

ORDINANCE NUMBER 1000

AN ORDINANCE CHANGING THE ZONING  
FROM I-2 (LIGHT INDUSTRIAL DISTRICT) TO C-5 (HEAVY COMMERCIAL DISTRICT)  
FOR PROPERTY LOCATED AT 1740 S HWY 183 IN CLINTON, CUSTER COUNTY,  
OKLAHOMA;  
AND DECLARING AN EMERGENCY.

**WHEREAS**, the owners of a tract of land located at 1740 S Hwy 183 of Clinton, Custer County, Oklahoma request that the zoning of said land be changed from I-2( Light Industrial District) to C-5 (Heavy Commercial District); and

**WHEREAS**, the Planning and Zoning Board of said City of Clinton, Oklahoma met on April 14, 2020 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 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 April 23, 2020; 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, to wit:

1740 S Hwy 183 to the City of Clinton, Custer County, Oklahoma be and the same is hereby zoned C-5 (Heavy 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 \_\_\_\_\_, 2020.

\_\_\_\_\_  
David Berrong, Mayor

**ATTEST:**

\_\_\_\_\_  
Lisa Anders, City Clerk

**MINUTES OF A REGULAR MEETING OF THE PLANNING AND ZONING BOARD  
TUESDAY, APRIL 14, 2020**

A regular meeting of the Planning and Zoning Board of the City of Clinton, Oklahoma, was held on Tuesday, April 14, 2020, at 9:00 am in the City of Clinton Council Room, City Hall. A notice of this meeting with agenda was posted on the bulletin board in the lobby of Clinton City Hall on Thursday, April 9, 2020.

Members present were: Aaron Hemingway, Matt Graybill, Michael Heerwald and Julie Strong  
Others Present: Mark Skiles, Lisa Anders, Toby Anders, Kenny Bragg, Gary Millspaugh, Kevin Kreizenbeck, Lee Johnson, Brian Aneshansley, Jeanne Engel, and Rod Serfoss.

**2. CONSIDER MINUTES OF REGULAR MEETING FROM OCTOBER 29, 2019**

Motion was made by Graybill and seconded by Hemingway to approve the minutes of the October 29, 2019 meeting.

Chairman Strong put the motion to a roll call vote:

Aye: Graybill, Hemingway, Heerwald, Strong  
Nay: None

Chairman declared the motion carried.

**3. CONSIDER REQUEST OF LEE JOHNSON FOR A USE PERMITTED ON REVIEW FOR THE PURPOSE OF OPERATING MEDICAL MARIJUANA DISPENSARY AT 1740 S HIGHWAY 183 IN CLINTON, CUSTER COUNTY, OKLAHOMA.**

Chairman Julie Strong reviewed the request for a Use Permitted on Review for the operation of a dispensary is an existing 40 x 80 building.

Mr. Johnson said he had been contacted by several potential tenants who were interested in operating a dispensary in the building.

Heerwald asked if that location would allow for the operation of a dispensary.

Building Inspector Toby Anders said rezoning would be necessary for the marijuana but the primary usage of the property is intended for the recreational vehicle storage. He said the fairground does not affect the usage of this property.

Motion was made by Graybill and seconded by Heerwald to authorize the Use Permitted on Review for the purpose of operating a medical marijuana dispensary at 1740 S Highway 183.

Chairman put the motion to a roll call vote:

Aye: Graybill, Heerwald, Hemingway, Strong  
Nay: None

Chairman declared the motion carried.

**4. CONSIDER REQUEST OF LEE JOHNSON TO REZONE PROPERTY FROM I-2 LIGHT INDUSTRIAL DISTRICT TO C-5 HEAVY COMMERCIAL DISTRICT FOR THE OPERATION OF A RECREATIONAL VEHICLE STORAGE FACILITY AT 1740 S HIGHWAY 183 IN CLINTON, CUSTER COUNTY, OKLAHOMA**

Chairman Strong reviewed the request to rezone property from I-2 to C-5. A diagram was reviewed indicating Phase I and Phase II.

Johnson said the rv storage would consist of 8 to 9 units at first and then additional would be built as needed.

Building Inspector Anders said the storage buildings are in C-5 zoning.

Motion was made by Heerwald and seconded by Hemingway to approve the rezoning of property and 1740 S Highway 183 to C-5 and make the recommendation to the City Council.

Chairman put the motion to a roll call vote:

Aye: Heerwald, Hemingway, Graybill, Strong  
Nay: None

Chairman declared the motion carried.

**5. CONSIDER REQUEST OF GARY MILLSPAUGH, ACTING AS AGENT FOR DAVID L AND NANCY K BOONE TO REZONE PROPERTY FROM C-5 HEAVY COMMERCIAL DISTRICT TO I-2 LIGHT INDUSTRIAL DISTRICT FOR THE PURPOSE OF PROCESSING OIL FROM HEMP AT 1531 SOUTH 14<sup>TH</sup> IN CLINTON, CUSTER COUNTY, OKLAHOMA.**

Chairman Strong reviewed the rezone request from Gary Millspaugh for 1531 South 14<sup>th</sup>. She asked why the rezoning is necessary.

Building Inspector Toby Anders said the City Code defines the uses in each category and the processing of hemp oil is not specified.

City Clerk Lisa Anders confirmed that all property owners within 300 feet were notified and there were no comments received.

Mr. Millspaugh said he would be extracting oil from hemp. He said this is a simple process and the premises would be locked.

Motion was made by Hemingway and seconded by Graybill to approve the request to rezone the property at 1531 South 14<sup>th</sup> to I-2 and forward their recommendation to the City Council.

Chairman put the motion to a roll call vote:

Aye: Hemingway, Graybill, Heerwald, Strong  
Nay: None

Chairman declared the motion carried.

**4. ADJOURN**

The motion was made by Hemingway and seconded by Graybill to adjourn the meeting.

Chairman put the motion to a roll call vote:

Aye: Hemingway, Graybill, Heerwald, Strong

Nay: None

Chairman declared the meeting adjourned at 9:10 a.m.