
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<tr>
<td></td>
<td></td>
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<td>Corner 30%</td>
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<tr>
<td>A-2</td>
<td>1 acre</td>
<td>70BL*/35 Street</td>
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<td>Corner 30%</td>
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<tr>
<td>R-1A</td>
<td>7,000 sq ft – 1F</td>
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<tr>
<td></td>
<td>9,000 SQ FT – 2F</td>
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<tr>
<td>R-1B</td>
<td>9,800 sq ft – 1F</td>
<td>70BL*/35 Street</td>
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<tr>
<td>(1F or Mobile Home)</td>
<td>14,000 sq ft – 2F</td>
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<td>Corner 40%</td>
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*Building Line
City of Shawnee

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<tr>
<td>Rural Ag.</td>
<td>5 acres</td>
<td>330 ft</td>
<td>Interior 30%</td>
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<td></td>
<td></td>
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<td>Corner 35%</td>
</tr>
<tr>
<td>Res. Estate</td>
<td>1 acre</td>
<td>120 BL*/75 Street</td>
<td>15%</td>
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<tr>
<td>R-1</td>
<td>6,000 sq ft</td>
<td>60BL*/35 Street</td>
<td>35%</td>
</tr>
<tr>
<td>Single-Family (A)</td>
<td>6,000 sq ft</td>
<td>50 ft</td>
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MEMORANDUM

TO:   Planning Commission

FROM:  Guy Henson, Development Services Director

DATE:  March 27, 2020

SUBJECT:  Previously Reviewed Ordinances

The Commission has asked about draft ordinances on several topics that were reviewed by the Commission but not transmitted to the City Council. We have found draft ordinances pertaining to signage, landscaping and outdoor lighting. There was also staff and Commission discussion concerning home occupation and fencing however these were not subsequently converted into a draft ordinance.

As new staff, we want to review and familiarize ourselves with these ordinances before submitting them to the City Council. Our first priority will be the sign ordinance as these regulations come up regularly in our day to day operations. We are also working on new ordinances pertaining to a new residential zoning district and PUD and Subdivision regulation modifications suggested during the joint workshop of the City Council and Planning Commission. These will require review by the Commission and City Council. In addition, we will also have to prepare new ordinances pertaining to home occupations and fencing requirements.

As you can see, between the day to day duties and those items referenced above, we do not lack for things to do.