

CITY OF KREBS
PLANNING & ZONING COMMISSION MEETING MINUTES
SEPTEMBER 5TH, 2023

1. MEETING CALLED TO ORDER by Mayor Tommy Ray Walker
2. ROLL CALL by Mayor Tommy Walker. Mark Moy – present, Robert Patton – present, Dana DeFrange – present, Larry Coxsey – present, James Garigin – present.
3. DISCUSS AND ACT TO APPROVE/DISAPPROVE THE MINUTES OF THE AUGUST 22ND, 2023 MINUTES OF THE PLANNING & ZONING COMMISSION. Mayor Walker proposed a correction to the minutes in response to the question of what the meeting requirements of the Planning & Zoning Commission will be. Mayor Walker states the Planning & Zoning Commission will have scheduled meetings on the first Tuesday of every month at 6:00 PM.
Attorney Pat Layden added that if there is no petition request or action required at time of scheduled meeting then the commission does not have to meet. Mayor Walker asked for a motion. Mark Moy made a motion to approve the minutes as amended. Dana DeFrange seconded the motion. Mayor Walker called for a vote. Robert Patton – yes, Larry Coxsey – yes, James Garigin – yes, Mark Moy – yes, Dana DeFrange – yes. Motion passed
4. DISCUSS AND ACT TO APPROVE/DISAPPROVE SELECT A CHAIRMAN. Mayor Walker states that Mark Moy has volunteered to be the chairman of the Planning and Zoning Commission Board. Mayor Walker asked for a vote to approve Mark Moy as the chairman. Dana DeFrange – yes, James Garigin – yes, Robert Patton – yes, Larry Coxsey – yes. Vote passed Mark Moy is the chairman of the City of Krebs Planning & Zoning Commission Board.
5. DISCUSS AND ACT TO APPROVE/DISAPPROVE AN ANNUAL SCHEDULE OF MEETINGS FOR THE PLANNING & ZONING COMMISSION. Chairman Moy states the Planning & Zoning Commission meetings will be scheduled for the first Tuesday of the month unless there are no action items on the agenda. Chairman Moy called for a motion. Robert Patton made a motion to approve the meeting schedule for the Planning & Zoning Commission to be on the first Tuesday of every month at 6:00 PM. Dana DeFrange seconded the motion. Chairman Moy called for a vote. Larry Coxsey – yes, James Garigin – yes, Chairman Moy – yes, Robert Patton – yes, Dana DeFrange – yes. Motion Passed.
6. DISCUSSION WITH THE REPRESENTATIVE FOR SUNVIEW HOMES REGARDING THE NEW HOUSING ADDITION TO BE LOCATED AT TOWNSITE 7 LOT 42. Ben McKay with Sunview Construction addressed the council and gives each member a copy of site plan.
Chairman Moy asked if Sunview is putting in another street.
Ben McKay responds yes, to the south.
Chairman Moy clarifies Sunview will be putting in a new street that will be running parallel to Osage Avenue with Creek Street to the north side and Church Street to the west side.
Ben McKay affirms yes between Creek Street and Osage Avenue.
Chairman Moy asked what they were going to do when it hits Marino.
Ben McKay replied that there appears to be a road on the east side.
Dana DeFrange questioned whether said road was a road or an alley.
Ben McKay states he shows it to be a gravel road.
Mayor Walker asked if Sunview is going to widen Church Steet and if it will be 27 feet.
Ben McKay responded yes; they would be widening Church Street 27 feet.

Larry Coxsey asked from what point to what point is Sunview going to widen Church Street.

Ben McKay stated Sunview will widen Church Street adjacent to the property. Whatever would be adjacent to the property line is where they would widen it. The fence line that splits east and west, between Church Street and Mariano, that's where we will start widening it. Anything that touches the property is where we will widen it.

Mayor Walker asked if they would be widening Church Street all the way down to Creek Avenue.

Ben McKay replied yes.

Mayor Walker asked if that would be the only entrance into proposed subdivision. No response given.

Mayor Walker asked if Sunview was going to build one road with a cul-de-sac.

Ben McKay responded no.

Mayor Walker asked where the detention pond would be.

Ben McKay replied that the detention pond will be between lots 6 & 7 of the proposed subdivision.

Larry Coxsey stated Creek Avenue will be on the north side of proposed houses to be built, Church Street runs north and south on the west side of proposed subdivision and then to the South, Sunview is wanting to build a street running east and west, but on the east side it shows no- road it just dead ends.

Ben McKay states you are not agreeing to this. What we are trying to do here is get the rezone then come through with the actual plat.

Chairman Moy asked if Sunview was going to put a street in that is a dead end or cul-de-sac.

Ben McKay stated what they would prefer to do, for fire turn around and things like that would be to use the north/south gravel road.

Chairman Moy asked again if the intent of Sunview is that the proposed road would be built as a dead-end road.

Ben McKay replied yes but behind those houses is a small gravel road.

Chairman Moy asked if Sunview was going to improve that road or would the City of Krebs.

Ben McKay replied that Sunview was not planning on doing the improvements to the gravel road.

Mayor Walker stated they needed to think about another road so that there would be two ways out of the proposed subdivision.

Chairman Moy stated the Planning & Zoning Commission needed to see that street.

Ben McKay reiterated that they were not asking for this specific plot to be approved, Sunview is just trying to go through the process of getting it rezoned.

Mayor Walker asked if Sunview would put in tin horns.

Ben McKay stated yes, they would.

Chairman Moy stated the Board needed to know what kind of drainage, water lines, sewer lines, fire hydrants, ways in and out that Sunview was going to provide and what kind of houses Sunview was going to build.

Ben McKay stated a lot of those questions will be answered once the engineer is given the plat and given the go ahead to design. We will listen to what you are needing from us and try our best to work our way through that. What we are going after is getting the correct zoning on this property.

Larry Coxsey states we need an actual surveyor to look at it too.

Chairman Moy asked where the utilities were going to be.

Ben McKay states he will have to ask the engineer.

Larry Coxsey asked if the houses on the north side would be facing Creek Avenue and the other ones will be facing the new street you want to build.

Ben McKay replied yes, they will back up to each other.

Larry Coxsey asked if these houses would be for sale or rentals.

Ben McKay stated they will be sold and would be 3-bedroom 2 bath brick homes.

Larry Coxsey asked if only Choctaw natives would qualify to buy the homes.

Ben McKay stated he did not know for sure but since that is who they were being built for that is his assumption.

Larry Coxsey asked if Sunview homes is a representative for the Choctaw.

Ben McKay replied No.

Larry Coxsey makes a motion to table the discussion until more detail and information on the roads and all the other stuff is provided. Motion died.

Ben McKay states he would like to get more clarity on what the issues are specifically. What the board would like to have addressed in making it able to have a vote contingent upon whatever that would be, to save another thirty-day extension from that process.

Larry Coxsey responded more details on the roads and more specifically there needs to be another road out and the residents need to be informed of what is happening.

Ben McKay states that they are not specifically asking for this very thing, we want the zoning for it that is what we are after.

Larry Coxsey responds that if you are asking for zoning to build a development on it, the plat for the development needs to go along with what you are wanting it zoned for so it's all a package deal so we can see it.

Ben McKay asked what would a realistic time line for us to be able to work through this process.

Chairman Moy states he wants to see where Sunview is going to put fire hydrants, what kind of lines they are going to run. Chairman Moy also states that the City of Krebs cannot afford to put that road in.

Ben McKay states we are not asking Krebs to put the road in, that is on us.

Chairman Moy asked if the road would be curb, gutter and concrete.

Ben McKay said black top.

Mayor Walker states that is not what was previously discussed.

Ben McKay states he will confirm that.

Chairman Moy states that Sunview will have to run water lines.

Ben McKay states they had a civil engineer take a look at it and they said they could handle it.

Chairman Moy corrected stating the civil engineer stated the City of Krebs could supply the water not the lines. Chairman Moy states when he looks at the site plan, he sees one way in and one way out, which will be a traffic jam.

Larry Coxsey asked if the Choctaw would be required to pay property taxes on the lots.

Dana DeFrange asked if the Choctaw were going to financially help with the new/water sewer plant.

Mayor Walker states there is nothing currently in writing.

Chairman Moy states Krebs has some rules/ordinances including that lots have to be 7000 square feet 20 feet set back from the front, 10 feet set back from the side, 15 feet on the corner from the other side.

Ben McKay states this is not the specific thing we are asking for; the engineer will do that.

Mayor Walker suggested Ben McKay bring the engineer, who has not been to the City of Krebs, with him so they can go together to look at the property where the proposed subdivision is.

Chairman Moy asked if there were any other questions or discussions.

Ben McKay states he has them all wrote down.

Eric from Sunview Construction attempted to discuss another Sunview project that was not on the agenda.

Attorney Pat Layden states its up to the chairman to decide if they will allow discussion of this different Sunview project even though it is not on the agenda.

Larry Coxsey states it should not be up for discussion as the public has not been notified that a discussion is taking place, and therefore, would not have the opportunity to voice their concerns.

Eric states he understands that, but that he has been waiting 3 or 4 months to get on the agenda and the whole time there was a misunderstanding as to which Sunview project he was representing. Eric states

he was under the impression he would be on the agenda and wants to present the project and have a discussion so that it would be clearer for the next meeting, not to vote on it at this time.

Chairman Moy tells Eric he needs to put it on the agenda.

Eric states he wants to start working with his surveyor and engineer and not be “strung along like on the previous site”.

Mayor Walker stated that Eric told him two different things and neglected to tell anyone that Sunview had two different projects in Krebs at this time. Mayor Walker stated he needed to get on the agenda.

Chairman Moy stated to Eric he needed to get on the agenda.

Eric inquired as to whether the board could vote to have a discussion of new business now.

Chairman Moy states no, it is not on the agenda.

Larry Coxsey stated it is a violation of the open meetings act.

Attorney Pat Layden states it is best to put in a request to get it put on the agenda.

Chairman Moy tells Eric that the board will have a lot of questions and that he may have to come back several times.

Eric then requested to speak on the previously discussed Sunview project. Eric states he understands the concerns about the board wanting to know a lot of details as to where roads, fire hydrants, and lines will be but that Sunview is going to invest more money in the engineer, so they are presenting a preliminary plan but want the zoning first, then will come back for the “nitty gritty” to present to council and have them vote on that. Eric states once we get approved for zoning it will give us more confidence.

Mayor Walker states you will need to get on the agenda and the next meeting will be in October.

Chairman Moy states that for a development you would have to have streets, water lines, fire hydrants, marked streets curbed and guttered all plotted before a rezoning was discussed.

Alex with Sunview homes states “that is not true”

Chairman Moy responded “do not tell me it’s not true, I had it done.”

Eric states “we have quite a bit of experience with this and that may have been your experience way back when but other towns generally”

Chairman Moy interrupted to say “we are not other towns”.

Eric attempted to keep talking.

Mayor Walker stated again that they would need to get on the agenda.

Chairman Moy states no one is against new homes coming into Krebs. It’s how they are coming in, can you feed water to them, provide fire protection, a way in and out.

Eric states one step at a time. First step is getting zoned then we will come back and answer those other questions for you.

Chairman Moy states “I think once you get it zoned you won’t need us anymore”.

Eric states all we are looking for is a recommendation to get it on the council board not final plans approved, we are not going to figure out everything before we get it rezoned, we will get a good plan and come back.

Mayor Walker states the best thing to do is to come back and have a meeting. We cannot discuss it anymore.

Eric asked again about a special meeting.

Mayor Walker states I already told you if (emphasis) we have a special meeting, we will get a hold of you, and if not, it will be October.

Chairman Moy states we may open one up for you.

Eric responds yeah, I understand that but I would appreciate it as I have been under contract a couple/several months now waiting on you guys.

Mayor Walker states we have been waiting on you too, you did not tell us there were two projects going on. That’s why you were going back and forth.

Alex with Sunview Construction states “what it seems like to me at the end of the day, is we just need to follow word for word. I apologize we showed up when we were not supposed to but it looks like we just need to follow the law and you guys know it and we need to follow the law as far as getting everything rezoned, platted. Follow the process is what we are going to do next month. We are going to show up, get all the information we can, that you told Ben about. Then we are going to push for a vote. That way it is recorded. If the vote is no, its no. Then we can pass the information on to whoever we need to. We are going to push for the vote.” Alex continued we want to answer all your questions. We would rather it not get tabled.

Larry Coxsey states you are bringing up what you are saying you don’t want tabled. It is not on the agenda and we don’t need to discuss it anymore. Get on the next agenda.

Alex stated I believe you guys do not want a special meeting; we will follow the process, follow the law. Outburst from general public gallery ‘exactly so stop talking.”

Mayor Walker states you have to get all your stuff together before we call a special meeting so when you get all your stuff together, let us know.

Chairman Moy states then we may call a special meeting.

Alex replied No, we do not need a special meeting. We will just find out what we need for rezoning.

Eric states I think you have everything, somewhat of a preliminary plan, the only thing I did not have was the public notice.

Mayor Walker states there is nothing you can do until you come back with the plans and we might be able to have a special meeting.

Alex states we would rather not have a special meeting anymore.

Chairman Moy states you now know some of the particulars we are going by: 7000 square foot lots that’s a city ordinance.

Alex states I don’t think that pertains to rezoning. I think that applies to final plat approval which I don’t think needs to be presented for a rezoning application. We are going to look into what needs to be presented for a rezoning application and I guarantee you we are going to present all that.

Mayor Walker states alright, we will see you when you get all that together.

Larry Coxsey made a motion for the meeting to be adjourned. Dana DeFrange seconded. Chairman Moy called for a vote. Robert Patton- yes, Larry Coxsey- yes, Dana DeFrange- yes, James Garigin- yes, Chairman Moy- yes. Meeting is adjourned.