City of Choctaw
Regular Planning Commission Meeting
July 2, 2020 @ 7:00pm
Choctaw City Hall, 2500 N Choctaw Road
Choctaw, Oklahoma 73020

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: 872 2751 1542
Meeting Password: 856852
Join Meeting: https://us02web.zoom.us/j/87227511542?pwd=WkQ3LzlPVitHaWR0L2x6YnRCRUU1dz09

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

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

4.1 Hold a Public Hearing on a Specific Use Permit application submitted by:
Applicant: J Matt Martinez
Location: 12302 Max Lane
Current Zoning: General Agricultural District (AG)
Proposed Use: Marijuana Growing Facility
Legal Description: UNPLTPTSEC0411N1W000000PSTSW4SEC4
11N1WBEGL1485.37FTE&660FTNOSW/CSW4THN660FTE165.28FT
S660FTW165.33FTTOBEGCONT21/2ACRSMOREORLESSAKATR2
EXN30FT

Open Public Hearing.
Receive Comments.
Close Public Hearing.

4.1.1 The proposed use will have a minimal/substantial impact on adjoining property.
4.1.2 The proposed use will/will not have an adverse impact on the community as a whole.

4.1.3 The proposed use will/will not have an adverse impact on public properties.

4.1.4 Consideration and possible action on the “specific use permit” request of Matt Martinez, 12302 Max Lane.

4.2 A Final Plat application submitted by:

Applicant: Winding Creek Developments
Number of Lots: 23
Location: 16300-16500 Block of SE 15th Street
Proposed Addition: Rustic Oaks Phase 2

4.5.1 Consideration and possible action on the final plat of Rustic Oaks Phase 2, 16300-16500 Block of SE 15th Street.

4.3 A lot merge application submitted by:

Applicant: Paul Maxwell
Location: 15870 SE 29th Street
Current 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

4.2.1 Consideration and possible action on the lot merge request of Paul Maxwell, 15870 SE 29th Street.

4.4 Discussion and possible recommendation on a Home Occupation Ordinance, Part 12, Planning, Zoning and Development.

4.5 Special meeting minutes for June 4, 2020 joint meeting with City Council.

4.6 Regular meeting minutes for June 4, 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.
   - Sign Ordinance
   - Lighting Ordinance
   - Landscaping Ordinance
   - Screening Ordinance

7. **Adjournment:**

   *This agenda was posted in prominent public view at Choctaw City Hall on or prior to 5:00pm on June 26, 2020 in accordance with the Oklahoma Open Meeting Act.*

   ________________________________
   Amanda Valent, City Clerk

THE CITY OF CHOCTAW ENCOURAGES PARTICIPATION FROM ALL ITS CITIZENS. IF PARTICIPATION AT ANY PUBLIC MEETING IS NOT POSSIBLE DUE TO A DISABILITY, PLEASE NOTIFY THE CITY CLERK AT LEAST TWENTY-FOUR (24) HOURS PRIOR TO THE SCHEDULED MEETING SO THAT NECESSARY ACCOMMODATIONS CAN BE MADE. ACCESS TO RESTROOMS DURING THE MEETING WILL BE AVAILABLE UPON REQUEST TO CITY STAFF.
AGENDA TITLE: Specific-Use Permit Application for 12302 Max Lane submitted by J. Matt Martinez.

Report:

J. Matt Martinez is the owner of this 2.5 acre tract of land located at 12302 Max Lane. The property carries an A-G “General Agricultural District” zoning designation. The applicant is requesting a specific use permit for a marijuana growing facility.

The property is bound on the north and west by A-G zoned parcels; bound to the east and south by R-R zoned parcels. The surrounding properties are all being used for single-family residences.

Mr. Martinez’s property does not meet the minimum requirements for A-G property: minimum 5 acres with 330 feet frontage. It appears the A-G zoning designation was applied by the City at the time of annexation. After consulting with the City Attorney, the determination was made that Mr. Martinez would not be required to apply for a variance to the minimum lot area and frontage requirements. He can come in for the request for a Specific Use Permit based on his existing A-G zoning. However, the Planning Commission and City Council may take the lot size and frontage into consideration when making the determination for the Specific Use Permit.

Mr. Martinez has been growing medical marijuana in the accessory building on his site for since June 2019. He received his growing license from the OMMA prior to their requirement of a Certificate of Compliance from the city in which the grow facility will be located. This requirement was enacted as of August 2019.

The current site has a single-family residence, an accessory building. The request is to allow the marijuana growing facility in an existing 30 foot by 50 foot metal accessory building. The conversion of this building is required to meet City of Choctaw Building, Fire, and Electrical codes. The applicant has noted the installation of an 8 foot chain link fence around the perimeter of the accessory building and a monitored security system upon approval of the Certificate of Compliance; however, these items will have to be address prior the Development Services Department signing off on the Certificate of Compliance. Per the applicant, there will be no employees on site nor will it be open to the public.

A protest against this application has been filed and is attached.
J. Matt Martinez is the owner of this 2.5 acre tract of land located at 12302 Max Lane. The property carries an A-G “General Agricultural District” zoning designation. The applicant is requesting a Specific Use Permit for a marijuana growing facility.

**EXISTING ZONING AND BUILDING USE REGULATIONS**

The existing zoning for the property is A-G “General Agricultural District” and is bound on the north and west by A-G “General Agricultural District” zoned parcels; bound to the east and south by R-R “Rural Residential District” zoned parcels. The surrounding properties are all being used for single-family residences. Specific Use Permits for Marijuana Grow Facilities may be allowed in the following districts granted by City Council: A-G “General Agricultural District”, I-L “Light Industrial District”, and I-H “Heavy Industrial District”.

Mr. Martinez’s property does not meet the minimum requirements for A-G “General Agricultural District” property: minimum 5 acres with 330 feet frontage. It appears the A-G “General Agricultural District” zoning designation was applied by the City at the time of annexation. After consulting with the City Attorney, the determination was made that Mr. Martinez would not be required to apply for a variance to the minimum lot area and frontage requirements. He can come in for the request for a Specific Use Permit based on his existing A-G “General Agricultural District” zoning. However, the Planning Commission and City Council may take the lot size and frontage into consideration when making the determination for the Specific Use Permit.

Mr. Martinez has been growing medical marijuana in the accessory building on his site since June 2019. He received his growing license from the Oklahoma Medical Marijuana Authority (OMMA) prior to their requirement of a Certificate of Compliance from the city in which the grow facility will be located. This requirement was enacted as of August 2019. The Certificate of Compliance requirements applies to renewal of licenses as well. As his license is up for renewal, Mr. Martinez has applied for the Specific Use Permit for his grow facility. If the Specific Use Permit is denied by the City, his state license cannot be renewed following OMMA regulations.

The current site has a single-family residence, an accessory building. The request is to allow the marijuana growing facility in an existing 30 foot by 50 foot metal accessory building. The conversion of this building is required to meet City of Choctaw Building, Fire, and Electrical codes. The applicant has noted the installation of an 8 foot chain link fence around the perimeter of the accessory building and a monitored security system upon approval of the Certificate of Compliance; however, these items will have to be address prior the
Development Services Department signing off on the Certificate of Compliance. Per the applicant, there will be no employees on site nor will it be open to the public.

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

**COMPREHENSIVE PLAN**

- **Land Use** – At this time the property is used as low-density residential.
  - **Future Land Use** – The existing zoning matches the City’s Future Land Use Map designation as “Low Density Residential” for the property. “Low Density Residential” is defined as single-family homes with lots that are typically one acre or larger excluding rights of way.
  - **Transportation** – The property can be accessed from Max Lane, a minor collector road. Please refer to paragraph “Transportation” to see more detail on the mandatory easements.
  - **Infrastructure** – The property is outside of the City’s water and sewer serviceable area.
  - **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 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 (1,600) feet away from this property.

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).

**TRANSPORTATION**
The property has frontage along Max Lane which is a minor collector street. The Comprehensive Plan identifies collectors Collector streets are generally designed to distribute traffic from local access streets and funnel it to highways and arterial streets (i.e., from residential developments). Collectors should provide access to adjacent land uses, but access should still be managed through the use of shared driveways and other techniques that minimize disturbance of the free-flow of traffic. These types of roadways should carry lighter volumes of traffic than arterials. Collectors can be major or minor, with fluctuating size and features based on traffic volume. Generally, nonresidential streets should not be smaller than a Minor Collector. The Comprehensive Plan denotes a 60 foot right-of-way for minor collectors and Max Lane is already has a 60 foot right-of-way. Therefore, no additional easements will be needed at this time.

**PLANNING COMMISSION AND CITY COUNCIL REVIEW AND CONDITIONS FOR APPROVAL**
Article B, Section 12-903 states the following regarding the Conditions for Approval for a Specific Use Permit application:

A. Plans and Data to be submitted.

1. Prior to submission of a request for a Specific Use Permit, the City staff may require one or more pre-application conferences with the potential applicant. In considering and determining its recommendation to the City Council relative to any application for a Specific Use Permit, the Planning Commission will establish the requirements necessary for consideration of the application.

2. The Planning Commission may require that the applicant furnish preliminary site plans and data concerning the operation, location, function and characteristics of any use of land or building proposed for uses in which the land use has possible environmental impact, the Commission may require those engineering and/or environmental impact studies necessary for evaluation of the proposed use. Further, the Commission may require such other information as necessary to evaluate the proposed specific use.

B. Planning Commission Requirements

1. The Planning Commission may, in the interest of the public welfare and to assure compliance with the intent of Part 12 of the Code of Ordinance and the City of Choctaw Comprehensive
Plan, require such development standards and operational conditions and safeguards as are indicated to be important to the welfare and protection of adjacent property and the community as a whole and be compatible with the natural environment and the planned capacities of public services and facilities affected by the land use. This may include the requirement of having the property platted and/or the requirement of the dedication of sufficient right-of-way or easement as necessary to further the public good. The Commission may impose conditions including, but not limited to, bonding, insurance, permitted uses, lot sizes, setbacks, height limits, required facilities, buffers, open space areas, screening, lighting, noise levels, signage, landscaping, parking and loading, compatibility, and land use intensity/density as may be indicated depending upon the proposed use and its potential effect on adjacent areas or the community.

2. The Planning Commission may recommend to the City Council that certain safeguards and conditions concerning bonding, insurance, setbacks, ingress and egress, off-street parking and loading arrangements and location or construction of buildings and uses and operation be required. If the Planning Commission fails to review and make a recommendation within 90 days from the date the application is accepted for processing, the City Council can take action on the application.

C. City Council Requirements.

1. The City Council shall have the same authority as the Planning Commission under subsection B, and in addition may make additional requirements for review and conditions that in its discretion are in the interest of the public welfare and to assure compliance with the intent of this ordinance and the City of Choctaw Comprehensive Plan.

D. Detailed Development Plans

1. A Detailed Development Plan setting forth the conditions specified may be required of the applicant and such plan when accepted shall be made a part of the permit issued for the specific use.

E. Designation of Zoning Map.

1. A Specific Use Permit approved under the provisions of this Planning, Zoning and Development Code shall not be considered as an amendment to the zoning ordinance or a resolution; however, the Specific Use Permit shall be noted on the zoning map as follows: SUP — (the number of the request for a Specific Use Permit). Any of the conditions contained in a Specific Use Permit approval shall be considered as conditions precedent to the granting of a Building Permit for the specific use provided for.

F. Time Limits for Implementation.

1. If for any reason the approved specific use ceases operation for a period of two years, then the approval of said specific use shall be considered void and will require another public hearing review by the Planning Commission and City Council. This shall also apply to any approved specific use that does not begin operation within two years of approval. This voiding of approval shall not apply if orderly progress toward completion of construction is taking place. Uses
existing before the adoption of the Specific Use Permit ordinance, including nonconforming uses and their incidental and accessory uses, must receive a Specific Use Permit before any expansion of the use is permitted.

PROTEST FILING

A protest against the Specific Use Permit application has been filed by a resident of Max Lane. This protest filing is including for Planning Commission’s review. Section 12-806 of the City Code States the following regarding protest filings:

A. Written, signed, typed or printed protests against proposed amendments of the zoning ordinance, whether such be an amendment, change, modification or supplement of the zoning map, the district boundaries, or the regulations or the restrictions contained within the zoning ordinance may require a super-majority vote of the city council for passage if all the following conditions are met:

1. The written protest be filed with the city clerk’s office by 5:00 P.M. on the Friday that is at least three (3) days prior to the scheduled public hearing on the proposed changes in the zoning ordinance;

2. To require a super-majority vote of the city council the filed written protests must be filed by:

   a. The of twenty percent (20%) or more of the area of the lots, parcels or tracts included within the proposed change; or

   b. The owners of fifty percent (50%) or more of the area of the lots, tracts, or parcels which lie within a three hundred (300) foot radius of the exterior boundary of the territory included in a proposed change. In calculating the three hundred (300) foot radius, the width of alley or street rights-of-way shall not be included.

B. If a sufficient written protest is timely filed with the city clerk, as described in Subsection A above, then passage of the proposed zoning ordinance amendment requires a three fourths (3/4) vote of the entire membership of the city council. (Ord. No. 8/19/74; Ord. No. 393, 1/16/90; Ord. No. 425, 1/5/93; Ord. No. 579, 9/28/04).

At the time this report was written, staff had only received the one written protest described above. As this protest does not meet the threshold described in Section A.2 above, a super-majority vote of the city council will not be required. Staff will provide any additional protests filed for Planning Commission and City Council review and will provide an update regarding the need for a super-majority vote.

CITY OF CHOCTAW STAFF

The City of Choctaw’s staff has reviewed the proposed Specific Use Permit for a medical marijuana grow facility. If approved, the applicant must meet all code requirements for a marijuana grow facility.
June 22nd, 2020
TO: City of Choctaw

SUBJECT: Public Hearing June 30th - J Matt Martinez 12302 Max Lane

I reside on Max Lane, and will not be able to attend the hearing on June 30th to
discuss a possible Marijuana Growing Facility on our street. The reason I will not
attend is that I am handicapped and unable to drive.

I am against a growing facility in my neighborhood due to the nature of the
business, and the probability of bringing crime to the area. The news and other
media outlets report that these facilities are broken into as well as some of the
growers are not following proper guidelines.

Sincerely,
A 40 plus year Max Lane Resident
June 10, 2020

RE: Community Pre-Development Consultation Meeting  
Specific Use Permit – 12302 Max Ln.

Dear Property Owner:

In accordance with City of Choctaw Resolution No. 19-18, a Community Pre-Development Consultation Meeting is required to be held for all multi-family, commercial and industrial zoning plan changes and special use requests [variances and specific uses], as well as for all new preliminary plats for residential and commercial development. This meeting is held to allow the developer to present his/her proposed project to surrounding neighbors. While this meeting is facilitated by City of Choctaw staff, the Community Pre-Development Consultation Meeting is informational only and shall not be construed as a City board or Commission.

A Community Pre-Development Consultation Meeting will be held on the application for a “Specific Use Permit” on June 30, 2020 at 5:30 p.m. at City Hall. 2500 N. Choctaw Road.

Meeting Date: June 30, 2020  
Applicant: J Matt Martinez  
Location: 12302 Max Lane  
Current Zoning: General Agricultural District (A-G)  
Proposed Use: Marijuana Growing Facility  
Legal Description: UNPLTD PT SEC 04 11N 1W 000 000 PT SW4 SEC 4 11N 1W BEG 1485.37FT E & 660FT N OF SW/C SW4 TH N660FT E165.28FT S660FT W165.33FT TO BEG CONT 2 1/2ACRS MORE OR LESS AKA TR 2 EX N30FT

Any person wishing to gain information on the proposed application may do so at the Community Pre-Development Consultation Meeting. For further information, please contact Choctaw City Hall at 390.2999 and ask for Guy Henson, Development Services Director.

Respectfully,

Amanda Vallet
City Clerk
June 10, 2020

RE: Public Hearing – Specific Use Permit

Dear Property Owner:

The Choctaw Planning Commission will consider an application for a “specific use permit” at their regular meeting of July 2, 2020 at 7:00 p.m. at City Hall, 2500 N. Choctaw Road. The Choctaw City Council will consider the Planning Commission’s recommendation for a “specific use permit” at their regular meeting on July 7, 2020 at 7:00 p.m., City Hall, 2500 N. Choctaw Road.

Meeting Date: July 2, 2020 and July 7, 2020
Applicant: J Matt Martinez
Location: 12302 Max Lane
Current Zoning: General Agricultural District (A-G)
Proposed Use: Marijuana Growing Facility
Legal Description: UNPLTD PT SEC 04 11N 1W 000 000 PT SW4 SEC 4 11N 1W BEG 1485.37FT E & 660FT N OF SW/C SW4 TH N660FT E165.28FT S660FT W165.33FT TO BEG CONT 2 1/2ACRS MORE OR LESS AKA TR 2 EX N30FT

Any person wishing to appear in support or in opposition to the proposed application may do so at the Public Hearing, if you feel in any way that the specific use would affect you personally or your property in an adverse manner. All written protests must be filed with the City Clerk by 5:00 p.m. at least three (3) business days prior to the scheduled Public Hearing. Mailing address is P.O. Box 567. For further information, please contact Guy Henson, Planning Development Director, at Choctaw City Hall at 390.5136.

Respectfully,

[Signature]
Amanda Vallet
City Clerk
OKLAHOMA CITY OK 730
22 JUN 2020 PM 4 L

ChocTaw
P.O. Box 567
Choctaw, Ok
Specific Use Permit

Application No. 2005131
Application Date: 5.29.2020
Cash □ Check □ Credit Card ☑ M/C
Amount Received $50.00 Receipt No. 2015

Subject Address: 12302 Max Lane Choctaw OK
Property Owner: J. Matt Martinez

Applicant: J. Matt Martinez
Phone: 405-435-6637

Address: 12302 Max Lane
City: Choctaw
State: OK
Zip: 75020

E-mail address: Jmattmartinez@hotmail.com

Property Current Zoning: AG
Required Zoning: AG
Code Section No.: 

Acres: 2.5
Road Frontage: 165 ft
Comprehensive Plan Compatible: Yes

Current Use (identify structures and improvements):
30' x 50' Existing metal building

What is the “Specific Use” requested?: To grow Medical Marijuana

Benefits of proposed use to City of Choctaw:
Monetary Fees

City Utilities: Water □ Sewer □ N/A

Estimated traffic count: 0

How will proposed change affect the roadway system serving your area: None

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

Identify surrounding land uses: Residential

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

PROPERTY OWNER'S SIGNATURE:

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

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

Name: __________________________ Address: __________________________

Signature: __________________________ Telephone: __________________________

County Parcel Number: 1215-19466-6060

June 2019
To: City of Choctaw  
2500 N Choctaw Road  
City of Choctaw  

RE: J. Matt Martinez  
12302 Max Lane  
Choctaw, OK 73020  

Introduction:  
We live on 2.5 acres and have a 30’x50’ existing detached metal building. On June 24, 2019 we were approved by OMMA for a Medical Marijuana Grower’s license. On August 30, 2019 OMMA instituted the Certificate of Compliance requirement. We are seeking the Certificate of Compliance from the City of Choctaw to renew our Medical Marijuana Growers License.  

Project Description:  
• Proposed Use: To use our existing 30’ X 50’ detached metal building on our property to grow medical marijuana. All activity associated with the medical marijuana grow will only be conducted inside this building. We have no employees and are not open to the public. A monitored security system will be installed upon approval of Certificate of Compliance.  
• Type and number of proposed buildings: (1) 30’ X 50’ metal building approximately 1500 sq ft.  
• Open space or Park: The building is located at the back of our property. No parking or open space is needed.  
• Connection to nearby major roads, subdivisions and City-owned public utilities: Max Lane is the closest city road and it is a dead-end street. There are no city-owned public utilities.  

Generalized Site Plan: (see attachments)  
• Proposed Buildings: Existing 30’ X 50’ metal building approximately 1500 sq ft.  
• Parking: N/A  
• Entrances:  
  o Southeast Corner – 8 ft X 8 ft roll-up metal door  
  o Northeast Corner – 3ft metal man door  
  o North Side – 10ft X 10ft roll-up metal door  
• Landscaping: None  
• Screening: An 8ft chain link fence will be installed around the perimeter of the 30’x50’ metal building upon approval of Certificate of Compliance.
8' Chain Link Security Fence to be installed upon approval

30'X50' Metal Building
- All grow activity will be contained inside. There will be NO outdoor grow.
Plant Grow Activity will be limited to inside of the 30'X50' Metal Building

- **Plant Grow Room**
- **Bath Room Door**
- **Bath Room**
- **3ft Exterior Man Door**
- **10ft Roll-up door**
- **3ft Interior Man Door**
- **Grow Tent for Drying/Curing**
- **8ft Roll-up Door**
- **Maintenance and Supply Area outside of Plant Grow room and Tent**
Know All Men by These Presents:

THAT, MICHAEL K. WOOLVERTON AND STEPHANIE D. WOOLVERTON, HUSBAND AND WIFE, parties of the first part, for 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, do hereby Grant, Bargain, Sell and Convey unto J. MATT MARTINEZ AND KACI MARTINEZ, 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 situated in Oklahoma County, State of Oklahoma, to wit:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION
Grantee’s Mailing Address: 12302 MAX LANE CHOCTAW Oklahoma 73020

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 10th day of July, 2009

MICHAEL K. WOOLVERTON

STEPHANIE D. WOOLVERTON

906003
INDIVIDUAL ACKNOWLEDGMENT

STATE OF OKLAHOMA
COUNTY OF OKLAHOMA

Before me, the undersigned, a Notary Public in and for said County and State on the 10th day of July 2009, personally appeared, MICHAEL K. WOOLVERTON AND STEPHANIE D. WOOLVERTON, HUSBAND AND WIFE, 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.

MELODY COLE
Notary Public
Commission Expires 05/17/2013

RETURN TO:
Stewart Escrow & Title, Midwest City, Inc.
1712 S. Paul Road, Suite A
Midwest City, Oklahoma 73110
EXHIBIT "A"

Beginning at the Northeast Corner of the West Half (W/2) of the West Half (W/2) of the Southeast Quarter (SE/4) of the Southwest Quarter (SW/4) of Section Four (4), Township Eleven (11) North, Range One (1) West of the Indian Meridian, Oklahoma County, Oklahoma; thence West a distance of 165.28 feet; thence South 660 feet; thence East a distance of 165.28 feet; thence North a distance of 660 feet to the point of beginning.
Larry Stein
Oklahoma County Assessor’s Office

Ownership Radius Report

This Report is for Account Number R194666060 and is a 400-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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AGENDA TITLE: A Final Plat application for Rustic Oaks Phase 2 at 16300-16500 Block of SE 15th Street, submitted by Winding Creek Developments.

Report:

Winding Creek Developments is the owner of this 14.96 acre tract of residential land. The current zoning is R-S "Single-Family Residential".

Winding Creek Developments has submitted an application for the approval of their final plat for Phase 2 based on the required improvements for their development. Phase 2 of the development includes 23 lots.

This development was approved for 46 lots served by private streets accessed off SE 15th Street. There will be a gated entrance into the development with a 6 foot fence along the property line on SE 15th Street. The private streets within the development have a 50 foot wide private rights-of-ways with public utilities easements within this 50 feet.

The developer extended the existing public water line from the intersection of SE 15th Street and Indian Meridian to this development and to connect the homes within the subdivision to public water. The water line extension and Phase 1 connection were done prior to the acceptance of Phase 1. The City acceptable a bond for two year the water extension and Phase 1 connection in 2018. The developer will submit a bond to cover the Phase 2 installment within the development prior to the acceptance of the Final Plat.

The development will be served by private septic systems as it was outside the City’s serviceable boundary and was not within 500 feet of an existing sewer line. Additionally, the storm water detention facilities and storm drainage systems will be privately owned and maintained.

The resolution approving the Preliminary Plat had several conditions which have been addressed by the developer. The attached Staff Report details how each of these conditions have been resolved or will be resolved.
Winding Creek Developments has submitted an application for the approval of their final plat based on the required improvements for their development.

The Preliminary Plat for this development was reviewed by the Planning Commission on October 5th, 2017 and subsequently approved by the City Council on October 16th, 2017. The Final Plat for Phase 1 of Rustic Oaks was presented to the Planning Commission on December 6th, 2018 and accepted by the City Council on December 18th, 2018.

This development was approved for 46 lots served by private streets accessed off SE 15th Street. There will be a gated entrance into the development with a 6 foot fence along the property line on SE 15th Street. The private streets within the development have a 50 foot wide private rights-of-ways with public utilities easements within this 50 feet.

Phase 2 of the development includes 23 lots and is approximately 15 acres in size.

The developer extended the existing public water line from the intersection of SE 15th Street and Indian Meridian to this development and to connect the homes within the subdivision to public water. The water line extension and Phase 1 connection were done prior to the acceptance of Phase 1. The City acceptable a bond for two year the water extension and Phase 1 connection in 2018. The developer will submit a bond to cover the Phase 2 installment within the development prior to the acceptance of the Final Plat.

The development will be served by private septic systems as it was outside the City’s serviceable boundary and was not within 500 feet of an existing sewer line. Additionally, the storm water detention facilities and storm drainage systems will be privately owned and maintained.

The resolution approving the Preliminary Plat had several conditions which have been addressed by the developer. The conditions and their resolutions are listed below:
1. Label all drainage easements and detention ponds as private.
   All easements and detention ponds have been labeled as private.
2. Remove the street dedication to the public within the owner’s certification.
   Certification has been updated on the Final Plat.
3. Add a “Septic Tank Certification” to the plat.
   The certification has been added.
4. Place a “Limits of No Access” (L.N.A.) along S.E. 15th Street.
   The Limits of No Access has been labelled.
5. Provide connectivity with S.E. 18th Street and the portion will be paved with the rest of
   the private streets.
   This section of SE 18th Street has been paved to provide connectivity.
6. Relocate the Overhead Electric Line in Lots 1 – 4; Block 1 or add an easement.
   These lines were relocated.
7. Add a fifty foot public utility easement with the boundaries of Zach Lane, Baylee Court,
   Shayelee Court, Zach Court, and S.E. 15th Street.
   Easements have been added.
8. Add a twenty foot public utility easement on the south boundary of Lot 5, between Lots
   13 and 14, and south boundary of Lot 22; Block 1.
   The easements have been provided. Lot 5 is now Lot 4; therefore staff has updated the
   location for this easement and it is now between Lots 4 and 5 of the Final Plat Phase 2.
9. Add a ten foot public utility easement on the north boundary of the platted subdivision.
   Easement has been added.
10. Adjust the Common Area “C” (Detention Pond) to accommodate the connection of S.E.
    18th Street.
    The adjustment to allow for the connection to SE 18th Street has been made.
11. Provide screening along S.E. 15th Street. Please provide details on the screening height
    and material.
    The developer applied for a building permit for this screening and it is currently under
    construction. There will be a 6 foot tall cedar fence all along the Limits of No Access along
    SE 15th Street.
12. Street Light agreement (City will take ownership after 50% of the lots are issued a
    certificate of occupancy)(It will be up to the developer to install and maintain street
    lighting)
    All the street lights within this development will be private and will be the responsibility of
    the owner or homeowner’s association. Additionally, the developer will install lights on the
    guard shack along SE 15th Street to ensure the entrance and exit to the development are lit.
    These lights will also be privately owned and maintained.
13. Installation of a twelve inch (12”) public water main along S.E. 15th Street and an eight
    inch (8”) water main within the proposed Rustic Oaks Subdivision.
    The 12 inch main was installed as part of Phase 1. The developer has completed the
    installation of the water main within the development and will provide the City As-built.
14. Final Plat approval and recorded with ½ acre lots with the Oklahoma County Clerk.
    The Phase 1 Final Plat was recorded with Oklahoma County in 2018. Once City Council
    accepts the Phase 2 Final Plat, it will be recorded as well.
15. Copy of the Covenants and Home Owner’s Association documentation.
These documents have been provided for the file.

16. Private access gate shall have a siren screech sensor to allow public safety to access the subdivision.
The developer is working with City Staff for the installation of the siren screech sensor at the entrance gates. These siren sensors will have to be installed at the time the gates are operational.

Staff continues to work with the developer on the three items listed below and has worked out a timeline for completion with the developer.

1. Water main as-builts.
   This submittal will be required prior to the Final Plat being presented to the City Council.

2. Detention basin as-builts.
   This submittal will be made after the acceptance of the Final Plat by the City Council.

3. Parkland Dedication – the developer will make a monetary contribution of $23,552 in lieu of providing Parkland Space. This contribution amount was decided at the Preliminary Plat phase of the development and was approved by Planning Commission and City Council.
   This fee will be paid after the acceptance of the Final Plat by the City Council.

The developer has agreed that no building permits for homes in Phase 2 will be issued until Item #2 and #3 have been addressed. This restriction will be added to the Resolution for the Final Plat for Phase 2.

CITY OF CHOCTAW STAFF
The City of Choctaw’s staff has reviewed the final plat for “Rustic Oaks, Phase 2”. Staff has completed its final plat review.
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:
June 22, 2020
Applicant: Winding Creek Developments

Address: 3117 N. Indian Meridian

Phone: (405) 401-2321

Property address: 16380 SE 15th - 16390 each ct

Legal Description: Rustic Oaks

A part of the NE Quarter of Section 7, T42N, R1E, I.M. Checotah, OK County, Oklahoma

Zoning Classification: Residential

Number of Acres: # of Lots: 23 # of Blocks: 2

Proposed Name of Subdivision: Rustic Oaks

Proposed Use: Residential

Developer: Winding Creek Developments

Address: 3117 N. Indian Meridian

Phone: (405) 401-2321

Engineer: Jackson & Jackson Engineering

Address: 5350 S. Western Ave Suite 222-OKC, OK 73109

Phone: (405) 225-1978

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 and received a copy of the Subdivision Regulations. We attest to the truth and correctness of all facts and information presented with this application and agree to pay all fees as required.

Signature of Applicant

Date 5-28-2020

(For Official Use Only)

County Parcel Number: 1028-19495-1220
AGENDA TITLE: Lot Merge Application for a property located at 15870 SE 29th Street submitted by Paul Maxwell.

Report:

Paul Maxwell is the owner of this 5.31 acres tract of land located at 15870 SE 29th Street. The 1.31 acre tract carries an R-R “Rural Residential District” zoning classification and the 4 acre tract carried an A-G “General Agricultural District” zoning.

The applicant has applied for a lot merge, lot split and rezoning for the front two parcels along 29th Street to create access for the landlocked 4 acres he owned. This lot merge is the final step of the process to obtain access to that parcel from SE 29th Street.

The current parcels are 1.31 acres and 4 acres in size. The smaller parcel has 65 feet of frontage on SE 29th Street and the larger parcel is landlocked. This lot merge will allow it access to the SE 29th Street. The total parcel size after the lot merge will be 5.31 acres.

Board of Adjustment granted a variance the minimum lot frontage requirement of 110 feet for the R-R "Rural Residential District".

City Water & Sewer- existing 12 inch water line in the SE 29th Street right-of-way. Connection to City Water will be required with any future development or large improvements on Mr. Maxwell’s property. The residential property is served by a private septic system due to being out of the serviceable boundary for city sanitary sewer.

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. The future land use designation for the 1.31 acre tract of land is Regional Business, which is described as: retail and professional office activities that aim to meet the needs of both local and regional residents. Development in this area should be unique and high-quality, creating a destination area to attract visitors to Choctaw. This land use category could also include a regional hospital or urgent care center. The future land use designation for the 4 acre tract of land is Urban Residential, which is described as: duplexes, townhomes, or multifamily that are typically 4 to 8 dwelling units per acre excluding right of way.
CITY OF CHOCTAW
Staff Report

Applicant: Paul Maxwell

Location: 15870 SE 29th Street

Current Zoning: R-R “Rural Residential District” and A-G “General Agricultural District”

Request: Merge a 1.31 acre and a 4 acre tract; to create new 5.31 acre tract

REQUEST SUMMARY

Paul Maxwell is the owner of this 5.31 acres tract of land located at 15870 SE 29th Street. The 1.31 acre tract carries an R-R “Rural Residential District” zoning classification and the 4 acre tract carried an A-G “General Agricultural District” zoning. Pursuant to §19-202 Short Form Subdivision, the applicant is requesting to merge the two existing parcels into one parcel. Mr. Maxwell has applied for a lot merge, lot split and rezoning for the front two parcels along 29th Street to create access for the landlocked 4 acres he owned. This is the final step of the process to obtain access to that parcel from SE 29th Street.

Mr. Maxwell had applied for a change of rezoning from A-G “General Agricultural District” to R-R “Rural Residential District” for the two front parcels in order to apply for a lot split. The rezoning request was approved by the Planning Commission and City Council in March with the condition that no home or primary structure be erected upon the narrow portion of land on proposed new lot. He also applied for a lot split application, which was presented to the Planning Commission is June. This lot split was approved with the condition the condition that Mr. Maxwell apply for the lot merge application.
The current city code allows for staff level deed approval at staff level if:

- Deed approval is to allow adjustments to be made to lot lines of platted lots for the purpose of adjusting the size of a building site (extensive replatting shall not be accomplished);
- It is a pre-existing deed: the property conveyed by the deed submitted for review exited in its present configuration prior to its annexation to the city or prior to the October 18, 1971, adoption of the subdivision regulations;
- The dedication or abandonment of public-right-way or easements is not involved.

As this lot merge request does not meet the above criteria, staff is presenting it to the Planning Commission for review and approval or denial.

**EXISTING ZONING AND BUILDING USE REGULATIONS**

The current zoning for the property is R-R “Rural Residential District” for the 1.31 acre tract and A-G “General Agricultural District” for the 4 acre tract. The property is bound by C-G “General Commercial District” and R-R “Rural Residential District” to the east and north and A-G “General Agricultural District” to the north, south and east.

There is a storage building on the proposed northern portion of the tract. The remainder of the property is vacant.

The current parcels are 1.31 acres and 4 acres in size. The smaller parcel has 65 feet of frontage on SE 29th Street and the larger parcel is land locked. This lot merge will allow it access to the SE 29th Street. The total parcel size after the lot merge will be 5.31 acres.

The applicant did request a variance from the Board of Adjustment for relief from the minimum frontage requirement for the R-R “Rural Residential District”. Section §12-263 Area and Height Regulations requires a minimum lot frontage of 110 feet in this zoning district. The current lot width is 184.8 feet and the proposed lot widths are 119.8 feet for proposed Tract A and 65 feet for proposed Tract B. On April 16th, 2020 the Board of Adjustment did approve the variance request to the minimum lot frontage requirement as presented.

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**: The existing property is used as a single-family residence for the owner.
  - **Future Land Use**: The future land use designation for the 1.31 acre tract of land is Regional Business, which is described as: retail and professional office activities that aim to meet the needs of both local and regional residents. Development in this area
should be unique and high-quality, creating a destination area to attract visitors to Choctaw. This land use category could also include a regional hospital or urgent care center.

The future land use designation for the 4 acre tract of land is Urban Residential, which is described as: duplexes, townhomes, or multifamily that are typically 4 to 8 dwelling units per acre excluding right of way.

- **Physical Constraints** – there are no natural or physical constraints on the property.

- **Transportation** – SE 29th Street is an arterial street with a 57.5 foot wide roadway and utility easement.

- **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.

**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 SE 29th Street 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.

Connection to City Water will be required with any future development or large improvements on Mr. Maxwell’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 SE 29th 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. There currently is a 57.5 foot right-of-way easement along the north property line. Therefore, no additional easements will be required.

CITY OF CHOCTAW STAFF

The City of Choctaw’s staff has reviewed the lot merge for Paul Maxwell. Staff has completed its review of the lot merge request.
LOT MERGE APPLICATION

Applicant: Paul R & Susan M Maxwell
Address: 15870 SE 29th St, Choctaw OK 73020
Phone: 405-942-2182 Cell:
E-mail address: PAMmaxwell6548@yahoo.com
Property address (Lot 1): 
Property address (Lot 2):
Legal Description (Lot 1): Sec Attached
Legal Description (Lot 2): Sec Attached

Number of Acres (Lot 1): 1.31 Number of Acres (Lot 2): 4.00
Total Combined Acres: 5.31
Number of tracts being merged: 2 Property zoning district: RR+AG
County Parcel Number (Lot 1): - - - - - - - - Lot Dimension: -
County Parcel Number (Lot 2): - - - - - - - - Lot Dimension: -

(If more than two (2) lots are being merged, list all other, property addresses, lot dimensions and County Parcel Numbers and dimensions on a separate page.)

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

[Signature]
Date: 6-12-20

DO NOT WRITE BELOW THIS LINE, ADMINISTRATIVE USE ONLY

Permit #: 2006144 Receipt #: 2132
Total Amount Paid: $00- Date Paid: 6-12-2020
☐ Cash Check # Credit Card VISA
LEGAL DESCRIPTION

I, Allen E. Henry, a Registered Land Surveyor of the State of Oklahoma, do hereby certify that the herein shown Legal Description was made under my supervision of a tract of being a part of the Northeast Quarter (NE/4) of Section 13, Township 11 North (T11N), Range 1 West (R1W) of the Indian Meridian, Oklahoma County, Oklahoma being more particularly described as follows:

A tract of land being a part of the Northeast Quarter (NE/4) of Section 13, Township 11 North (T11N), Range 1 West (R1W) of the Indian Meridian, Oklahoma County, Oklahoma being described as follows: Commencing from the Northeast Corner of the Northeast Quarter (NE/4) of Section 13; thence North 89°51'40" West a distance of 475.20 feet to the Point of Beginning; thence South 00°00'00" East a distance of 57.50 feet to a point; thence South 00°09'10" East a distance of 412.50 feet to a point; thence South 80°00'00" West a distance of 52.80 feet to a point; thence South 00°09'10" East a distance of 247.50 feet to a point; thence South 00°00'00" East a distance of 660.00 feet to a point; thence South 80°00'00" West a distance of 264.00 feet to a point; thence North 00°00'00" West a distance of 660.00 feet to a point; thence North 90°00'00" East a distance of 132.00 feet to a point; thence North 00°00'00" West a distance of 287.18 feet to a point; thence North 90°00'00" East a distance of 144.80 feet to a point; thence North 00°09'10" West a distance of 275.00 feet to a point; thence North 32°00'00" West a distance of 47.17 feet to a point; thence North 00°00'00" West a distance of 57.50 feet to a point; thence South 89°51'40" East a distance of 65.00 feet to the Point of Beginning, containing 5.31 acres more or less and subject to all Easements and Right-of-Way records.

SUBSCRIBED TO AND SWORN BEFORE ME THIS 9th DAY OF JUNE, 2020.
MY COMMISSION EXPIRES: 01-29-2024

LARRY JAMES
NOTARY PUBLIC COMMISSION #16000981
STATE OF OKLAHOMA
EXPIRED 6/15/2024

PLAT OF SURVEY
TO SERVE
MAXWELL
S&H-4847

This Plat of Survey meets the minimum standards established State statute 59 O.S. 471.1 and Chapter 245:15-1-3 of the rules of the Board of Licensure for Professional Engineers and Land Surveyors.

BASIS OF BEARING: GRID NORTH

LAST SITE VISIT: 11/22/2019

STRAIGHT AND HENRY SURVEYING, INC.
5001 S. BERRYMAN RD.
OKLAHOMA CITY, OKLAHOMA 73109
PHONE: (405) 741-1873
FAX: (405) 741-1873

DATE: 06-06-2020
SCALE: N/A
DRAWN BY: LDJ
SHEET NO.: 1 OF 2
SURVEYOR: ALLEN E. HENRY
LS. #1335
PLAT OF SURVEY
15870 S.E. 29th St., Choctaw, OK., 73020
Part of the NE/4, Sec. 13, T11N,
R1W, I.M., Oklahoma County, Oklahoma

Legend:
- - - - - - - - - FENCE
- - - - - - - - - - - - - POWER LINE
- - - - - - - - - - - - - POWER POLE
- - - - - - - - - - - - - LIGHT POLE
- - - - - - - - - - - - - SET IRON PIN
- - - - - - - - - - - - - FOUND IRON PIN
- - - - - - - - - - - - - GAS/PROPANE TANK
- - - - - - - - - - - - - FLOW DIRECTION

Before You Dig
The location of underground facilities can only be determined accurately by a subpoenaed professional. To avoid damage to these facilities, call before you dig. Call Oklahoma One-Call at 811. www.okla811.org

Call Okev 8-1-1
1-800-522-1818 405-848-5032

Oklahoma One-Call System is the official system of Oklahoma to notify property owners of the presence of underground facilities before any digging or excavation is done.

Plat of Survey

Maxwell
SHE-4847

The Plat of Survey shows the location of property established thereon in accordance with the provisions of 51 O.S. 1991, §1-3-1 of the laws of the state of Oklahoma for the purpose of conveying and describing property.

Basis of Bounding
Gird North
Gird South
Last Date Viewed: 11/22/2019
American Surveying & Land Surveying, Inc
1830 Bluff Rd, TULSA, OK 74101
(918) 742-5000  www.asl.ok.com
(918) 742-5000  www.asl.ok.com

Plat of Survey
1 of 2
QUITCLAIM DEED
Under 16 O.S. § 41

KNOW ALL MEN BY THESE PRESENTS that,
PAUL RICHARD MAXWELL AND SUSAN MARIE MAXWELL, husband and wife

in consideration of the sum of $10.00
in hand paid, the receipt of which is hereby acknowledged, does hereby QUITCLAIM, GRANT,
BARGAIN, SELL, AND CONVEY unto,

PAUL RICHARD MAXWELL AND SUSAN MARIE MAXWELL, husband and wife

the following described real property and premises, situated in
OKLAHOMA County, State of Oklahoma, to-wit:

A tract of land being a part of the Northeast Quarter (NE/4) of Section 13, Township 11 North (T11N),
Range 1 West (R1W) of Indian Meridian, Oklahoma County, Oklahoma being described as follows:
Commencing from the Northeast Corner of the Northeast Quarter (NE/4) of Sec.13; thence North
89°51'40" West a distance of 475.20 feet to the Point of Beginning; thence South a distance of 412.50
feet to a point; thence South 90°00'00" West a distance of 52.80 feet to a point; thence South 00°09'10"
East a distance of 247.50 feet to a point; thence North 89°51'40" West a distance of 132.00 feet to a
point; thence North 00°00'00" West a distance of 660.00 feet to a point; thence 89°51'40" East a
distance of 184.80 feet to the Point of Beginning, containing 2.50 acres more or less and subject to all
Easements and Right-of-Way records.

CITY OF CHOCTAW
Lot Line Adjustment
Approved

31 Jan 2020

City Manager

Source of Title:
Being a combined property conveyed by

Warranty Deed from Donald L and Priscilla Abbott, recorded 5/12/2003 in the records of Oklahoma
County Clerk, Oklahoma.
(Book 8859, Page 1121) Lot 1
AND
Warranty Deed from Robert E. and Janice L. Maxwell, recorded 9/20/1991 in the records of Oklahoma
County Clerk, Oklahoma,
(Book 6211, Page 51) Lot 2
Together with all the improvements thereon and the appurtenances there unto belonging.

TO HAVE AND TO HOLD
said described premises unto the said party of the second part, his 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:
Easements, restrictions, and rights of way appearing of record or enforceable in law and equity, and general property taxes for the year 2020 and thereafter.

Signed and delivered on this 31 day of January, 2020.

GRANTORS

[Signature]
Paul Richard Maxwell
Print Name
HUSBAND

[Signature]
Susan Marie Maxwell
Print Name
WIFE

GRANTEES

[Signature]
Paul Richard Maxwell
Print Name
HUSBAND

[Signature]
Susan Marie Maxwell
Print Name
WIFE

STATE OF OKLAHOMA,
COUNTY OF OKLAHOMA,
Before me, the undersigned, a Notary Public, in and for this state, on this 31 day of January, 2020, personally appeared

PAUL RICHARD MAXWELL AND SUSAN MARIE MAXWELL, husband and wife,
to me known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

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

[Signature]
Amanda Vailt
Print Name: Amanda Vailt
My Commission Expires: 10/16/22
LEGAL DESCRIPTION

15870 S.E. 29th St., Choctaw, Ok., 73020
PART OF THE NE/4, SEC. 13, T11N,
R1W, I.M., Oklahoma County, Oklahoma

LEGAL DESCRIPTION

I, Allen E. Henry, a Registered Land Surveyor of the State of Oklahoma, do hereby certify that the herein shown Legal Description was made under my supervision of a tract of being a part of the Northeast Quarter (NE/4) of Section 13, Township 11 North (T11N), Range 1 West (R1W) of the Indian Meridian, Oklahoma County, Oklahoma being more particularly described as follows:

A tract of land being a part of the Northeast Quarter (NE/4) of Section 13, Township 11 North (T11N), Range 1 West (R1W) of the Indian Meridian, Oklahoma County, Oklahoma being described as follows: Commencing from the Northeast Corner of the Northeast Quarter (NE/4) of Section 13; thence North 89°51'40" West a distance of 475.20 feet to the Point of Beginning; thence South 00°09'10" East a distance of 412.50 feet to a point; thence South 90°00'00" West a distance of 52.80 feet to a point; thence South 00°09'10" East a distance of 247.50 feet to a point; thence North 89°51'40" West a distance of 132.00 feet to a point; thence North 00°00'00" West a distance of 860.00 feet to a point; thence South 89°51'40" East a distance of 194.80 feet to the Point of Beginning, containing 2.50 acres more or less and subject to all Easements and Right-of-Way records.
JOINT TENANCY
WARRANTY DEED
(INDIVIDUAL FORM)

Know All Men by These Presents:

That DARA RENE VANN

(single person)

of OKLAHOMA County, State of OKLAHOMA

of the first part, in consideration of the sum of $1,000 DOLLARS and other valuable considerations in hand paid, the receipt of which is hereby acknowledged, does hereby Grant, Bargain, Sell and Convey unto PAUL RICHARD MAXWELL and SUSAN MARIE MAXWELL 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, of OKLAHOMA County, State of OKLAHOMA, parties of the second part, the following described real property and premises situate in OKLAHOMA County, State of OKLAHOMA to-wit:

A part of the NE 1/4 Section 13, Township 11 North,

Range 1 West of the Indian Meridian Commencing at the Northeast corner of said NE 1/4 thence West a distance of 326 feet thence South a distance of 660 feet to the point of beginning; thence continuing South a distance of 660 feet thence West a distance of 264 feet thence North a distance of 660 feet, thence East a distance of 264 feet to the point of beginning, containing 8 acres more or less.

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 incumbrances of whatsoever nature.

EXEMPTION DOCUMENTARY TRANSFER
OS TITLE 60, ARTICLE 32, SECTION 3A
Signed and delivered this day of [date] 2009.

[Signature]

[Signature]

CITY & STATE
Chattanooga, TN 73030-6549

FORM 1A-1 (County of [County] Oklahoma)

STATE OF OKLAHOMA
COUNTY OF OKLAHOMA

INDIVIDUAL ACKNOWLEDGMENT
Oklahoma Form 2009

Before me, the undersigned, Notary Public in and for said County and State on this day of [date]

[Signature]

DARA RENE VANN

to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that he or she executed the same as his or her free and voluntary act and deed for the uses and purposes therein set forth.

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

[Signature]

Paul Doyle
Notary Public
CITY OF CHOCTAW

STAFF REPORT

Planning Commission

Meeting of: 7/2/2020

Development Services

Department

Purvi Patel

Prepared By

Guy Henson

Department Head

AGENDA TITLE: AMENDMENT TO THE DEFINITIONS AND ADDITION OF A HOME OCCUPATION SECTION TO THE CITY OF CHOCTAW
PART 12 PLANNING, ZONING, AND DEVELOPMENT CODE

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

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

Report:

Remove the Home Occupation language from Part 12 - Planning, Zoning and Development; Chapters 2 & 3 - Zoning Regulations; Article C - Definitions; Section 12-215.

Add the Home Occupation Section to Part 12 - Planning, Zoning and Development; Chapter 2 & 3 - Zoning Regulations; Article D - General Provisions applying to all or several districts; Section 12-242 - Home Occupation.

Per Planning Commission's direction, Staff has proposed the attached amendments to the home occupation regulations.

This item was tabled at the June 04, 2020 meeting, to be presented at the July Planning Commission Meeting.

Below is a summary of some of the changes recommended by staff:

- not allowing any customers to enter the premise for a Home Occ Type I, as it is not in keeping with the intent of a Home Occ Type I;

- providing clarification that Home Occ Type II are only permitted in residential zoning districts with a Specific Use Permit;

- requiring outdoor identification and safety signage when chemicals and explosives are used in association with the Home Occ Type II;

- not allowing outdoor storage of materials, equipment or debris with Home Occ Type II;

- any noise created shall adhere to §10-308 of the City code, unless otherwise specified.
ARTICLE D
GENERAL PROVISIONS APPLYING TO ALL OR TO SEVERAL DISTRICTS

§ 12-242 Home Occupation.

§ 12-242 HOME OCCUPATION

The standards for home occupations in this chapter are intended to insure compatibility with other permitted uses and with the residential character of a neighborhood, plus a clearly secondary or incidental status in relation to the residential use of the main building as the criteria for determining whether a proposed accessory use qualifies as a home occupation.

There will be two types of Home Occupations permitted: Minor Home Occupation (Type I) and Major Home Occupation (Type II):

A. Minor home occupation (Type I) means a home occupation in which no persons other than members of the family residing on the premises are engaged in the occupation, which has no visible exterior evidence of the conduct of the occupation, which does not create need for off-street parking beyond normal dwelling needs, which does not generate additional traffic, and in which no equipment is used other than that normally used in household, domestic, or general office use. A Type I Home Occupation shall:

1. Require the applicant to obtain a home occupation permit, which shall be renewed annually;

2. Be operated entirely within the applicant’s dwelling;

3. Use not more than twenty-five percent (25%) of the floor area used for human occupancy (includes the basement and garage);

4. Not display any external evidence of an occupation outside the structure except as permitted in the residential district;

5. Not involve the use or storage of tractor trailers, semi-trucks, or heavy equipment such as construction equipment used in a business;

6. Include no retail selling of stocks or merchandise, supplies, or products, provided that orders previously made by telephone or at a sales party may be filled on the premises;

7. Produce no disturbing or offensive noise or obnoxious odors, vibrations, glare, fumes, or electric interference detectable to normal sensory perception outside the structure. No outside burning associated with the home occupation is permitted; and

8. Not require any additional parking.

The administrative procedure for a minor home occupation is as follows:

a. Application;
b. Decision by city manager or his designee;
c. Notice of decision; and
d. An appeal to the board of adjustment may be filed in accordance with § 12-123 of the city code of ordinances;

B. Major home occupation (Type II) means a home occupation in which not more than one person other than members of the family residing on the premises is employed on the premises, which has not more than one unilluminated sign as visible exterior evidence of conduct of the occupation, and which accommodates both dwelling and home occupation parking needs off the street. A Type II Home Occupation shall:

1. Type II Home Occupations are only permitted with a Specific Use Permit when located in the following residential districts: R-R, R-S, R-G and R-75;
2. Require the applicant to obtain a home occupation permit, which shall be renewed annually;
3. Be operated entirely within a residential structure or permitted accessory structure. Where a garage is used, additional off-street parking shall be provided in a manner not detracting from the character of the surrounding area;
4. Area allowed for a home occupation:
   a. Platted areas:
      i. Use no more than twenty-five percent (25%) of the floor area used for human occupancy (includes the basement and garage); and
      ii. Use no more than four hundred (400) square feet of an allowed accessory structure;
   b. Unplatted areas:
      i. Use no more than twenty-five percent (25%) of the floor area used for human occupancy (includes the basement and garage); and
      ii. Where an accessory building is used, other than for the storage of farm equipment or vehicles, the home occupation shall be limited to one thousand (1,000) square feet;
5. Require no remodeling of the exterior of the dwelling or the accessory
structure that changes the residential character;

6. Limit any external evidence of an occupation to one identification sign not to exceed two (2) square feet in area;

7. Outdoor building identification and safety signage is required when chemicals and explosives are used in association with the home occupation;

8. Not involve the use or storage of heavy vehicles, gross or heavy equipment in accordance with §12-226 of the code or involve warehousing or distribution;

9. Not involve the outdoor storage of materials, equipment or debris associated with the home occupation;

10. Include no retail selling of stocks of merchandise, supplies, or products, provided that orders previously made by telephone or at a sales party may be filled on the premises;

11. Produce no disturbing or offensive noise or obnoxious odors, vibrations, glare, fumes, or electric interference detectable to normal sensory perception outside the structure. No outside burning associated with the home occupation is permitted;

12. Outdoor noise shall adhere to §10-308 of the City code, unless otherwise specified;

13. Involve fewer than ten (10) customers daily entering the premises;

14. Employ no more than one person in addition to those who are permanent residents of the dwelling; and

15. Provide a plan for any additional parking required, which shall be approved if:

   a. The residential character of the parcel is not changed; and

   b. The parking area does not detract from the visual appearance of the residence.

The administrative procedure with notice for a major home occupation is as follows:

   a. Pre-application consultation; and

   b. Specific Use Permit application.

C. Nonconforming home occupation means one which was lawfully established and maintained prior to the effective date of this chapter but is no longer allowed because of the application of this chapter or any amendment hereto, and shall be in accordance with Article E of §2-248 and 12-249 of this code;
D. Fees for minor or major home occupation shall be established by motion or resolution adopted by the city council; and

E. Violations of this chapter of shall be deemed a misdemeanor and shall by punishable by fine in accordance with §12-701 of this code.
Joint Meeting
City of Choctaw/Choctaw Utilities Authority
& Choctaw Planning Commission
Special No. 16
June 4, 2020 @ 6:00pm
Choctaw City Hall, 2500 N Choctaw Road
Choctaw, Oklahoma 73020

MINUTES

In accordance with Senate bill 661, which temporarily modified the Open Meeting Act as approved by Governor Stitt on March 18, 2020, the Choctaw City Council hosted a virtual meeting option for the Regular Meeting of the City Council/Board of Trustees on June 4, 2020 at 7:00pm using the following options:

Teleconference dial in number: +1 301 715 8592
Conference ID: 879 1917 7494
Meeting Password: 612024
Join Meeting:
https://us02web.zoom.us/j/87919177494?pwd=WkUwanFPWnd6Vjc1WnRYWUFMTG5kQT09

1. Call to Order by the Mayor @ 6:08 pm

Roll Call:
City Council
7 Present: Chad William; Mike Birdsong; Jeannie Abts; Roger Malone; Steve Krieske; Dale Gill; Randy Ross
0 Absent: None

Planning Commission
6 Present: Chris Jordan; Jared Kobyuk; Larry Morgan; Jeff Wyatt; Philip Bradshaw; Bobby Pearce
0 Absent: None

Staff Present: Ed Brown, City Manager/Executive Director; Ray Vincent/City Attorney; Amanda Valent/City Clerk; Guy Henson/Development Services Director; Purvi Patel/City Planner
2. Development Services Director Henson and City Planner Patel presented information on the proposed R-75 Single-Family Residential District. They reviewed the Future Development Density Plan and discussed the proposed boundaries of the R-75 Single-Family Residential District. Also discussed were possible applications for a PUD within the district and setback requirements.

10. Adjournment:
    Adjourned @ 6:53pm.

ATTEST:                                                                   CITY OF CHOCTAW, OK

_______________________________                                     ___________________________
Amanda Valent, City Clerk                                            Randy Ross, Mayor

ATTEST:                                                                   PLANNING COMMISSION

_______________________________                                     ___________________________
Amanda Valent, City Clerk                                            Chris Jordan, Chairman
City of Choctaw
Regular Planning Commission Meeting
June 4, 2020 @ 7:00pm
Choctaw City Hall, 2500 N Choctaw Road
Choctaw, Oklahoma 73020

MINUTES

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 hosted a virtual meeting option for the Regular Planning Commission meeting on June 4, 2020 at 7:00pm using the following options:

Teleconference dial in number: +1 301 715 8592
Conference ID: 852 1145 4784
Meeting Password: 214463
Join Meeting: https://us02web.zoom.us/j/85211454784?pwd=TlE4V3pESTZvSy9NQ2RIN2xFRTR1QT09

1. Call to Order by Chair Chris Jordan @ 7:00 p.m.
2. Invocation and Pledge of Allegiance given by Chris Jordan.
3. Roll Call:
   5   Present:   Phillip Bradshaw; Chris Jordan; Jeff Wyatt; Jared Kobyluk; Bobby Pearce
   1   Absent:   Larry Morgan

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

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

4.1 Hold a Public Hearing on a Rezone application submitted by:
   Applicant:  Jim and Nancy Cox
   Location:   616 S. Anderson Rd.
   Current Zoning:  General Agricultural District (AG)
   Proposed Zoning:  Rural Residential District (R-R)
   Legal Description:  A tract of land being a part of the South half (S/2) of the North half (N/2) of the Southwest Quarter (SW/4) of the Northwest Quarter (NW/4) of Section Four (4), Township Eleven (11) North, Range One (1) West of the Indian Meridian, Oklahoma County, Oklahoma.
Open Public Hearing – 7:06pm
Receive Comments - None
Close Public Hearing – 7:06pm

4.1.1 Consideration and possible action on the “rezone” request of Jim and Nancy Cox, 616 S. Anderson Road.

MOTION BY Bobby Pearce and SECOND BY Jared Kobyluk to approve the rezone request.

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

4.2 A lot merge application submitted by:
Applicant: Jim and Nancy Cox
Location: 610 & 616 S. Anderson Rd.
Current Zoning: General Agricultural District (AG)
Legal Description: UNPLTD PT SEC 04 11N 1W 000 000 N 1/2 OF S 1/2 OF
N 1/2 OF SW4 OF NW4 OR TRACT 3 PT SEC 4 11N 1W
AND
A tract of land being a part of the South half (S/2) of the North half (N/2) of the Southwest Quarter (SW/4) of the Northwest Quarter (NW/4) of Section Four (4), Township Eleven (11) North, Range One (1) West of the Indian Meridian, Oklahoma County, Oklahoma.

4.2.1 Consideration and possible action on the lot merge request of Jim and Nancy Cox, 610 & 616 S. Anderson Rd.

MOTION BY Philip Bradshaw and SECOND BY Jared Kobyluk to approve the lot merge contingent upon the approval of the rezone of the property by City Council.

MOTION CARRIED:
5 Ayes: Bradshaw, Jordan, Kobyluk, Wyatt, Pearce
0 Nays: None
1 Absent: Morgan
4.3 A lot split application submitted by:

**Applicant:** Jim and Nancy Cox  
**Location:** 610 & 616 S. Anderson Rd.  
**Current Zoning:** General Agricultural District (AG)  
**Legal Description:** UNPLTD PT SEC 04 11N 1W 000 000 N 1/2 OF S 1/2 OF N 1/2 OF SW4 OF NW4 OR TRACT 3 PT SEC 4 11N 1W

AND

A tract of land being a part of the South half (S/2) of the North half (N/2) of the Southwest Quarter (SW/4) of the Northwest Quarter (NW/4) of Section Four (4), Township Eleven (11) North, Range One (1) West of the Indian Meridian, Oklahoma County, Oklahoma.

4.3.1 Consideration and possible action on the lot split request of Jim and Nancy Cox, 610 & 616 S. Anderson Rd.

**MOTION BY** Bobby Pearce and **SECOND BY** Jeff Wyatt to approve the lot split contingent upon the approval of the rezone of the property by City Council.

**MOTION CARRIED:**

5 Ayes: Bradshaw, Jordan, Kobyluk, Wyatt, Pearce  
0 Nays: None  
1 Absent: Morgan

4.4 A lot split 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

4.4.1 Consideration and possible action on the lot split request of Paul Maxwell, 15870 SE 29th Street.

**MOTION BY** Jared Kobyluk and **SECOND BY** Philip Bradshaw to approve the lot split contingent upon the application of a lot merge of the property by the applicant.

**MOTION CARRIED:**

5 Ayes: Bradshaw, Jordan, Kobyluk, Wyatt, Pearce
4.5 A Final Plat application submitted by:
Applicant: Stonetown Western Skies
Number of Lots: 101
Location: 12901 NE 10th Street
Proposed Addition: Western Skies Mobile Home Park
Legal Description: UNPLTD PT SEC 28 12N 1W 000 000 PT SE4 SEC 28
12N 1W BEG 652.59FT W & 337.10FT N OF SE/C SE4 TH N337.1FT W30FT
S337.1FT E30FT TO BEG PLUS A TR BEG AT SE/C SE4 TH N1011.13FT
W652.79FT S1011.13FT E652.79FT TO BEG

4.5.1 Consideration and possible action on the final plat of Western Skies Mobile Home Park, 12901 NE 10 Street.

MOTION BY Jared Kobyluk and SECOND BY Philip Bradshaw to approve the final plat application contingent upon the approval of all storm shelters prior to issuance of permits and the maintenance of sidewalks for one year after the property is fully developed.

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

4.6 A lot split application submitted by:
Applicant: Kent and Karen Hadrava
Location: 4956 N Vargas Road
Current Zoning: Rural Residential District (R-R)
Legal Description: UNPLTD PT SEC 14 12N 1W BLK 000 LOT 000 PT
NW4 SEC 14 12N 1W BEG AT NW/C OF NW4 NE4 NW4 TH E322.09FT
S340.08FT SWLY353.66FT N479.83FT TO BEG CONT 3.03ACRS MORE OR
LESS SUBJ TO ESMTS OF RECORD

4.6.1 Consideration and possible action on the lot split request of Paul Maxwell, 15870 SE 29th Street.

MOTION BY Jared Kobyluk and SECOND BY Philip Bradshaw to approve the lot split.
MOTION CARRIED:
5      Ayes:    Bradshaw, Jordan, Kobyluk, Wyatt, Pearce
0      Nays:    None
1      Absent:  Morgan

4.7 Discussion and possible recommendation on a Home Occupation Ordinance.

Item tabled.

4.8 Special meeting minutes for May 7, 2020.

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

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

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.

7. Adjournment:
   Called @ 7:39pm.

   PLANNING COMMISSION

ATTEST:

__________________________________________
Dr. Chris Jordan, Chairman

__________________________________________
Amanda Valent, City Clerk