

CITY OF KREBS  
PLANNING AND ZONING MEETING MINUTES  
DECEMBER 5, 2023

1. MEETING CALLED TO ORDER by Chairman Mark Moy.
2. ROLL CALL by Chairman Moy. Dana DeFrange- present, Robert Patton- present, Larry Coxsey- present, James Garigin- present, Chairman Mark Moy- present.
3. DISCUSS AND ACT TO APPROVE/DISAPPROVE THE MINUTES OF THE NOVEMBER 7, 2023 PLANNING & ZONING MEETING. Chairman Moy ask for a motion. Robert Patton makes a motion to approve the minutes of the November 7,2023 planning & zoning meeting. Larry Coxsey seconds. Chairman Moy called for a vote. Dana DeFrange- yes, Larry Coxsey- yes, James Garigin- yes, Robert Patton- yes. Motion passed.
4. BUSINESS PREVIOUSLY DISCUSSED
  - A. DISCUSS AND ACT TO APPROVE/DISAPPROVE RECOMMENDATION OF THE REZONING OF PROPERTY AT 350 MAIN STREET. LOTS 5 & 6 BLOCK 99 OF KREBS, OK FROM R-1 RESIDENTIAL TO C-1 COMMERCIAL. Chairman Moy ask if there are any questions about this rezoning.

Larry Coxsey states that spot zoning is illegal, and references page sixty (60) of the Oklahoma Planning Commissioners handbook, which reads, "Spot Zoning -zoning a relatively small area different from the surrounding area is illegal unless the government establishes a reasonable basis for the spot zone. Factors for determining reasonableness includes: -size of area- and its particular characteristics, -relation to comprehensive plan, -degree of change in uses allowed, -relative harm and benefit-to owner, neighbors, and community.

Cannon Potter, cousin of property owner Tyler Partain, states he feels slighted by the planning and zoning board, because they tabled this motion at last month's meeting. Cannon Potter states that the feelings of those residents who oppose the rezoning, that were not at the last meeting, should not carry as much weight. Cannon Potter request, that if the board vote no on this rezoning, that they state the reason why, that the board cites any new code or ordinance that would deny a new commercial site on main street, and that the code or ordinance be posted. Cannon Potter asks board member Larry Coxsey to reread the spot zoning definition.

Larry Coxsey rereads the spot zoning definition. Larry Coxsey asks how many more additional residents have stated they are opposed to this rezoning.

Chairman Moy states there were at least seven (7) more people who do not want this zoning.

Tyler Partain states the only arguments that we have gotten from people around this, are for fire, just for fire, that's it, and the extra traffic on the road. Tyler states he does not plan on having ten, twelve or fifteen cars a day. The only argument we have is someone is worried about a fire.

Tyler Partain states he plans on building the building, safe and secure.

Larry Coxsey states, but if there is a fire, there is no guarantee that the ammo would not explode. Larry Coxsey states he has witnessed burning ammunition with projectiles with expanded metal covering shooting through it.

Tyler Partain states “all we are worried about here is a fire” he states he does not plan on stocking hundreds of thousands of rounds of ammunition. Tyler Partain states he plans on building the building to be near impossible to break into with state-of-the-art surveillance system. He states he will put a fire suppression in it, if he has too.

Chairman Moy states we have to consider your request, and we have to consider what the people around you want.

Larry Coxsey states you can have a gun dealers license in your own home and not have a particular business.

Tyler Partain responds that to get a retail license the ATF would send an agent to inspect the facility.

Dana DeFrangé states he thinks people are more concerned about the traffic. Dana DeFrangé states we not against a gun shop but we have to consider the people living around it, they were here first. Then there is fire to consider, even if it is likely to never happen but if it did and break ins. Dana DeFrangé states the residents are concerned about crime. If the criminals can't get into the gun shop, they will go to the neighbors to steal. Cannon Potter states this lot is on main street and that is historically the busiest street of any town. It already gets plenty of traffic between the post office, community center and the DAV.

Larry Coxsey states that the road where those houses are, is not actually on the main street. They are on a side street, that is off of main street, and only twelve (12) feet wide. Dana DeFrangé states we have to look at what the consensus is for the people around this. Chairman Moy states the people who are around this have concerns. They moved there with the intention of having a home not a business. Chairman Moy ask for a motion. Robert Patton makes a motion to recommend rezoning of the property at 305 Main St. from residential to commercial. No second. Motion dies. Chairman Moy makes a motion to not recommend rezoning of the property at 305 Main St. Dana DeFrangé seconds. Chairman Moy calls for a vote. Dana DeFrangé- yes, Robert Patton- yes, Larry Coxsey- abstain, James Garigin- yes. Motion passed.

**B. DISCUSS AND ACT TO APPROVE/DISAPPROVE RECOMMENDATION OF THE REZONING OF THE PROPERTY LOCATED NEAR NW CHURCH STEET AND CREEK AVE. (PROPERTY DESCRIPTION AND MAP AS SHOWN) FROM A-1 AGRICULTURAL TO R-1 RESIDENTIAL.**

Erick Silva with Sunview Construction states it is his understanding that they should receive a vote, yes or no on the property. Erick states the reason for the rezoning is they want to switch it from agriculture to single family. Erick states they want to put single family traditional three bed, two bath homes. Erick states they want to rezone the property that was recently annexed by the city of Krebs. Erick states it used to be outside the city limits but has recently been annexed.

Chairman Moy informed Erick that it was annexed in 1997.

Erick states they are looking to match the zoning around this property. Erick states he feels like Krebs needs housing. Erick states they think it will be a good impact for the community, bringing in property taxes and more sales taxes. Erick states he feels this

is a good path for the city to grow in that direction. Erick states he wants to highlight that, the property adjacent to this property, was recently approved, and that all the land adjacent to this property is single family, and they want to match that. Erick states they are not building multi-family or apartments, just traditional single family.

Chairman Moy ask how many houses would be going in.

Erick states he does not know, they would have to get back to the engineer, but want to get the zoning approved first to see if it is reasonable to invest more money into the engineering. Erick states there is no reason to go to the engineer if we don't know if we are going to get approved.

James Garigin asks if these houses are going to be built and sold for Indian housing.

Erick states they have not finalized that yet. Erick states they do build Choctaw housing, but we have not finalized anything in that regard right now. We are just looking to rezone Erick states we cannot enter into negotiations with them if we don't have a piece of property that fits the zoning for single family. Erick states this is the first step and it will open up different options for us. Erick states that it could be, I am not saying they aren't but I am not saying we are. Erick states we build market rate, we build Choctaw housing, we build all sorts of housing. Erick states to do that we first have to have the zoning in place.

Larry Coxsey asks if these houses are going to be sold or rentals only.

Erick states it depends on the market conditions. Erick states he imagines some would be for sale and some for rent. Erick states at this point that should not be taken into consideration.

Resident Dewy Guthrie who states he lives in the area near this property. Mr. Guthrie states they "don't have water pressure for shit, the roads aren't worth a dam". Twenty new houses have already been approved down there which is twenty cars at the minimum to add to what is already down there, plus the dump trucks and trash trucks. Mr. Guthrie states with houses on the other side, the roads will get tore up and if there was a fire, he has concerns that there would not be enough water pressures. Mr. Guthrie states he does not think there should be houses on this property. Mr. Guthrie ask if once all the equipment is brought in to build the houses, and the houses are built, is the city is going to redo the roads?

Chairman Moy states those are some things that have to be addressed. Chairman Moy states it is at the planning stage right now, to see if it can be rezoned or not rezoned.

Chairman Moy states the planning and zoning commission is here to make a recommendation to the city council, to approve or recommend not to approve rezoning.

Mr. Guthrie states he would rather the planning and zoning commission not recommend it be rezoned.

Larry Coxsey, speaking as resident who lives on the west side of this property. Mr. Coxsey States he finds no legitimate reason to rezone this property. He states you can build on land zoned as agriculture. Mr. Coxsey states they could build four different homes on this property. Mr. Coxsey states to his understanding the water plant is maxed out. He states numbers were refigured to supply the nineteen new homes requested for the Maisano addition with restrictions of no pools installed until a new water plant is built. Mr. Coxsey states the general description of A-1 agricultural from page 13 of the zoning ordinance handbook states:

*to preserve undeveloped areas until they can feasibly be developed at urban standards and with adequate public safeguards of health, safety, etc. and to restrict development in areas subject to severe inundation until such time as it can be shown that these areas are no longer subject to flooding.*

Mr. Coxsey states this area does flood. Mr. Coxsey also states Mr. Turner, the superintendent of Krebs school states the school is “busting at the seams”. Mr. Coxsey states for any more houses to be built, with more kids coming in the school the school would have to start turning away kids. Mr. Coxsey states before you allow someone to start building houses the school has to be looked at first. He states those kids have a right to go to that school and you would just be over crowding it that much more. With overcrowding in the class rooms the kids don’t get the attention they need from the teachers to carry them through. Mr. Coxsey states his request is for the property not to be rezoned. Mr. Coxsey states they can build on it like it is and they can also sell it like it is.

Resident Caylin Crone who lives to the west of this property address council. Ms. Crone states that all the property that touches this property is zoned as agriculture. Ms. Crone also states that recently rezoned property that Erick Silva referenced was not done by legal standards. It was done on bypass of the planning commission which was in place by city ordinances so by state statue is voided. Ms. Crone states the zoning is supposed to be consistent with the city’s comprehensive plan and ask if a comprehensive plan has been provided.

Chairman Moy states to his knowledge a comprehensive plan has not been provided.

Ms. Crone states that is the basis for changing any zoning in the city of Krebs. Ms. Crone states it has to follow that. A comprehensive plan is supposed to be created, adopted and updated in accordance of how the city is growing. Ms. Crone states the reason one is created is to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote health and general welfare including peace and quality of life of the district, to provide light and air to prevent overcrowding, to promote historical preservation and avoid undue concentration of population and facilitate the adequate provisions of transportation, water, sewage, schools, parks and other public requirements. That is Oklahoma State Statue 11.43-103 and 11-47.106. Ms. Crone states agricultural land does not prevent them from building and that is all they have stated that they are wanting to do, is build on it. Ms. Crone states they have not provided anything that justifies that. She states she did not speak at the last meeting because they were not hearing the issue until now. Mrs. Crone states transparency has not been great.

Mrs. Crone states Sunview has provided that the development is going to be based off Choctaw housing and regardless of what it is, they have not been forthcoming with it. There is no way for the property owners, that butt up to this property, to know what is going on because once you rezone it, its rezoned. Sunview should have the burden of proof to show justification for rezoning. Mrs. Crone states not rezoning the property does not keep them from building on the property or selling the property. Mrs. Crone states without a comprehensive plan stating there is a need for that or the opposite. Mrs. Crone state we need something to go off of, and until we have that, the rezoning issue should be voted no or tabled.

Russel Ross property owner of this property states the property is too close to town to raise animals on, and leaving it zoned agricultural is not going to help anyone. Mr. Ross states he cannot keep the property just so other people have a nice view. He states the property needs to become residential because that is the only thing the city actually needs or is going to want to do with it.

Erick Silva with Sunview Construction states the property is not in a flood zone according to FEMA.

Erick states that yes, they can build on the property but only 1 house per 5 acres and that does not work for them.

Dana DeFrage asked if we should consider voting on rezoning property, knowing there are not the utilities to support this. There is a bottle neck on the road caused by the other development. In the long run it needs to be sold and put houses in.

Larry Coxsey states you can build on it right now.

Dana DeFrage states, whether you put four (4) dwellings or twenty (20) on it, there should be enough support.

Larry Coxsey states if you are wanting to rezone it to residential because you want to put more than five (5) homes there, we need transparency to see how many homes are potentially going to be there. That way we can see if the water plant, sewer plant, school and roads can handle it.

They are not giving a specific number.

Dana DeFrage, I understand that the Krebs kids have priority in the Krebs school.

Larry Coxsey states that is why Mr. Turner is proposing a bond to build a bigger school.

Dana DeFrage states, the main thing is, does it support putting houses on.

Erick Silva states they would be ok on the planning & zoning commission voting, subject to having the utilities there to support the development, then we talk to the city council about that.

Erick states he would like to focus on the actually zoning, and use of the property, and if you want to vote subject to the availability of the utilities, we would be ok with that. Erick states

he did request an open record request for an engineer report that would indicate a water shortage. Erick states he also requested some type of documentation on financing as he was talking to one of the council members about pursuing some type of grant from a federal or state on looking for a new water treatment plant or upgrading it to work on that with you guys. Erick states he has some contacts at the University of Oklahoma that work in that field.

Dana DeFrage states the money that the government is going to give Krebs is to pay for the treatment plant.

Chairman Moy states it has not been approved yet.

Dana DeFrage asks about the Choctaw, if they were going to help with this.

Erick States he does not know anything about that.

Dana DeFrage asked Erick if he was building for the Choctaw

Erick states for tonight they would be ok with the planning and zoning voting to the rezone subject to the utilities or something of that nature.

Alex Medoza states if the board votes yes or no, and the city council votes yes, you guys are not voting yes to give us permission to build houses you are voting yes to changing the zoning. Even if the council votes yes, they would not be giving us permission to build houses. Alex states you would not even have to say subject to engineering.

Larry Coxsey states to change the zoning they have to show it is no longer subject to flooding.

Also, where the retention pond from the new Maisano property dumps, it is on that property. So, until it can be shown that it does not flood, it should not be rezoned.

Chairman Moy ask, what would the city of Krebs have to do, to support changing that to residential? Is the city of Krebs going to be able to put a new road in? Probably not. Water?

They are probably going to bring in part of the water. I do not see how Krebs can do it; they can hardly do anything now. Chairman Moy states he thinks it should be tabled until a year down the road. Chairman Moy states I don't know how the city can handle forty (40) new homes.

Clarifies he is just picking a number, and states he does not know how we can handle that much more traffic. That would be sixty house we get in there in a matter of no time and nowhere to go with traffic. Chairman Moy makes a motion to table this for a year down the road and see if we can get the city to have a plan, and a plan for a water plant. Chairman Moy states he is not against it he just does not know how we can do it.

Alex Mendoza request that a vote get made yes or no right now.

Chairman Moy states they have a right to table it for a year down the road.

Chairman Moy ask for a motion.

Dana DeFrange makes a motion to table the recommend/not recommend rezoning of property from agricultural to residential for 1 year. James Garigin seconds.

Chairman Moy calls for a vote. Dana DeFrange- yes, Robert Patton- yes, James Garigin- yes, Mark Moy- yes, Larry Coxsey- sustains. Motion to passed.

## 5. BUSINESS NOT PREVIOUSLY DISCUSSED

- A. DISCUSS AND ACT TO APPROVE/DISAPPROVE RECOMMENDATION TO ALLOW KREBS RESIDENT CAROL MOULDER TO TEMPORARLY PLACE A RECREATIONAL VEHICLE ON HER PROPERTY FOR A RELATIVE TO LIVE IN WHILE WAITING ON SURGERY.

Krebs resident Carol Moulder states her relative needs knee surgery but has no surgery date scheduled.

Chairman Moy states the city of Krebs has an ordinance against living in RV's. Chairman Moy asked for a motion. Larry Coxsey makes a motion to not recommend allowing anyone to live in RV on residents' property. Robert Patton seconds. Chairman Moy calls for a vote. Dana DeFrange- yes, James Garigin- yes, Larry Coxsey- yes, Dana DeFrange- yes. Motion passed.

- B. DISCUSS AND ACT TO APPROVE/DISAPPROVE RECOMMENDATION TO CLOSE THE ALLEY ON 3<sup>RD</sup> STREET BETWEEN HWY 31 AND JACKSON (AS SHOWN ON MAP) AT THE REQUEST OF KREBS RESIDENT KENNEY WEIHER

Larry Coxsey asked if any utilities were in the alley.

Mr. Weiher advised to call Okie811 to see if there are any utilities and then take it to the city Council. Larry Coxsey makes a motion to allow Mr. Weiher to go to the city council for approval after he gathers information. James Garigin seconds. Chairman Moy calls for a vote.

Dana DeFrange- yes, Larry Coxsey- yes, James Garigin- yes, Robert Patton- yes. Motion pass

## 6. COMMENTS

7. ADJOURN Dana DeFrange makes a motion to adjourn. Robert Patton seconds. Chairman Moy calls for a vote. Robert Patton – yes, Dana DeFrange- yes, James Garigin- yes, Larry Coxsey- yes. Motion passed.