

CITY OF KREBS
PLANNING AND ZONING MEETING MINUTES
FEBRUARY 6, 2024

1. MEETING CALLED TO ORDER – by **Chairman, Mark Moy**
2. ROLL CALL- by **Chairman Moy**. Dana DeFrange- present, James Garigin- present, Larry Coxsey- present, Mark Moy- present.
3. DISCUSS AND ACT TO APPROVE/DISAPPROVE THE MINUTES OF THE JANUARY 2, 2024 PLANNING & ZONING MEETING –

James Garigin makes a motion to approve the minutes. Larry Coxsey seconds. Chairman Moy calls for a vote. James Garigin- yes, Larry Coxsey- yes, Chairman Moy- yes. **Motion passed**

4. BUSINESS PREVIOUSLY DISCUSSED

- A. DISCUSS AND ACT TO APPROVE/DISAPPROVE RECOMMENDATION OF R.V. PARK BETWEEN 69 FRONTAGE ROAD, NW MORRA, AND NW ELECTRIC AVE. LAND OWNED BY MCALESTER LODGING LLC. (MOTEL 6) –

Chairman Moy states this is at Hwy 69 frontage road.

Daisy Patel from motel 6 states she would like to propose a thirty (30) space RV park. She states she has a rough drawing.

Chairman Moy asked if this would be just for traveling RV's that would come in for a night then leave the next day?

Daisy responds that they cannot regulate that they could only stay one (1) night but not more than thirty (30) for sure. Daisy states if someone wants to extend it, if their vehicles are not in working conditions for any reason, they could not say for just one night. She states it is going to be a daily RV park not for resident.

Larry Coxsey states in the last meeting you stated you would have water hook up/meters going to each one.

Daisy states he had misunderstood that question and it would just be one separate meter with thirty (30) hookups.

Chairman Moy asks same way on sewer?

Daisy states yes.

James Garigin clarifies there is going to be water, and sewer hookups. Are you all going to put that in or would it fall back onto the city of Krebs?

Daisy states the cost of extending those meters would be on Motel 6.

James Garigin asked does that include the maintenance, and upkeep of them.

Daisy confirms it would be them as a business.

Larry Coxsey states we will require engineered stamped plans.

Daisy states we will have that, we are not putting in just anything. Our survey is being done as the one done fifteen (15) or twenty (20) years is not usable at this point. We have ordered a new survey as soon as we have that we will have electrical, plumbing, sewer and all that. It will be a site plan actually.

Chairman Moy states the only hesitation we might have, is this was brought to the city council before and voted no.

Larry Coxsey states not this particular one but another RV park.

Chairman Moy states we do not have the particulars on that yet.

Daisy states she talked to Kay and was told that the reason for that was because they never came back with the actual plans. So, they had only approached it once and that is why they got denied. Daisy states “I am actually here and willing to work”.

Larry Coxsey makes a motion to table this until Daisy can get her survey, and site plan, and it gives the commission time to see where the sewer, and water are, how big they are and how to feed it.

Chairman Moy states we are not against this, we just need more information.

Daisy states she tried to look at the comprehensive plan, but there is not one, so there is no guidelines for us to evaluate a proposed plan. We wanted to know, if the land is zoned for it. Its commercial right now.

Our first step is to rezone if it requires a different zoning than commercial.

Chairman Moy states commercial should work.

Daisy asks if there are any specific requirements for the RV park.

Chairman Moy states not that we know of at this moment.

Dana DeFrange asks if Krebs can handle sewer, and water for 30 slots.

Chairman Moy states she will have a meter, and sewer. We have to know a few more things. There is a motion on the floor.

Larry Coxsey states, I made the motion to table it until she gets her survey done, and a site plan, that also gives the city time to see what size water lines are going over there, if we could supply the water at the right pressure, the amount of water and the sewer line.

Chairman Moy states that is what we require anyway.

Daisy asks, is it possible for me to get the information when the city evaluates what it needs to be for the sewer, and water then based on that we can do a proposal. That would be more ideal instead of me spending money to have an RV Park, and the city can't provide that. I can work according to that.

Chairman Moy states we will see that she gets that. Chairman Moy ask for a second. James Garigin seconds. Chairman Moy calls for a vote. Dana DeFrange- yes, Larry Coxsey- yes, James Garigin- yes, Chairman Moy- yes. **Motion passed**

5. BUSINESS NOT PREVIOUSLY DISCUSSED

Items A through D pertain to the same property located in Block 151 of Krebs Oklahoma and will be discussed together

Presentation by **Stuart Van De Wiele** of Rupe Properties in Tulsa. Stuart presents the commission with site plan with ALTA survey overlay. Stuart states we have a portion of the property north of Pittsburg Ave. under contract. If we get our approvals, we will develop it as a Dollar General Plus retail store. The plus is a more robust offering of products. Its an upgrade store from the regular dollar general stores. Providing everything goes on the time line we expect, construction would start in mid-June. Completion in mid-October with opening shortly thereafter. The property we have under contract is about 1 and 1/3rd acre between Blake and Electric Avenue. We need to rezone it, combine some of these little parcels, remove some of the old unused/unopened alleyways and there is also the issue of extending the fire service line. From a lot split standpoint, the existing property lots 1 - 12 on NW Electric, lots 13-18 along Blake Street, and lots 19-28 on Pittsburg Avenue. Tract A shows what we would be buying. That would necessitate splitting off the north back end of lots 19 - 27/28. The remainder of those lots are sufficiently deep they are 140 feet deep so that would leave 110 to 130 feet on those lots after the split. From a rezoning standpoint that property is currently a blend of 2 zonings. Part of lots 1-7 are currently zoned restricted commercial the balance of the property is single family residential. Our request is to rezone the entirety of what we are buying to C-1 commercial so that would not include the pieces to the south just the pieces we are buying. There is an alley running kind of north/south there is an alley running kind of east/west that would need to be closed by ordinance at the city council meeting. Historically it's our understanding they have never been opened, and never been used. We did the

CallOkie call during our survey. They don't show that there are any utility lines in those alleyways. On occasion those calls don't reveal lines that are actually there, but ultimately if there are utility lines that need to be relocated, we work with all the utility companies we will relocate them to the extent we need to lay them a new easement. All of that would be on our nickel. The last piece of the development, that we know will be required, will be an extension so we have a fire hydrant on site. There is an existing fire hydrant to the south, and east. We would extend that fire water line that is current in a utility easement, we would extend the line at our cost, setting a fire hydrant on our south east corner. All of which will be done at our cost.

Larry Coxsey where you show that you want to build the Dollar store, it takes just the ends of lots 19 – 27, are you under contract to purchase just a partial lot?

Stuart states Tract A, that is what we are under contract to purchase. Those to the south we are not.

Larry Coxsey states on Tract A you have it marked off showing it goes through the back ends 19 -27 that joins that alley.

Stuart that is our lot split ultimately; we would have to replat everything we are buying as one tract

Larry Coxsey asks who owns these properties? Are you going to purchase that?

Chairman Moy states it is all owned by Lovera

Larry Coxsey clarifies the whole area.

Stuart and **Chairman Moy** confirm yes.

Stuart states after those are split off, we would come back with a plat that shows the entirety of what we are buying as one single tract that does not have all the smaller lot lines, and not the alley ways. One lot block to the extent we need to plat utilities.

Larry Coxsey states, Pittsburg Ave, I know it's not open now, but is that the road platted right behind the houses on Cleveland?

Stuart states, yes, we are not touching Pittsburg Ave. I don't believe it's ever been open. The only thing we are asking to close is the kind of T piece of that alleyway within the part we are buying.

Larry Coxsey states what you are looking at, is it is zoned restricted commercial?

Stuart states part of it 1-7 along electric is restricted commercial, the rest is single family resident 1-7 & 13 -18 the back part of 19-27

Larry Coxsey asks what about 8-12?

Stuart states it is restricted commercial, but we are not asking to change that

Larry Coxsey the reason I am asking, is along NW Electric it is zoned restricted commercial all the way to Cleveland. I know that lot that is fenced on Cleveland and Electric is by a house, I think its commercial. Do you know? The corner lot of Electric and Cleveland, its across from the park you have a row of houses, you have a corner lot that is chain linked fence.

Chairman Moy states 1,2,3,4 south of that.

Larry Coxsey asks what is it zoned? I am trying to figure out if everything from the park to the gas station is zoned restricted commercial.

Chairman Moy states, I know lots 1, 2, 3, & 4 was used as commercial.

Larry Coxsey states that's what I was told but have not been able to find that.

Chairman Moy states, but on our deal, it does not make a difference because if we rezone, we are going to rezone from Electric to NW Blake Street facing Blake, which we can do that.

Larry Coxsey states, that is that whole block right there.

Stuart we are not asking to rezone anything else.

Chairman Moy asks if there are any questions.

Richard Cotton stated, you talked about the water line but not the sewer.

Stuart, I believe the sewer is to site, but if not, we will extend it. We will have water, electric, sewer all brought to site any of those extensions are always on us

Larry Coxsey will DEQ have to give the approval?

Stuart & Chairman Moy respond yes.

Stuart all of which will part of the permitting we know. This is step one, we deal with DEQ on a daily basis

Chairman Moy asks any questions? Does everybody realize what he is asking for? He is asking to close two (2) alleyways, to rezone lots 13-18, and the back end of lots 19-27.

Larry Coxsey asks if anything has been sent out - certified letters?

Cindy Cooper states yes, they were all sent out. We got all but four (4) back with no negative responses, and several positives.

Stuart thank you guys

Larry Coxsey asks if anybody has showed up that wants to say anything.

Cindy Cooper states, no but I did speak to Domicia (property owner), she is ok with whatever needs to happen to get it done.

Chairman Moy states, if someone wants to go in there on Pittsburg, and build houses, they can still do that.

Larry Coxsey asks if on that border between the property of lot 7 & 8 all the way back to Blake, are you going to put a privacy fence in there?

Stuart if per code we have too, we will.

Larry Coxsey states the other dollar store did because of trash.

Stuart in some zoning codes, there are codes to have screening fences between commercial, and residential areas. He states he has not seen that on the plan, I am not sure we are far enough into it to know, but we certainly do that on occasion, and have no objection to it.

Chairman Moy, do I hear a motion

Chairman Moy makes a motion to accept, and send it to the city. Dana DeFrance seconds. Chairman Moy calls for a vote. James Garigin- yes, Larry Coxsey- yes, Dana DeFrance- yes. Mark Moy- yes.

Chairman Moy amends the motion to include items A, B, C, and D. Motions pass

- A. DISCUSS AND ACT TO APPROVE/DISAPPROVE RECOMMENDATION OF LOT SPLIT REQUEST OF LOTS 19, 20, 21, 22, 23, 24, 25, 26, 27, AND 28 IN BLOCK 151, KREBS, OK. ATTACHMENT OF DETAILED DESCRIPTION INCLUDED IN BOOK

Motion Passed

- B. DISCUSS AND ACT TO APPROVE/DISAPPROVE RECOMMENDATION TO REZONE LOTS 1-7 OF BLOCK 151, KREBS, OK FROM C-2 RESTRICTED COMMERCIAL TO C-1 GENERAL COMMERCIAL, AND LOTS 13-18 BLOCK 151, KREBS, OK, AND THE SPLIT PORTIONS OF LOTS 19-28 BLOCK 151, KREBS, OK FROM R-1 RESIDENTIAL TO C-1 GENERAL COMMERCIAL IN ORDER TO ACCOMMODATE PLANNED RETAIL USE. ATTACHMENT OF DETAILED DESCRIPTION INCLUDED IN BOOK

Motion Passed

- C. DISCUSS AND ACT TO APPROVE/DISAPPROVE RECOMMENDATION TO CLOSE THE ORIGINAL PLATTED ALLEYWAYS, CONTAINED WITHIN BLOCK 151, IN THE NORTH AND WEST ADDITION TO THE CITY OF KREBS, PITTSBURG COUNTY, OKLAHOMA. ATTACHMENTS OF DETAILED DESCRIPTION AND MAP INCLUDED IN BOOK

Motion Passed

- D. DISCUSS AND ACT TO APPROVE/DISAPPROVE RECOMMENDATION OF FIRE LINE EXTENSION REQUEST. DEVELOPER REQUEST PERMISSION TO EXTEND FIRE SERVICE LINE FROM EXISTING HYDRANT, LOCATED AT CORNER OF NW CLEVELAND AVE. AND NW BLAKE AVE TO SUBJECT PROPERTY, WITHIN AN EXISTING UTILITY EASEMENT ON THE SOUTH/WEST SIDE OF NW BLAKE AVE. THE COST OF THE EXTENSION WILL BE PAID FOR BY THE DEVELOPER

Motion Passed

- E. DISCUSS AND ACT TO APPROVE/DISAPPROVE TO ESTABLISH A SPECIAL RULE OF ORDER, THAT ALLOWS FOR THE PLANNING AND ZONING COMMISSION TO POSTPONE REZONING RECOMMENDATIONS FOR UP TO ONE (1) YEAR

Larry Coxsey states this allows us to postpone something for up to a year, but we can set a date for less than a year if things get taken care of sooner. We can bring it back up.

Chairman Moy agrees

Chairman Moy asks for a motion. Larry Cosey makes a motion to approve. James Garigin seconds.

Chairman Moy calls for a vote. Dana DeFrangé- yes, James Garigin- yes, Larry Coxsey- yes, Mark Moy- yes.

Motion passed

- F. DISCUSS AND ACT TO APPROVE/DISAPPROVE THE RECOMMENDATION TO CHANGE THE PLATTED STREET NAME LOCATED IN LOT FORTY-TWO (42) TOWNSITE ADDITION NO. SEVEN (7), KREBS, OKLAHOMA FROM FOX AVE. TO MAISANO DRIVE

Larry Coxsey, states he had gone over to do some measuring at how Fox is going to come in there at Spruce. Mr. Maisano came out, and showed me where the pin was. Mr. Maisano states the 30-foot plat is all on the south side of that property line. Larry states I have never seen a road platted that was all on one side of the property line, most of the time it is split on the two properties. I went to the court house to double check. Larry states it shows on the map (included in this book) for Fox, the stone on the property line on Church Street. Everything north of that is the Maisano property that was sold to Sunview. From that stone south headed back toward Church, where Steve Mairano's land is, and Emma McCuller's, it shows the thirty-foot easement to all be on their property. None of it to be on the Maisano or Sunview or whoever's it is now. So, I don't know if it was platted wrong or initially done that way.

Richard Cotton states if you had a proper survey of that property, it would show it.

Larry Coxsey no one has provided us with a survey, it would be on a survey if it was there.

Chairman Moy, I understand that, people just fenced in the roadway. When it gets a legal survey then I can say whether I want to vote for it to go to the city or not. That is what we keep asking for and keep not getting. But right now, what I understand they want to do is change the name. That's all they are wanting to do. I don't have a problem with that. When they come to us with a legal survey of Fox street then we will know what is what. I don't want to say that Tieto and Emma has fenced in Fox street because I don't know that. We think we might know, but we don't really know until Sunview homes brings us a plotted survey.

Larry Coxsey I myself would make a motion to table that until we get that survey.

Chairman Moy states there is a motion on the floor do I hear a second.

Emma McCuller asks if she can say something. Emma states it's my property that is going to be joining this. I do not understand why we need to change this its Fox. Leave it Fox. If it's going to be on my property maybe I want it named after me. Its Fox! leave it! Fox, I don't understand why we need to change it.

Chairman Moy states, we have motion to table it and ask for a second.

Dana DeFrangé states it is just a name change, no legality that we are voting on is there.

Larry Coxsey states the description they give here is: platted street named in lot 42 townsite 7 there is no platted road in lot 42 townsite 7. Fox street is actually platted in NW addition of lot 135.

Chairman Moy states that is sure what it looks like here.

Dana DeFrage asks who is wanting to change it.

Cindy Cooper responds that is what Sunview Homes has on their plans, and the lady that verifies, and puts in 911 addresses called because it was put in to them. She called to verify this, and I told her it had not been cleared by anyone.

Dana DeFrage asks who would be paying for the change if there is a cost to change it.

Cindy Cooper states she does not know if there is a cost associated.

Larry Coxsey states if Sunview wants to change it, they have to give us a legal survey plot because what this shows is this is not on their property at all. That's why I make a motion to table it.

Dana DeFrage seconds. Chairman Moy calls for a vote James Garigin-yes, Larry Coxsey- yes, James Garigin- yes, Mark Moy- yes. **Motion passed.**

G. DISCUSSION WITH FOX ENGINEER, AND ZACK PRICHARD –

Chairman Moy states this item will not be discussed because these people are not present.

6. COMMENTS FROM PLANNING AND ZONING COMMISSION-

Chairman Moy states if everyone comes to the commission with a legal survey the way Rupe properties did, they would not have a lot of problems. It is black and white. That is what we need. We should insist on it.

Chuck Nelms with the Oklahoma state Fire Marshals office. We met with the city this afternoon also with Marylin's diner and we did guide them in the procedures they need to take to get their building permit. They cannot occupy at the moment. We did talk to the city, and the mayor on the procedures they need to do. The city cannot issue commercial building permits.

Chairman Moy states, like our fire department would have to have a sitting fire marshal.

Chuck Nelms states they would have to have an AHJ in order to have your own building process, would assume all liability to be your own code enforcement. A lot of cities will contract plan review, and inspections with someone qualified to do the plan review, and engineer to do building permit plans, fire alarm plan, sprinkler plan, hood vent plans, carbon dioxide plans. Once permit is approved then would have an inspection while in progress, then a final inspection. Cities that don't have an AHJ, it falls to the states. It always has. The cities started handing out permits but they never had the means to do that. The city will have to sign an affidavit that you will use 2018 minimum standards. You can be stricter but not less. It's always been a state jurisdiction. At one time the state was really slow to pick them up, but now they are not too bad.

7. ADJOURN –

Chairman Moy ask for a motion. Dana DeFrage makes a motion to adjourn. James Garigin seconds.

Chairman Moy calls for a vote. Larry Coxsey- yes, James Garigin- yes, Dana DeFrage- yes, Mark Moy – yes.

Motion passed.