**PLANNING AND ZONING COMMISSION**

**REGULAR MEETING**

**TUESDAY, FEBRUARY 10, 2015**

**3:00 P.M.**

The Grove Planning and Zoning Commission met in regular session on Tuesday, February 10, 2015 at 3:00 PM with Chairman Dave Claggett presiding. Members present were Jim Simmons, Judith Read, Doug Hulse and Ruth Ann Barnhart. Also present was Assistant City Manager, Debbie Bottoroff; Code Enforcement/Building Inspector, Calvin Igney and City Clerk, Bonnie Buzzard.

**APPOINTMENT OF OFFICER**:

* Vice-Chairman – Simmons nominated Judith Read as Vice-Chairman. Claggett seconded the nomination. Nomination ceased. AYE: Simmons, Read, Barnhart and Claggett. NAY: None. Hulse abstained. Nomination carried.

PUBLIC HEARING:

Claggett opened the floor for a Public Hearing to take public comments regarding a request from the Satuski Corp, dba Grove Dental Associates to rezone the following described property:

**General Location of property:** Property located on the east side of Grove Dental Associates, 2209 S. Main, Grove, OK between Grove Dental Associates’ building and the Lowe’s detention pond.

**Legal Description of the property**: Part of NE ¼ of the SW ¼ of Section 8, Township 24 North, Range 24 East of the Indian Base and Meridian, Delaware County, Oklahoma, being more particularly described as follows: From an existing iron pin capped #4097 at the NW corner of Lot 2, Lowe’s Addition to the City of Grove, Oklahoma, a recorded subdivision, run S 00◦04’50” East 407.63 feet along the West line of said Lot 2 to an existing 3/8” iron pin on the North right of way line of Old State Park Road; thence S 89◦36’22” West 270.09 feet along said North right of way; thence S 00◦04’50” East 110.16 feet to the SW corner of Lot 1 of said Lowe’s Addition; thence N 89◦36’22” East 255.76 feet along the South line of said Lot 1 to the point of beginning; thence continuing along said South line N 89◦36’22” East 15.03 feet to the SE corner of said Lot 1; thence N 00◦04’50” West 22.05 feet along the East line of said Lot 1 to a point on the South right of way line of said Old State Park Road; thence S 43◦00’07” East 176.83 feet along said South right of way line; thence 165.99 feet along a curve to the left having a radius of 200.00 feet, a chord direction of S 66◦46’39” East a chord length of 161.26 feet along said South right of way line; thence N 89◦26’48” East 279.27 feet along said South right of way line to a point in an existing chain link fence; thence S 20◦04’00” West 113.69 feet along said chain link fence to a point on a Westerly line described at Book 1529, Page 419; thence S 40◦09’06” West 80.27 feet along said Westerly line; thence S 29◦13’41” East 134.42 feet along said Westerly line; thence N 64◦19’57” West 101.93 feet to an existing fence corner; thence N 85◦48’55” West 145.49 feet; thence S 89◦01’00” West 150.00 feet to an existing 3/8” iron pin; thence S 88◦54’31” West 150.06 feet to an existing 3/8” iron pin; thence N 00◦07’13” West 404.16 feet to the point of beginning, subject to any and all easements.

**Zoning of Property:**  The property is currently zoned R-2 Two-Family Residential District, the property owner is requesting to Re-zone the property to C-3 Highway Commercial and Commercial Recreation District.

**Proposed Use of Property:**  Construct New Dental Clinic.

At 3:07 PM Read made the motion to open the Public Hearing as described. Seconded by Simmons. AYE: Simmons, Read, Hulse, Barnhart and Claggett. NAY: None. Motion carried. Bottoroff reported that this property is currently zoned R-2 Two-Family Residential District, the property owner is requesting to re-zone the property to C-3 Highway Commercial and Commercial Recreation District for possible construction of an addition to the existing Dental Clinic. James Perryman – Representative of the Grove Dental Associates addressed the Council to report that no immediate plans are designed for this particular piece of property at this time other than to be used for possible expansion to the existing facility. No other comments were heard. At 3:14 PM Simmons made the motion to close the Public Hearing. Seconded by Barnhart. AYE: Simmons, Read, Hulse, Barnhart and Claggett. NAY: None. Motion carried.

Claggett then opened the floor for a Public Hearing to take public comments regarding a request from the Hulse Family Trust to rezone the following described property:

**General Location of property:** Property located on the east side of U.S. Highway 59 across from Grand Lake Glass, and between Terry Lane and E 63rd Street, and the contiguous property located along the north side of E 63rd Street, Grove, OK, and identified on the map published with the Public Hearing Notice.

**Legal Description of the property:** The West 450 feet of that part of the SE ¼ SE ¼ SE ¼ above the elevation of 750 foot sea level datum, and all that part of the NE ¼ SE ¼ SE ¼ lying above the elevation of 750 foot sea level datum, lying South and East of a Line beginning at the SE corner of the NW ¼ SE ¼ SE ¼ and running N 45◦ E approximately 225 feet to the 750 foot contour line or property line of the Grand River Dam Authority, all in Section 26, Township 25 North, Range 23 East, Delaware County, Oklahoma, less and except any part taken for Highway and subject to road and utility easements.

Also described as follows:

The West 450 fee of that part of the SE ¼ SE ¼ SE ¼ less that part taken by the G.R.D.A. and all that part of the NE ¼ SE ¼ SE ¼ less that part taken by the G.R.D.A., lying South and East of a line beginning at the SE corner of the NW ¼ SE ¼ SE ¼ and running 45◦ E approximately 225 feet to the G.R.D.A. taking line, all in Section 26, Township 25 North, Range 23East, Delaware County, Oklahoma, less and except any part taken for Highway and subject to road and utility easements. (as recorded in Book 2088, Page 101.)

AND

All that part of the SW ¼ SE ¼ SE ¼ of Section 26, Township 25 North, Range 23 East, lying North of U.S. Highway No. 59, Delaware County, Oklahoma, subject to any and all easements.

LESS AND EXCEPT

A strip or parcel of land lying in the part of the SW ¼ SE ¼ SE ¼ of Section 26, Township 25 North, Range 23 East, Delaware County, Oklahoma. Said parcel of land being described by metes and bounds as follows: Beginning at a point on the present Northerly right-of-way of U.S. Highway No. 59, a distance of 6.20 feet, N 49◦17’20” W along said right-of-way line intersects the East line of said SW ¼ SE ¼ SE 1/4 ; thence N 49◦17’20” W along said right-of-way line a distance of 895.80 feet to a point on the West line of said SW ¼ SE ¼ SE ¼; thence N 01◦52’48” W along said West line a distance of 49.33 feet; thence N 88◦05’27” E a distance of 17.38 feet; thence S 03◦28’24” E a distance of 45.27 feet; thence s 49◦17’20” E a distance of 639.76 feet; thence S 45◦17’05” E a distance of 65.78 feet; thence S 49◦17’20” E a distance of 169.33 feet to a point on the East line of said SW ¼ SE ¼ SE ¼; thence S 01◦53’08” E along said East line a distance of 14.97 feet to point of beginning . (As recorded at Book 2088, Page 102.)

**Zoning of Property:**  A portion of the property is currently zoned C-3 Highway Commercial and a portion of the property is currently zoned R-1 Single-Family Residence, the property owner is requesting to Re-zone the property to LFR – Lake Front Resort.

**Proposed Use of the Property:** Develop a Resort

At 3:14 PM Read made the motion to open the Public Hearing as described. Seconded by Simmons. AYE: Simmons, Read, Hulse, Barnhart and Claggett. NAY: None. Motion carried. Bottoroff reported that a portion of the property is currently zoned C-3 Highway Commercial and a portion of the property is currently zoned R-1 Single-Family Residence, the property owner is requesting to re-zone the property to LFR – Lake Front Resort. Property owner, Doug Hulse addressed the Council to report that he has no set plans at this time for this property, however; he presented a concept of his preliminary plans which included mini-cabins and an event center. The Council and Staff entertained questions, comments and concerns from the following individuals:

1. Diane Kelly – 1431 NW 55th Street – expressed opposition against the rezoning
2. David Pierce – 1431 NW 55th Street – expressed opposition against the rezoning
3. John Ann Thompson - expressing opposition against the rezoning

The proposed rezoning discussion lasted for approximately 25 minutes, which included questions, comments and concerns from the Staff and Hulse. Bottoroff reported that a total of twenty-eight (28) notices were sent out with four responses ‘in favor’ being received and four (4) responses ‘not in favor’ of the request being received. At 3:38 PM Simmons made the motion to close the Public Hearing. Seconded by Read. AYE: Simmons, Read, Hulse, Barnhart and Claggett. NAY: None. Motion carried.

Read made the motion to approval the minutes of the previous regular meeting for January 13, 2015. Seconded by Barnhart. AYE: Read, Hulse, Barnhart and Claggett. NAY: None. Simmons abstained. Motion carried.

Claggett opened the floor for discussion regarding an Ordinance amending Chapter 4 – District Regulations of the City of Grove Zoning Regulations. Bottoroff presented and discussed the following proposed changes:

**SECTION 3 - CHAPTER 4 DISTRICT REGULATIONS, IS HERBY AMENDED BY ADDING THE FOLLOWING:**

*K. Exemptions: When more than one contiguous lot located in a residential district is owned by the same property owner and the property owner desires to construct a residential home on more than one of the contiguous lots. The property owner shall provide proof of ownership and shall provide proof that there are no dedicated easements located between the contiguous lot boundary lines. Upon receipt of said documentation, the property owner may obtain a Building Permit to construct a residential structure(s) over the contiguous lot lines without being required to meet the interior side yard set-backs established in the Chapter 4 – Regulations Table. All other Districts Regulations in Chapter 4 and the Regulations Table shall be required.*

Simmons made the motion to approve an Ordinance upon recommendation to the Mayor and City Council amending Chapter 4 – District Regulations as presented and discussed. Seconded by Barnhart. AYE: Read, Hulse, Barnhart and Claggett. NAY: None. Simmons abstained. Motion carried.

Simmons made the motion to approve the request from the Satuski Corp., dba Grove Dental Associations to re-zone the property described in Agenda Item A.1 upon recommendation to the Mayor and Council. Seconded by Barnhart. AYE: Read, Hulse, Barnhart and Claggett. NAY: None. Simmons abstained. Motion carried.

Claggett made the motion to approve a request from the Hulse Family Trust to re-zone the property described in Agenda Item A.2 upon recommendation to the Mayor and Council. Seconded by Barnhart. AYE: Read, Barnhart and Claggett. NAY: Simmons. Hulse, abstained. Motion carried.

**STAFF REPORT**:

Bottoroff reported that she will be on vacation during the time of the March regular meeting therefore, she will be requesting that it be cancelled.

Bottoroff asked the Board to be thinking about a possible special meeting at the end of March to hear discussions on the Vacation Rental Homes issue.

**TRUSTEES REPORT**:

Read expressed her thanks to the Board for their vote for her as Vice-Chairman.

At 3:59 PM Read made the motion to adjourn. Seconded by Simmons. AYE: Simmons, Read, Hulse, Barnhart and Claggett. NAY: None. Motion carried.