

MINUTES
BOARD OF ADJUSTMENT
SPECIAL MEETING
CITY OF PRYOR CREEK, OKLAHOMA
THURSDAY, JUNE 10, 2021 5:30pm

AS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT THE BOARD OF ADJUSTMENT MET IN SPECIAL SESSION IN THE COUNCIL CHAMBER, 12 NORTH ROWE ON THE ABOVE DATE AND TIME.

BOARD MEMBERS: GERALD CLACK, TREY LARREMORE, MIKE CONSIDINE, ANDY ROGERS, KRIS FOSTER

1. CALL TO ORDER, ROLL CALL AND DECLARE A QUORUM.

Chairman Gerald Clack called the meeting to order and declared a quorum. Members present were Gerald Clack, Andy Rogers, Kris Foster. Absent: Trey Larremore.

Others present: Mayor Larry Lees, Building Inspector Kenny Young, Kasen Schwalm with Olsson, Steve Powell, Terry Aylward.

Clack moved to Item 3.

3. PUBLIC HEARINGS.

a. Enter Public Hearing.

Applicant: Kum & Go – ALL THAT PART OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHWEST QUARTER (NW1/4) IN SECTION 19, TOWNSHIP 21 NORTH, RANGE 19 EAST, IN MAYES COUNTY, OKLAHOMA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 19; THENCE N88°43'38"E ALONG THE NORTH LINE OF SAID SECTION 19, 1278.30 FEET; THENCE S01°30'00"E, 30.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SE 9TH STREET AND THE POINT OF BEGINNING; THENCE N88°43'38"E ALONG SAID SOUTH RIGHT-OF-WAY LINE, 16.56 FEET; THENCE S00°59'36"E, 136.94 FEET; THENCE N89°00'08"E, 23.82 FEET; THENCE S00°59'52"E, 62.94 FEET; THENCE S89°00'08"W, 298.39 FEET TO THE EAST RIGHT-OF-WAY LINE OF HIGHWAY 69; THENCE N15°16'31"E ALONG SAID EAST RIGHT-OF-WAY, 207.14 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SE 9TH STREET; THENCE N88°43'38"E ALONG SAID SOUTH RIGHT-OF-WAY, 199.97 FEET TO THE POINT OF BEGINNING. CONTAINING 1.2 ACRES MORE OR LESS. (901 S Mill Street).

b. Exit Public Hearing.

Mr. Clack explained the public hearing was completed.

4. DISCUSSION AND POSSIBLE ACTION ON PUBLIC HEARING FOR APPLICANT OLSSON (WILLIAM HOEY) FOR KUM & GO WHO ARE REQUESTING A VARIANCE ON THE NUMBER AND SIZE OF SIGNS. (FREESTANDING SIGNS MAX 20' HEIGHT - REQUESTING 40' HEIGHT) (ON SITE SELF-SUPPORTING {POLE} 150 SQ FT - REQUESTING 165 SQ FT.) (WALL MOUNTED NON-PROJECTING 162 SQ FT – REQUESTION 189 SQ FT).

Motion was made by Rogers, second by Foster to amend Item 4 to make three separate motions for the variance. Voting yes: Clack, Foster, Rogers. Voting no: none.

Motion was made by Rogers, second by Foster to approve wall mounted non-projection 162 sq ft variance to 189 sq ft. Voting yes: Clack, Foster, Rogers. Voting none.

Motion was made by Rogers, second by Foster to approve freestanding sign max 20' height variance request to 40' height. Voting yes: Clack, Foster. Voting no: Rogers.

Motion was made by Rogers, second by Foster to approve the site self-support (pole) 84 sq ft variance request to 165 sq ft. (Staff later evaluated the corner lot is entitled to 162 sq ft instead of 84 sq ft.) Voting yes: Clack, Foster. Voting no: Rogers.

2. DISCUSSION AND POSSIBLE ACTION TO APPROVE MINUTES OF APRIL 15, 2021 SPECIAL MEETING.

Motion was made by Rogers, second by Foster to approve minutes of September 17, 2020 Special Meeting with amendment to Item 4 stating the hardship of the setback was for having to build the new building over the existing building before tearing it down and needing the 40% minimum reduced for combining the two lots which satisfied the 40% minimum. Voting yes: Clack, Rogers, Foster. Voting no: none.

Clack moved to Item 5.

5. ADJOURN.

Motion was made by Rogers, second by Foster to adjourn. Voting yes: Clack, Rogers, Foster. Voting no: none.

CITY OF PRYOR CREEK BOARD OF ADJUSTMENT

VARIANCE SPECIAL EXCEPTION

P.O Box 1167, 12 North Rowe Street, Pryor Creek, Oklahoma 74362 - (918) 825-0888 - FAX (918) 825-6577

www.pryorok.org

APPLICATION INFORMATION

RECEIVED BY: _____ DATE FILED: _____ HEARING DATE: _____ CASE NUMBER _____

RESIDENTIAL NON-RESIDENTIAL MIXED USE BUILDING PERMIT APPLICATION NUMBER _____

NEIGHBORHOOD ASSOCIATIONS: _____

SUBJECT PROPERTY INFORMATION

ADDRESS OR DESCRIPTIVE LOCATION: 304 S Mill St Pryor Creek OK 74362

LEGAL DESCRIPTION: See Attachment titled "Exhibit A" for complete legal description.

PRESENT USE: Chinese Buffet PRESENT ZONING CAR COMPREHENSIVE PLAN DESIGNATION: _____

SURROUNDING ZONING: CAR FLOODPLAIN DESIGNATION: X

INFORMATION ABOUT YOUR REQUEST

A SITE PLAN IS REQUIRED TO ILLUSTRATE YOUR REQUEST.

ACTION(S) REQUESTED: Requesting variance from front setback of 50' off Mill St. Requesting variance of landscaping buffer adjacent to ROW of 7'.

VARIANCE SECTIONS: 10-3-3; 10-11-4 SPECIAL EXCEPTION SECTIONS: _____

LIST THE SPECIFIC SECTIONS OF THE ZONING CODE THAT APPLY TO EACH ACTION YOU'RE REQUESTING.

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION
NAME Palm Development Partners / Winston Parks	NAME COO Y YAH INC / DAVID CORDELL
ADDRESS 23134 Hwy 22 N,	ADDRESS 2148 E 25TH ST
CITY, ST, ZIP Yuma TN 38390	CITY, ST, ZIP TULSA, OK 74114
DAYTIME PHONE 615-674-2130	DAYTIME PHONE 918.586.8995
EMAIL wparks@winstonwarren.com	EMAIL dcordell@cwlaw.com
I, THE UNDERSIGNED APPLICANT, CERTIFY THAT THE INFORMATION ON THIS APPLICATION IS TRUE AND CORRECT.	
SIGNATURE & DATE: _____	

DOES OWNER CONSENT TO THIS APPLICATION Y N. WHAT IS APPLICANT'S RELATIONSHIP TO OWNER? Purchaser

APPLICATION FEES			
BASE REQUEST	\$10.00		10 ⁰⁰
ADDITIONAL REQUESTS	\$	APPLICATION SUBTOTAL	\$
NEWSPAPER PUBLICATION	\$		120.00
SIGN POSTING	\$18.50		18.50
Review letter fee from City Reviewer for BOA Meeting	\$125.00		\$ 125.00
300' PROPERTY OWNERS LIST			
300' PROPERTY OWNERS CERTIFICATE OF MAILING & POSTAGE	\$2.01 x 17 =	\$ 34.17	34.17
		NOTICE SUBTOTAL	
		TOTAL AMOUNT DUE	\$ 307.67

APPLICATION FEES IN WHOLE OR PART WILL NOT BE REFUNDED AFTER NOTIFICATION HAS BEEN GIVEN.

DISPOSITION

BOARD ACTION: _____

FINAL DATE: _____ VOTE: _____ PLAT INVOKED Y N PLAT NAME: _____ WAIVER Y N

Board of Adjustment Case Number: _____ Date: _____, 7:00 p.m.

City Council Chambers, 12 North Rowe Street

A person knowledgeable of the application and the property must attend the meeting to represent the application.

Site Plans must be submitted at the time of application. Other drawings, photographs or exhibits may be submitted at the hearing.

VARIANCES:

The applicant must prove a hardship to the Board. The Board of Adjustment is allowed to approve variances only after determining that the following conditions exist. Please be ready to describe how your request satisfies each of these conditions at the hearing:

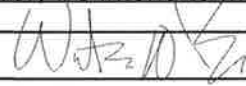
1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.
2. Application of the zoning ordinance requirements to this particular piece of property will create unnecessary **hardship** to the property, not self-imposed by the owner or developer. This does not include financial hardship to the applicant.
3. There are conditions that are peculiar to this piece of property, which do not apply to other properties in the same zoning district.
4. The variance, if granted, will not cause substantial detriment to the public good or impair the purpose and intent of the zoning ordinance or the comprehensive plan. However, no variance may be granted for a use of land, buildings or structure that is prohibited by the zoning ordinance.

In granting a variance, the Board may make appropriate conditions or safeguards and may require a bond or other guarantee necessary to enforce compliance with the conditions.

Please state your hardship:

This property sits on a hard corner of Mill St and 3rd St. Depth is an issue as the depth of the property is 100' with a 50' front setback. Without a variance for the 50' front setback, we cannot fit the tenant's prototype on the site. The landscaping buffer along Mill St is not possible due to depth of site; however, we intend to make up that area with additional landscaping along 3rd St.

Applicant Signature: _____



SPECIAL EXCEPTIONS:

The Board of Adjustment is allowed to approve special exceptions only after determining that the following conditions exist. Please be ready to describe how your request satisfies each of these conditions at the hearing:

1. The special exception will be in harmony with the spirit and intent of the Zoning Code.
2. The special exception will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

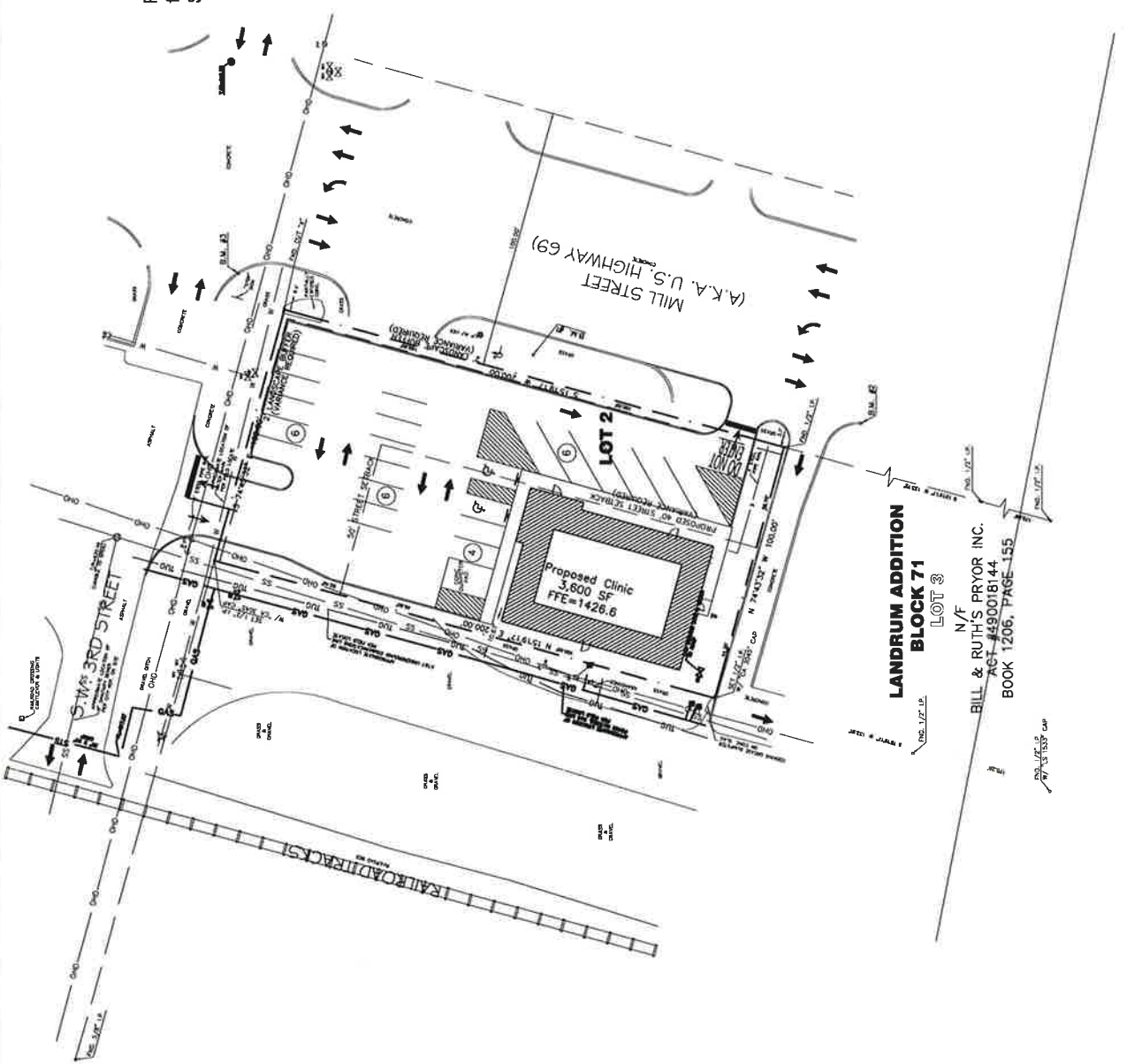
Further, if the **special exception** is for "**special residential facilities**" the following factors shall be considered. Please be ready to address each of these items at the hearing:

- | | |
|---|--|
| A. Size of the facility; | F. Compliance with state licensure and certification requirements; |
| B. Number of staff and staff-to-client ratio; | G. Proximity to similar uses; |
| C. Levels of treatment; | H. Distance from sensitive uses (single-family residential districts, schools, parks, child day care centers). |
| D. Location of site in relation to needed services; | |
| E. City infrastructure in the area; | |

In granting any special exception, the Board may make appropriate conditions or safeguards, may limit the approval to a specified period of time and may require a bond or other guarantee necessary to enforce compliance with the conditions.

If your application is approved, you may need additional permits. Contact the City of Pryor Creek Building Inspector's Office at (918) 825-1679.

**City of Pryor Creek
P.O. Box 1167
12 North Rowe Street
Pryor Creek, Oklahoma 74362
(918) 825-0888 FAX: (918) 825-6577**



Request Street setback requirement be reduced from 50' (per zoning ordinance) to 40' along Mill Street.

Request Landscape Buffer requirement be reduced from 7' (per zoning ordinance) to 2' along Mill Street and S.W. 3rd Street.

SEAL

<p>Client/Developer: KXPRESS WELLNESS Site: MILL STREET, PRYOR, OK Project: KXPRESS WELLNESS Scale: 1"=20' Date: JUNE 7, 2021 Author: J. L. HARRIS Reviewer: J. L. HARRIS</p> <p>Land Code: (A.K.A. U.S. HIGHWAY 69) Map Sheet: 18 Section: 21 Township: 19 N Range: 19 E</p> <p>Neighboring Maps: 1. 18, 21, 19 N, 19 E 2. 18, 21, 19 N, 19 E 3. 18, 21, 19 N, 19 E 4. 18, 21, 19 N, 19 E</p> <p>Deed Reference: 1. ACT 490018144 2. ACT 490018144 3. ACT 490018144 4. ACT 490018144</p> <p>Year of Survey: 2021</p> <p>Intended Use: KXPRESS WELLNESS</p> <p>Planning: ZONING</p> <p>Professional: J. L. HARRIS</p>	<p>VICINITY MAP</p> <p>EAST NORTH WEST SOUTH</p> <p>PROJECT LOCATION</p> <p>18 21 19 N 19 E</p> <p>MILL STREET (A.K.A. U.S. HIGHWAY 69)</p>
---	--

NOTICE OF PUBLIC HEARING

BEFORE THE CITY OF PRYOR CREEK BOARD OF ADJUSTMENT

Notice is hereby given that on July 13th, 2021, at 4:45 P.M. in the City Hall Council Chamber, located at 12 North Rowe Street, 2nd floor, Pryor Creek, Mayes County, Oklahoma, the City of Pryor Creek Board of Adjustment will consider a variance from the 50' front setback and variance of landscaping buffer adjacent to ROW of 7'.

LEGAL DESCRIPTION

Lots Numbered One (1) and Two (2), in Block Numbered 71, in the Incorporated Town of PRYOR CREEK, Mayes County, State of Oklahoma, according to the United States Government Survey and Plat thereof; AND Lots Numbered One (1) and Two (2), in Block Numbered 71, in the LANDRUM ADDITION to the Incorporated Town of Pryor Creek, Mayes County, State of Oklahoma, according to the official Survey and Plat thereof, filed for the record in the office of County Clerk of said County and State, more particularly described as follows to-wit: A triangular portion of an un-numbered Block in the Landrum Addition lying immediately West of the Westerly line of Lots 1 and 2, Block 71, of the Original Townsite of the Town of Pryor Creek, and East of the Easterly Right-of-Way line of the Missouri, Kansas and Texas Railroad, and North of the Northerly line of Lot 3, Block 71 of the Original Town of Pryor Creek, North of the Northerly line of Lot 3 of same un-numbered Block of the Landrum Addition; the Westerly dimension of said tract measures 149.60 Feet; the Southerly dimension measures 44.30 Feet; the Easterly dimension from the Plat of the Original Townsite of Pryor Creek is 155.70 Feet; and being platted from the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 18, Township 21 North, and Range 19 East, of the Indian Base and Meridian.



Anyone requiring special accommodations pursuant to the Americans with Disabilities Act should notify City of Pryor Creek at 918-825-0888.