

**SALLISAW PLANNING COMMISSION
REGULAR MEETING**

June 6, 2023

5:30 P.M.

**Council Chambers
113 North Elm St
Sallisaw, Oklahoma**

A G E N D A

- 1. Meeting Called to Order**
- 2. Declaration of a Quorum**
- 3. Consider Approval of Minutes of Regular Meeting of February 7, 2023**
- 4. Discuss, consider and take possible action on Case No. PC 2023-002;
Redbird Smith Estates Block 1 Lots 1-4 & Block 2 Lots 1-4 rezoning request
from One-Family Residence District (R-1) to Residence District (R-2) by
The Housing Authority of Cherokee Nation of Oklahoma.**
- 5. Discuss, consider and take possible action on Case No. PC 2023-003, Replat
of Sallisaw Feed Mill by Aviagen North American, Inc.**
- 6. Adjourn**

Posted: JUNE 1, 2023

Time: 4:30 PM

Lisa Gabbert

MINUTES

SALLISAW PLANNING COMMISSION

REGULAR MEETING

FEBRUARY 7, 2023

The Sallisaw Planning Commission met in a regular meeting on February 7, 2023, in the Council Chambers, 113 N. Elm Street, Sallisaw. Notice of the meeting was given by emailing to Sequoyah County Times; by posting at city hall on February 3, 2023 at 4:00 p.m; by posting on the city's website; and, by giving notice to the City Clerk.

Members present:	Tim Brown Ronnie Woodward Scott Looper Brady Bauer	Vice-Chair Member Member Member
Members absent:	Joe Velasquez Crystal Sides Matt Duke	Chairman Secretary Member
Staff present:	Keith Miller, Chris Carter, Lisa Gabbert	Building Development Director Senior Code Inspector Recording Secretary
Others present:	Kelly Osburn Steve O'Neal Debbie O'Neal Mark O'Neal Angela O'Neal	Virginia O'Neal David Lessley Trey Rogers Daryl Rogers

Meeting Called to Order

Meeting called to order at 5:37 p.m.

Declaration of a Quorum

A quorum was declared present.

Consider Approval of Minutes of Regular Meeting of January 3, 2023

The minutes of the regular meeting of January 3, 2023 were presented for approval.

Motion made by Looper, seconded by Bauer to accept the minutes from the regular meeting of January 3, 2023 as presented.

Vote: Brown aye, Woodward aye, Bauer aye, Looper aye. Motion carried 4-0.

Discuss, consider and take possible action on Case No. PC 2022-09; Preliminary plat presentation of Sallisaw Acres, an addition to the City of Sallisaw, by Cherokee Nation Housing Authority

Building Development staff informed the board that JR Donelson, agent for Cherokee Nation, is still trying for an easement agreement, and the city attorney is recommending striking the item from the agenda.

Motion was made by Bauer, seconded by Looper to strike Case No. PC2022-09 plat presentation of Sallisaw Acres by Cherokee Nation Housing Authority from the agenda.

Vote: Brown aye, Woodward aye, Bauer aye, Looper aye. Motion carried 4-0.

Discuss, consider and take possible action on Case No. PC2022-014; Preliminary plat presentation of Lee Creek Estates, an addition to the City of Sallisaw by INSU, Inc.

Carter told the board that INSU, Inc. wants to build 24 single family homes and 19 duplexes across from Carl Albert State College, and they are installing the streets and water/sewer for the addition.

Motion was made by Bauer, seconded by Woodward to approve the preliminary plat of Lee Creek Estates.

Vote: Brown aye, Woodward aye, Bauer aye, Looper aye. Motion carried 4-0.

Discuss, consider and take possible action on Case No. PC 2022-015; Lee Creek Estates rezoning request from Agricultural District (A-1) to Residence District (R-2) by INSU, Inc.

Vote: Brown aye, Woodward aye, Bauer aye, Looper aye. Motion carried 4-0.

Motion made by Woodward, seconded by Bauer to approve the rezoning request of Lee Creek Estates from agriculture district (A-1) to residence district (R-2).

Vote: Brown aye, Woodward aye, Bauer aye, Looper aye. Motion carried 4-0.

Adjourn

Motion made by Looper, seconded by Bauer to adjourn the meeting, there being no further business.

Vote: Brown aye, Woodward aye, Bauer aye, Looper aye. Motion carried 4-0.

Approved this _____ day of _____, _____.

Joe Velasquez, Chairman

ATTEST:

Crystal Side, Secretary

AGENDA ITEM COMMENTARY

Meeting Date: June 6, 2023
Board: Sallisaw Planning Commission
Subject: Rezone of Redbird Smith Estates Block 1 Lots 1-4 and Block 2 Lots 1-4.

ITEM TITLE: Discuss, consider and take possible action on Case No. PC 2023-002; Redbird Smith Estates Block 1 Lots 1-4 & Block 2 Lots 1-4 rezoning request from One-Family Residence District (R-1) to Residence District (R-2) by The Housing Authority of Cherokee Nation of Oklahoma.

INITIATOR: Wallace Design Collective

STAFF INFORMATION SOURCE: Building Development

BACKGROUND: Wallace Design Collective, agent for The Housing Authority of Cherokee Nation of Oklahoma, has requested rezoning Block 1 Lots 1-4 and Block 2 Lots 1-4 of Redbird Smith Estates from One-Family Residence District (R-1) to Residence District (R-2). The property is located on South JT Stites St. The intent is to build multi-family dwellings.

EXHIBITS:

1. PC2023-002 App
2. PC Notification of Meeting
3. Notice of Hearing - Case No. PC 2023-002
4. pc2023-002 PUB MAP NEW

KEY ISSUES: None.

FUNDING SOURCE: N/A

RECOMMENDATION: Approval

CASE # _____

PLANNING COMMISSION

REQUEST TO REZONE

Application is hereby made to the Planning Commission of a recommendation to the City Council for rezoning of the following described property to a District

Residential District (R-2) Specifically for lots
1-4, Block 1 and lots 1-4, Block 2 Redbird
Smith Estates

General Location 206 JT Styles St.

(Street Address)

Present Use of Property Vacant

Proposed Use of Property Residential 2 family

Record Owner of Property Housing Authority of the Cherokee Nation

If Applicant is other than owner, indicate interest: ☐ purchaser, ☐ lessee,

☐ agent for, ☒ other Consultant

Are there any Private or Deed Restrictions controlling the use of this property? Covenants

I do hereby certify that the information herein submitted is complete, true and accurate.

Signed Karl A. Fritsch Address 123 N. MLK Blvd.
Phone 918. 584. 5858 Tulsa, OK 74103

APPLICANT - DO NOT WRITE BELOW THIS LINE

Application Received by: _____ Date _____

Application No.: _____ Requested: _____

Fee Receipt: _____ P.C Date: _____

City Council: _____

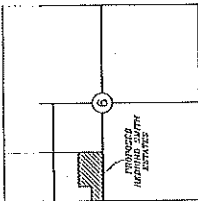
Date: _____

Ordinance No.: _____

REDBIRD SMITH ESTATES

A SUBDIVISION BEING A PART OF THE S/2 OF GOVERNMENT LOT 5 IN SECTION 6, TOWNSHIP 11 NORTH, RANGE 24 EAST OF THE 1.B. & M. CITY OF SALLISAW SEQUOYAH COUNTY, OKLAHOMA.

3-54-5



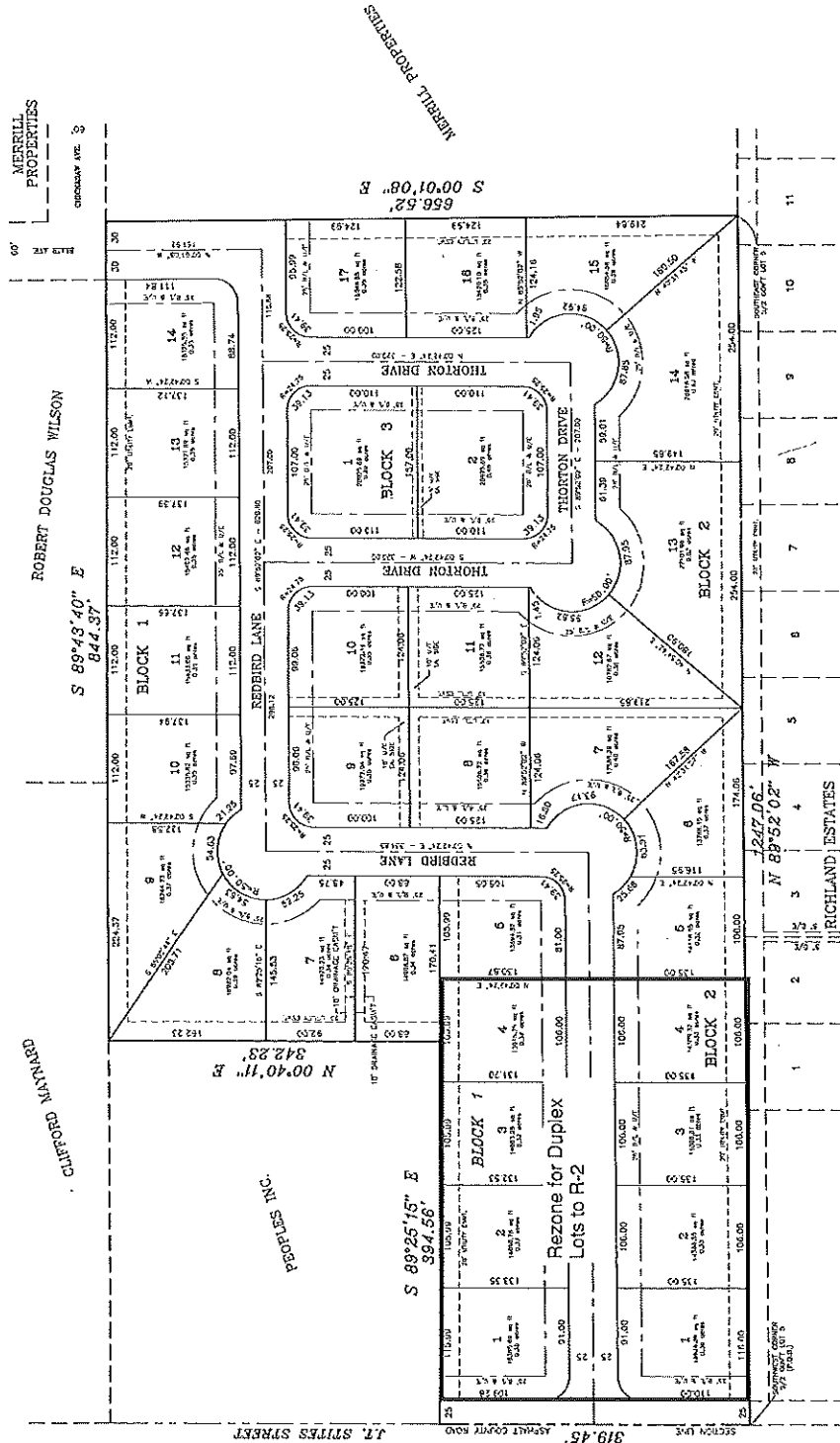
LOCATION MAP
TOTAL ACRES = 15.686
TOTAL LOTS = 33

SURVEYOR/ENGINEER

SCOTT & ASSOCIATES, INC.
Land Surveyors & Engineers
CA. #1041 (PLS. PE) Exp. 6/30/03
901-B Callahan Street
Muskogee, OK 74403
Tel: (918) 682-7577

OWNER:

Robert Douglas Wilson
Housing Authority of the
Cherokee Nation of Oklahoma
P.O. Box 1007, Tahlequah, OK 74465
Tel: (918) 458-5482



Legal Description for Radius Report:

LOTS 1-4, BLOCK 1 AND LOTS 1-4, BLOCK 2, REDBIRD SMITH ESTATES A SUBDIVISION BEING PART OF THE S/2 OF GOVERNMENT LOT 5 IN SECTION 6, TOWNSHIP 11 NORTH, RANGE 24 EAST OF THE 1.B. & M. CITY OF SALLISAW SEQUOYAH COUNTY, OKLAHOMA

NOTES:
1. ALL LOTS ARE TO BE CONVEYED TO THE CHEROKEE NATION OF OKLAHOMA.
2. ALL LOTS ARE TO BE CONVEYED TO THE CHEROKEE NATION OF OKLAHOMA.

FILED: 5/13/03
RECORDED: 5/13/03

RECORD OF LAND SURVEYING AS REQUIRED BY THE OKLAHOMA STATE DEPARTMENT OF REVENUE AND TAXATION. THIS RECORD IS A PUBLIC RECORD AND IS SUBJECT TO THE OKLAHOMA RECORD ACT.

1 of 2
SHEET 1 of 2

115 East Choctaw
PO Box 525
Sallisaw, OK 74955



Building Development
Phone: (918) 775-6241
Fax: (918) 775-9550
www.sallisawok.org

May 17, 2023

RE: Notice of Public Hearing – Rezoning Request

To Whom It May Concern:

In accordance with the City of Sallisaw Ordinance Sec. 102-105 and Oklahoma Municipal Code Sec. 43-106, this letter is to inform you that a rezoning request has been filed with the Sallisaw Planning Commission. A public hearing will be heard on said application as follows:

Date of Hearing: **Tuesday, June 6, 2023**

Time: **5:30 p.m.**

Place: **Council Chambers, 113 N. Elm; Sallisaw**

You are invited to attend the meeting, if you wish to do so. Additional information attached.

Respectfully,

Keith Miller, CFM, Director
Building Development

NOTICE OF PUBLIC HEARING **ON APPLICATION FOR REZONING**

Notice is hereby given that the undersigned, as owner(s) or agent for the owner(s) of the following described property in the Sallisaw City Limits, Sequoyah County, **Oklahoma, to wit:**

REDBIRD SMITH ESTATES BLOCK 1 LOTS 1-4 & BLOCK 2 LOTS 1-4.

has filed with the Sallisaw Planning Commission a written application # **PC 2023-002** pursuant to the Zoning Ordinance as adopted by the City of Sallisaw, Oklahoma, to **rezone from One-Family Residence District (R-1) to Residence District (R-2)**

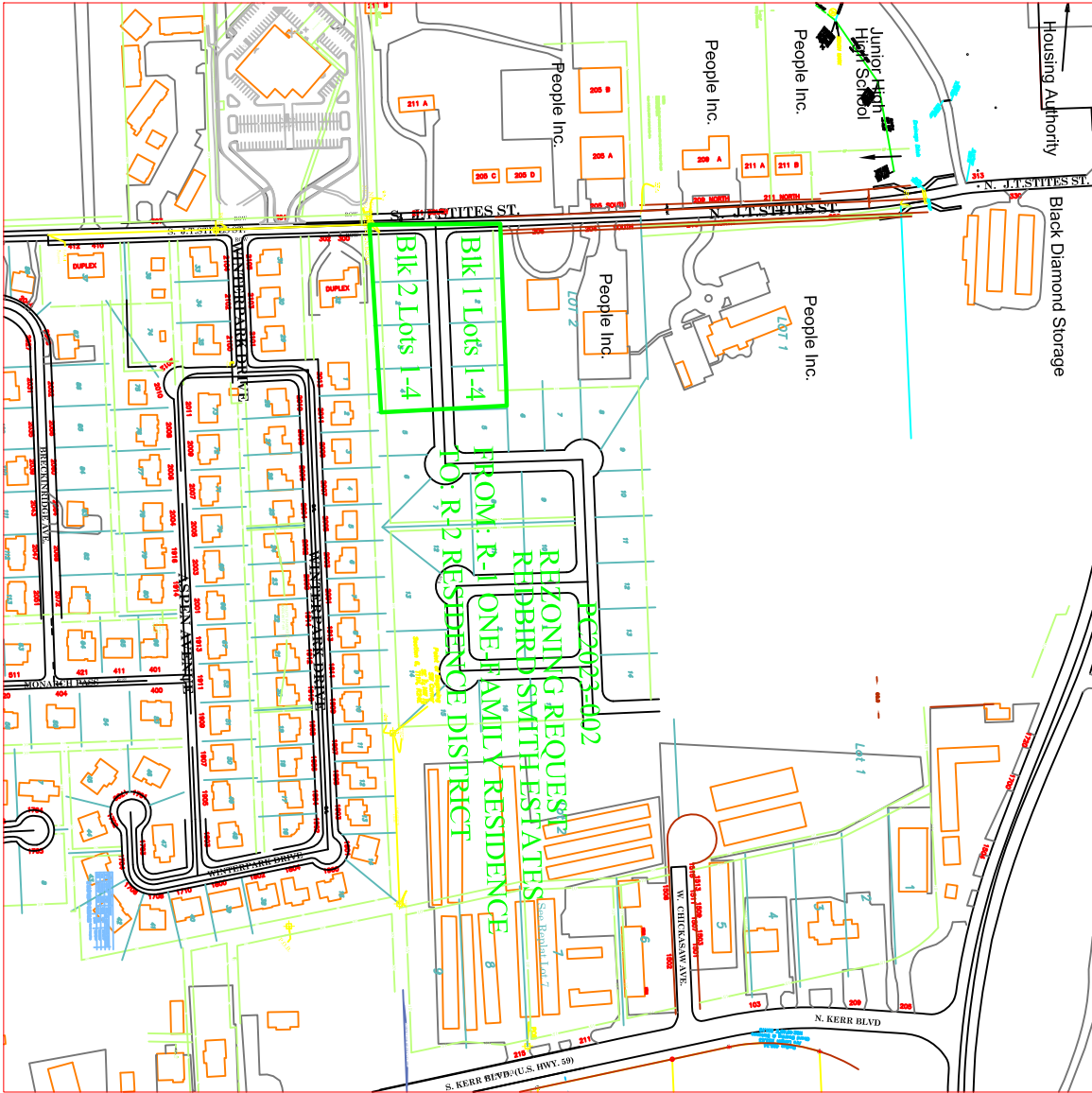
The undersigned will present said application to the Sallisaw Planning Commission on **June 6, 2023**, at **113 N. Elm, beginning at 5:30 pm**, at which time the Sallisaw Planning Commission will conduct a public hearing on said application. All interested persons are entitled to be heard and are invited to attend. Notice is published this 17th day of May, 2023.

By: **The Housing Authority of the Cherokee Nation of OK**
Owner(s)

Or By: **Wallace Design Collective**
Agent

By: **Crystal Sides**
Secretary, Sallisaw Planning Commission

Bill To:
Wallace Design Collective
123 N. Martin Luther King Jr. Blvd.
Tulsa, OK 74103



AGENDA ITEM COMMENTARY

Meeting Date: June 6, 2023
Board: Sallisaw Planning Commission
Subject: Replat of Sallisaw Feed Mill

ITEM TITLE: Discuss, consider and take possible action on Case No. PC 2023-003, Replat of Sallisaw Feed Mill by Aviagen North American, Inc.

INITIATOR: Crafton, Tull & Associates, Inc.

STAFF INFORMATION SOURCE: Building Development

BACKGROUND: Crafton, Tull & Associates, Inc, agent for Aviagen North America, will present a replat of Sallisaw Feed Mill for consideration. Crafton, Tull & Associates is requesting an expansion to the feedmill. The property is located at 300 Drake Road. The zoning is Agricultural (A-1).

EXHIBITS: 1. PC2023-003 Application
2. PC2023-003 Aviagen Plat 4-19-2023

KEY ISSUES: None.

FUNDING SOURCE: N/A

RECOMMENDATION: Approval

CASE # _____

PLANNING COMMISSION

APPLICATION FOR REPLAT APPROVAL

Application is hereby made to the Planning Commission for consideration of a recommendation to the City Council for Sallisaw, Oklahoma.

General Location 300 Drake Road, Sallisaw, Oklahoma.

Present Use of Property Aviagen Feedmill

Proposed Use of Property Aviagen Feedmill Addition.

Record Owner of Property Aviagen North American Inc,

If Applicant is other than owner, indicate interest: Purchaser, Lessee, Agent for, _____
other, _____

Are there any Private or Deed Restrictions controlling the use of this property?

No.

I do hereby certify that the information herein submitted is complete, true and accurate.

Signed Jeremy Lamon

Address 8101 McClure Dr. Suite 201

Phone 479-636-4838

Fort Smith, AR, 72908

APPLICANT - DO NOT WRITE BELOW THIS LINE

Application Received by: _____

Date: _____

Present Zoning: _____

Application No.: _____

Requested: _____

Fee Receipt: _____

P.C. Action: _____

City Action: _____

Date: _____

Ordinance No.: _____

OWNER'S CERTIFICATE AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That AviaGen, Inc., does hereby certify that they are the owners of and the only persons, firms or corporation having any rights, title, or interest in and to the land shown on the annexed plat and that they have caused the same to be surveyed and platted, and that they hereby dedicate all the streets and easements shown hereon to the City of Sallisaw, for the purposes of streets, utilities, and drainage, for its successors, and assign forever, and have caused the same to be released from all encumbrances so that the title is clear, except as shown in the abstractor's certificate.

IN WITNESS WHEREOF, the undersigned have caused this instrument to be executed this ____ day of _____, _____. Covenants, reservations, and restrictions for this addition are contained in a separate instrument.

AviaGen, Inc.

President or V.P.

STATE OF OKLAHOMA }
COUNTY OF }SS:

Before me, the undersigned Notary Public, in and for said County and State on this ____ day of _____, _____, personally appeared _____, to me known to be the identical person who executed the within and foregoing instrument, as a free and voluntary act and deed, for the uses and purposes herein set forth.

MY COMMISSION EXPIRES:

NOTARY PUBLIC

40' PUBLIC RIGHT-OF-WAY DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That Olen Carson, Jr., Trustee of the Carson Joint Revocable Trust dated May 29,1996, does hereby certify that it is the owner of a Road and Utility Easement for itself and its successors and or assigns over, under and across the following described property: East 30 feet of the West 46.5 feet of the North 349.20 feet of the NW NW of Section 17, Township 11 North, Range 24 East of the Indian Base and Meridian, Sequoyah County, Oklahoma, and that it hereby dedicates and assigns such Road and Utility Easement to the City of Sallisaw, for the purposes of streets, utilities, and drainage, for its successors, and assigns forever, and have caused the same to the released from all encumbrances so that the title is clear and assigned to the City of Sallisaw, Oklahoma.

IN WITNESS WHEREOF, the undersigned Trustee, has caused this instrument to be executed this ____ day of _____, 2023, on behalf of the Carson Joint Revocable Trust dated May 29, 1996. Covenants, reservations, and restrictions for this addition are contained in a separate instrument.

OWNER:
Carson Joint Revocable Trust dated May 29, 1996

OLEN CARSON, JR., Trustee

LEGAL DESCRIPTION

A tract of land situate within a portion of the Northwest Quarter of the Northwest Quarter (NW/4 NW/4) of Section Seventeen (17), Township Eleven North (T11N), Range Twenty-Four East (R24E) of the Indian Meridian (I.M.), Sequoyah County, Oklahoma, more particularly described as:

Beginning at a found Oklahoma Department of Transportation (ODOT) brass cap for the Northwest corner of said NW/4 NW/4; thence N87°48'55"E, 1247.10 feet; thence S01°51'40"E, 349.24 feet to a found 3/8" rebar (PS#1628), passing a found 3/8" rebar at 28.83 feet; thence S01°40'08"E, 249.25 feet to a found 3/8" rebar; thence S87°48'57"W, 422.08 feet to a found 3" steel fence post; thence S80°54'49"W, 832.03 feet to a found nail with washer (PS#1628); thence N01°45'30"W, 698.47 feet to the point of beginning, passing a found 3/8" rebar at 349.19 feet, containing 787,828.06 sq. Ft. or 18.09 acres, more or less.

Basis of bearing: N01° 45' 30"W for the west line of said NW/4.

This description was prepared on 01/12/2023 by Jeremy A. Lawson PS#1916 (OK).

LAND SURVEYOR'S CERTIFICATE

I, JEREMY A. LAWSON, do hereby certify that I am a PROFESSIONAL LAND SURVEYOR, and that the annexed plat represents a survey made under my direction, and that the monuments noted hereon actually exist and their positions are correctly shown.

JEREMY A. LAWSON, LPLS 1916

STATE OF OKLAHOMA }
COUNTY OF OKLAHOMA }SS:

Before me, the undersigned Notary Public, in and for said County and State on this ____ day of _____, _____, personally appeared JEREMY A. LAWSON, to me known to be the identical person who executed the within and foregoing instrument, as a free and voluntary act and deed, for the uses and purposes herein set forth.

March 28, 2023

MY COMMISSION EXPIRES:

NOTARY PUBLIC, #03005138

CITY PLANNING COMMISSION APPROVAL

I, _____, Planning Director of the City of Sallisaw, do certify that the Sallisaw Planning Commission duly approved this plat on the ____ day of _____, _____.

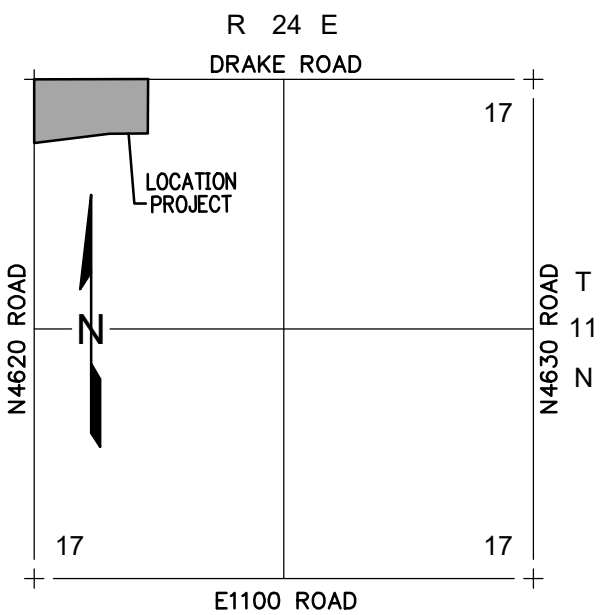
PLANNING DIRECTOR

PRELIMINARY PLAT

OF

REPLAT OF SALLISAW FEED MILL

A PART OF THE NW/4 OF SECTION 17, T11N, R24E, I.M.
SALLISAW, SEQUOYAH COUNTY, OKLAHOMA



LOCATION MAP
SCALE: 1" = 2000'

BONDED ABSTRACTOR'S CERTIFICATE

The undersigned, a duly qualified and lawful bonded abstractor of titles, in and for the County of SEQUOYAH, State of OKLAHOMA, hereby certifies that the records of said county show that the title to the land on the annexed plat is vested in COMPANY NAME, that on the ____ day of _____, _____, there are no actions pending or judgments of any nature in any court or on file with the clerk of any court in said county and state against said land, or the owners thereof, and that the taxes are paid for the year _____, and prior years, that there are no outstanding tax sales certificates against said land, and no tax deeds are issued to any one person, that there are no liens, mortgages or other encumbrances of any kind against the land included in the annexed plat, except mortgages, mineral rights, water rights, and easements of record previously reserved, excepted or granted.

IN WITNESS WHEREOF, said bonded abstractor has caused this instrument to be executed this ____ day of _____, _____.

WARRANTY TITLE & ABSTRACT COMPANY

VICE-PRESIDENT

COUNTY TREASURER'S CERTIFICATE

I, _____, do hereby certify that I am the duly elected, qualified and acting County Treasurer of SEQUOYAH COUNTY, STATE of OKLAHOMA, that the tax records of said County show all taxes are paid for the year _____, and prior years on the land shown on the annexed plat, that the required statutory security has been deposited in the office of the county treasurer, guaranteeing payment of the current years taxes.

IN WITNESS WHEREOF, said County Treasurer has caused this instrument to be executed at the CITY of _____, OKLAHOMA, this ____ day of _____, _____.

COUNTY TREASURER

ACCEPTANCE OF DEDICATION OF CITY COUNCIL

Be it resolved by the Council of the CITY of SALLISAW, OKLAHOMA, that the dedications shown on the annexed plat are hereby accepted, adopted by the Council of the CITY of SALLISAW, OKLAHOMA, this ____ day of _____, _____.

CITY CLERK

MAYOR

ATTEST:

CERTIFICATE OF CITY CLERK

I, _____, City Clerk of the CITY of SALLISAW, STATE of OKLAHOMA, hereby certify that I have examined the records of said City and find that all deferred payments or unmaturred installments upon special assessment have been paid in full and that there is no special assessment procedure now pending against the land shown on the annexed plat on this ____ day of _____, _____.

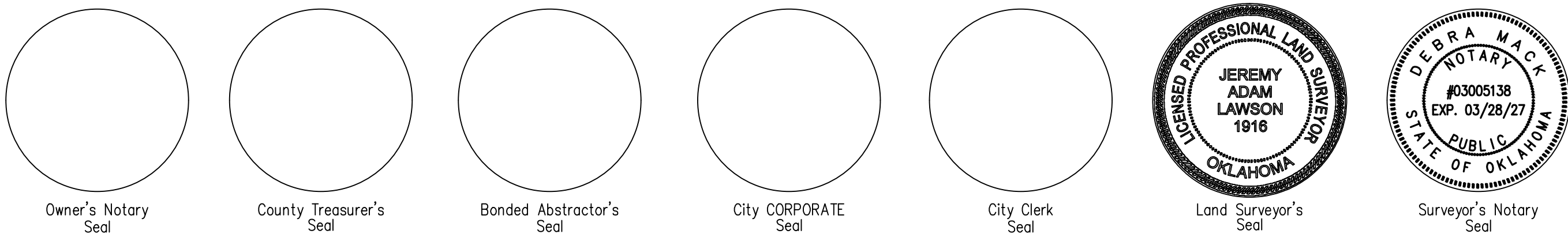
CITY CLERK

ADDRESSES

Any addresses shown on this plat were accurate at the time this plat was filed. Addresses are subject to change and should never be relied upon in place of legal description.

NOTES

- This plat of survey meets the Oklahoma Minimum Standards for the Practice of Land Surveying as adopted by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors and that said Final Plat complies with the requirements of Title 11, Section 41-108 of the Oklahoma State Statutes.
- See 30' Right-of-Way Easement to Cookson Hills Electric Cooperative, Inc. Recorded in Book 1432 at page 92, May 31, 2017, Sequoyah County Clerk, Oklahoma.
- See 30' Road and Utility Easement described in Warranty Deed to AviaGen, Inc. Recorded in Book 1394 at page 60, March 31, 2016, Sequoyah County Clerk, Oklahoma.



PRELIMINARY PLAT
REPLAT OF SALLISAW FEED MILL

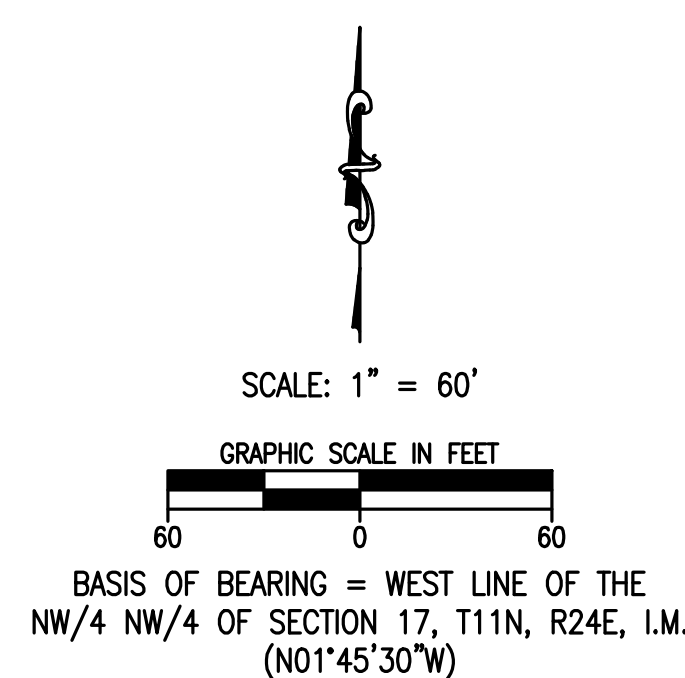
8101 McClure Drive, Suite 201
Fort Smith, AR 72916

Crafton Tull
architecture | engineering | surveying
405.787.6270 • 405.787.6276 •
www.craftontull.com

CERTIFICATE OF AUTHORIZATION
CA 973 (PEAS) EXPIRES 6/30/2024

SHEET NO.: 1 OF 2
DATE: 04/19/2023
PROJECT NO.: 22502900

A PART OF THE NW/4 OF SECTION 17, T11N, R24E, I.M.
SALLISAW, SEQUOYAH COUNTY, OKLAHOMA



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1. This plot of survey meets the Oklahoma Minimum Standards for the Practice of Land Surveying as adopted by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors and that said Final Plat complies with the requirements of Title 11, Section 41-108 of the Oklahoma State Statutes.
2. See 30' Right-of-Way Easement to Cookson Hills Electric Cooperative, Inc. Recorded in Book 1432 at page 92, May 31, 2017, Sequoyah County Clerk, Oklahoma.
3. See 30' Road and Utility Easement described in Warranty Deed to Aviagen, Inc. Recorded in Book 1394 at page 60, March 31, 2016, Sequoyah County Clerk, Oklahoma.

PROPERTY LINE _____
EASEMENT _____
EX. BOUNDARY _____
R/W _____
SECTION LINE _____
FOUND MONUMENT (AS NOTED) Ⓢ
FOUND REBAR (AS NOTED) ○

8101 McClure Drive, Suite 201
Fort Smith, AR 72916



405.787.6270 t 405.787.6276 f
www.craftontull.com

SHEET NO.: 2 OF 2
DATE: 04/19/2023
PROJECT NO.: 22502900