City of Choctaw
Regular Planning Commission Meeting
July 2, 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 July 2, 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=TiE4V3pESTZvSy9NQ2RIN2xRTR1QT09

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: Chris Jordan; Larry Morgan; Jeff Wyatt; Philip Bradshaw; Bobby Pearce
   1 Absent: Jared Kobyluk

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

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: 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
Open Public Hearing – 7:04pm
Receive Comments - None
Close Public Hearing – 7:06pm

4.1.1 The proposed use will have a minimal/substantial impact on adjoining property.

MOTION BY Larry Morgan and SECOND BY Philip Bradshaw that the proposed use will have minimal impact on adjoining property.

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

4.1.2 The proposed use will not have an adverse impact on the community as a whole.

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

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

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

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

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

4.1.4 Consideration and possible action on the “specific use permit” request of J Matt Martinez, 12302 Max Lane.
MOTION BY Larry Morgan and SECOND BY Philip Bradshaw to approve the Specific Use Permit request of J Matt Martinez, 12302 Max Lane with the following conditions:
- Motion Sensor Lighting
- Interior and Exterior Monitored Security
- 8' Fencing
- Sight Proof Fence
- Air Filtration to be installed
- West Neighbor wood fence to be replaced if removed to provide screening
- All conditions to be met prior to issuance of compliance certificate

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

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

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

MOTION BY Philip Bradshaw and SECOND BY Larry Morgan to approve the final plat as presented.

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

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.

MOTION BY Larry Morgan and SECOND BY Jeff Wyatt to approve the lot merge as presented.

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

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

MOTION BY Larry Morgan and SECOND BY Bobby Pearce to approve the recommendations as presented by Staff (Draft Ordinance made a part of the minutes).

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

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

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

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

4.6 Regular meeting minutes for June 4, 2020.

MOTION BY Philip Bradshaw and SECOND BY Jeff Wyatt to approve the minutes as presented.

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

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 @ 8:52pm.

PLANNING COMMISSION

ATTEST:

Dr. Chris Jordan, Chairman

Amanda Valent, City Clerk
ORDINANCE NO. 828-2020

AN ORDINANCE OF THE CITY OF CHOCTAW, OKLAHOMA, AMENDING PART 12, CHAPTER 2 AND 3, BY AMENDED ARTICLE C, SECTION 12-215 AND ADDING TO SECTION 12-242 TO ARTICLE D, TO THE CHOCTAW CODE OF ORDINANCES OF THE CITY OF CHOCTAW, OKLAHOMA, PERTAINING TO HOME OCCUPATIONS; DECLARING REPEALER; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHOCTAW, OKLAHOMA:

SECTION 1. That the Code of Ordinances of the City of Choctaw at Part 12 Chapter 2 and 3, Article C, Definitions, Section 12-215 is hereby amended and reads as follows:

ARTICLE C
DEFINITIONS

42. "Home occupation" means a lawful activity commonly carried on within a dwelling by a member or members of the family who occupy the dwelling where the occupation is secondary to the use of the dwelling for living purposes and the residential character of the dwelling is maintained;

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 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);

(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) Involve fewer than six (6) customers daily entering the premises;

(8) Produce no noise or obnoxious odors, vibrations, glare, fumes, or electric interference detectable to normal sensory perception outside the structure; and

(9) Not require any additional parking.

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

(1) Application;

(2) Decision by city manager or his designee;

(3) Notice of decision; and

(4) Fourteen (14) day appeal period to the board of adjustment in accordance with § 12-129 of the city code of ordinances;

e. "Major home occupation (Type II)" means 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) Require the applicant to obtain a permit, which shall be renewed annually;

(2) 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;

(3) Area allowed for a home occupation:
i. Platted areas:
   a.) Use no more than twenty-five percent (25%) of the floor area used for human occupancy (includes the basement); and
   b.) Use no more than four hundred (400) square feet of an allowed accessory structure;

ii. Unplatted areas:
   a.) Use no more than twenty-five percent (25%) of the floor area used for human occupancy (includes the basement); and
   b.) 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;

4. Require no remodeling of the exterior of the dwelling or the accessory structure that changes the residential character;

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

6. 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;

7. 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;

8. Produce no noise or obnoxious odors, vibrations, glare, fumes or electric interference detectable to normal sensory perception outside the structure;

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

10. Employ no more than one person in addition to those who are permanent residents of the dwelling; and
(11) Provide a plan for any additional parking required, which shall be approved if:

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

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

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

(1) Pre-application conference with city manager and planning staff;

(2) Applicant then files an application for "permitted-use on review";

(3) Staff reviews application for completeness;

(4) Notice to applicant of acceptance of application;

(5) City staff posts property;

(6) Mail notice to adjacent property owners within three hundred (300) feet;

(7) Twenty (20) day comment period;

(8) Staff reviews comments and prepares report;

(9) Decision by board of adjustments;

(10) Staff files and mails notice of decision; and

(11) Appeal in accordance with § 12-129 of the city code of ordinances;

e. "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 § 12-140 et seq. of this code;

f. An application for home occupation is prohibited if it does not meet the requirements as set forth in subparagraphs a and b of paragraph 41 of this section;
g. Fees for minor or major home occupation shall be established by motion or resolution adopted by the city council;

SECTION 2. That the Code of Ordinances of the City of Choctaw at Part 12 Chapter 2 and 3, Article D, General Provisions Applying To All Or To Several Districts, Section 12-242 is hereby added and amended and reads as follows:

ARTICLE D

GENERAL PROVISIONS APPLYING TO ALL OR TO SEVERAL DISTRICTS

§ 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, 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;

8. Not require any additional parking; and

9. Involve fewer than six (6) vehicles daily entering the premise.

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 two (2) persons 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. In no event can there be more than 4 business vehicles less than one and one-half (1-1/2) tons on the premise;

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 two (2) persons 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.

SECTION 3. **Repealer.** All former Ordinances or parts of Ordinances conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.
SECTION 4. **Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. **Emergency.** Whereas, it being immediately necessary for the preservation of the public health, peace and safety of the City of Choctaw and the inhabitants thereof, an emergency is hereby declared to exist, by reason whereof, this Ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

**PASSED and APPROVED** and the Emergency Clause voted upon separately by the Mayor and City Council of the City of Choctaw, Oklahoma, this 4th day of August, 2020.

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**ATTEST:**

Randy Ross, Mayor

Amanda Valent, City Clerk

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**APPROVED AS TO FORM** this 4th day of August, 2020.

Ray Vincent, City Attorney