

ORDINANCE NUMBER 915

AN ORDINANCE CHANGING THE ZONING
FROM C-2 (CONVENIENCE COMMERCIAL DISTRICT) TO
C-4 (GENERAL COMMERCIAL DISTRICT) FOR PROPERTY LOCATED IN THE
WEST 35' OF BLOCK/TRACT 1 AND THE EAST 65' OF BLOCK/TRACT 2 IN MONROE
ADDITION CONTAINING APPROXIMATELY .12 ACRES IN CLINTON, CUSTER
COUNTY, OKLAHOMA; AND DECLARING AN EMERGENCY.

WHEREAS, the owners of a tract of land located in the west 35' of Block/Tract 1 and the East 65' of Block/Tract 2 in Monroe Addition containing approximately .12 acres in Clinton, Custer County, Oklahoma request that the zoning of said land be changed from C-2 (Convenience Commercial District) to C-4 (General Commercial District); and

WHEREAS, the Planning and Zoning Board of said City of Clinton, Oklahoma met on January 13, 2009, after due legal notice thereof to all owners of property situated within a radius of 300 feet of subject tract of land and has reviewed the said application and has recommended to this Council that the zoning of such property be approved as requested; and

WHEREAS, the City Council did conduct a Public Hearing on this matter on this date in the Council Room of the Clinton City Hall pursuant to due legal notice thereof published in the Clinton Daily (Oklahoma) News on January 15, 2009; and

WHEREAS, the matter was discussed in open forum at this Public Hearing before and by the members of the Council and the Council being fully informed in the premises does find that the interest of the City of Clinton will be served best by establishing the subject zoning district as requested in the subject application and as recommended by the Clinton Planning and Zoning Board; and

NOW THEREFORE, be it ordained by the City Council of the City of Clinton, Oklahoma that the following described property in the West 35' of Block/Tract 1 and the East 65' of Block/Tract 2 in Monroe Addition containing approximately .12 acres in Clinton, Custer County, Oklahoma be and the same is hereby zoned C-4 (General Commercial District).

WHEREOF, an emergency is hereby declared to exist and the Ordinance shall be in full force and effect from and after its passage and proof of publication.

PASSED AND APPROVED this _____ day of _____, 2009.

Allen Bryson, Mayor

ATTEST:

Lisa Anders, City Clerk

MINUTES OF A REGULAR MEETING OF THE PLANNING AND ZONING BOARD

TUESDAY, JANUARY 13, 2009

A regular meeting of the Planning and Zoning Board of the City of Clinton, Oklahoma, was held on Tuesday, January 13, 2009 at 9:00 A.M. in the City Council Room, City Hall. A notice of this meeting with agenda was posted on the bulletin board in the lobby of the Clinton City Hall on January 8, 2009.

Members present were: Corky Heard, Doyce Walker, Jay Wyer, Julie Strong and Mariela Acosta
Others present: Charles Fry, Lisa Anders, Teresa Krewall, Glenn & Sue Gastineau, Van Priddy, Woxie & Janice Ryal, Chad Bohn, Bill Wisdom, Christopher Pollman, Rudy & Lorie Riveria, Walt Schumacher, Jason Rose, Wade Anders, Rhonda Williams and others.

2. CONSIDER MINUTES OF DECEMBER 9, 2008

Motion was made by Jay Wyer and seconded by Doyce Walker to approve the minutes of the previous meeting as presented.

Chairman put the motion to a roll call vote:

Aye: Wyer, Walker, Strong, Acosta, Heard

Nay: None

Chairman declared the motion carried.

3. CONSIDER REUEST OF CHRISTOPHER POLLMAN AND WILLIAM WISDOM TO REZONE A TRACT OF LAND LOCATED AT 2250 MODELLE, WEST 35' OF BLOCK/TRACT 1 AND THE EAST 65' OF BLOCKI/TRACT 2 IN MONROE ADDITION TO THE CITY OF CLITNON, CUSTER COUNTY, OKLAHOMA FROM C-2 (CONVENIENCE COMMERCIAL DISTRICT) TO C-4 (GENERAL COMMERCIAL DISTRICT)

Chairman Heard explained that at the Board of Adjustment meeting held prior to this meeting that a representative of the Department of Transportation had reported there is no interference issues at this time with the proposed tower. He said it was stated that a memo of understanding would be agreed to by both parties and this document would be referred to the City Attorney for the proper wording.

Julie Strong asked if DPS would have priority over any changes made to the tower in the future.

The representative of Department of Public Safety said the agreement should include that the City would mediate to make sure there is not interference in the future.

Chairman Heard said the document would be referred to the City Attorney to have issued worked out for the public benefit.

Motion was made by Doyce Walker and seconded by Jay Wyer to approve the rezoning of the property from C-2 to C-4 subject to the City Attorney's approval of a memo of understanding between the tower company and the Department of Public Safety regarding the wording and including mediation.

Chairman put the motion to a roll call vote:

Aye: Walker, Wyer, Acosta, Strong, Heard

Nay: None

Chairman declared the motion carried.

- 4. CONSIDER REQUEST OF RUDY C. RIVERA TO REZONE A TRACT OF LAND LOCATED IN BLOCK 5, NEPTUNE PARK, A SUBDIVISION OF THE SE/4 OF SECTION 27, TOWNSHIP 12 NORTH, RANGE 17 W.I.M. TO THE CITY OF CLINTON, CUSTER COUNTY, OKLAHOMA FROM A-1 (AGRICULTURAL DISTRICT) TO I-2 (LIGHT INDUSTRIAL DISTRICT) TO ALLOW FOR A WELDING OPERATION AND STORAGE OF OILFIELD EQUIPMENT IN THE FUTURE.**

Due to a conflict of interest, Board member Mariela Acosta and City Clerk Lisa Anders excused themselves from the meeting. The minutes of this section of the meeting were taken and prepared by Deputy City Clerk Rhonda Williams.

Chairman Heard opened by stating that Rudy Rivera wanted to rezone his property containing 3.5 acres not to include their house, to allow for oilfield storage and welding shop.

Letters were presented to the board members from the surrounding property owners.

The Riveras ask if they could see the letters that were presented to the board members. They then went on to state that the welding shop would be an additional shop building, and that they no longer wanted to have the oilfield equipment stored on the property. They would not be building the new structure at this time. They are still renting property on Commerce Road that they use for their welding shop. They would use the existing building on the property that is being considered for rezoning for storage only.

The Gastineaus owners of property in the area were present and they said they did not want either business there, the welding shop nor the oilfield storage. They want it to stay as it is, residential. The Gastineaus feel that changing the zoning would not be good for the area, because oilfield companies do not clean up property after they leave.

The Gastineaus have future plans of building a home for their son on their property near here and wouldn't like the welding shop to be there either.

Janice Ryal a property owner in the area said she did not want the oilfield storage and was not sure about the welding shop.

Robert and Deann McDown owners of property in the area were not present but did send a letter and they did not want the rezoning.

Board Member Julie Strong was concerned with the impact of any environmental issues, and if a welding shop was really any different than any other things allowed in an A-1 zoning.

Lorie Rivera then said that there is property around them that is industrial.

Chairman Heard then said with the zoning of A-1, the Riveras could do other things there that are allowed in that zoning

Walt Schumacher was present and was wondering if there was a way to make everyone happy, by allowing a welding shop there if all the welding is done out on location and not on the property.