



Planning Commission

Chair: Chris Bryant

Commission Members: Joe Chappell (Vice-Chair), Don McBride,
Abe Ghassempour, Aaron Rooney

PLANNING COMMISSION MEETING
Thursday, September 9, 2021 at 5:30 PM
City Hall – 2nd Floor Council Chambers
101 North Second Street, Guthrie, Oklahoma 73044

1. Call to order
2. Public Comments
3. Approval of previous minutes from the August 12, 2021 regular meetings.
4. PC Application No. 21-016 – Discussion and possible action on a request to close a 6-foot by 183.7-foot portion of Oklahoma Ave. right-of-way and a 15-foot by 145.84-foot portion of alley right-of-way within Block 1 of the Welch Heights subdivision. The portion of street right-of-way is located adjacent to Lots 4 and 5 and the alley right-of-way is adjacent to Lots 3-6. The properties are located at 114 S. 19th St. and 1923 W. Oklahoma Ave.
 - a. Staff Report
 - b. Discussion
 - c. Decision
5. PC Application No. 21-017 – Discussion and possible action on a request to close a 20-foot by 121-foot portion of alley right-of-way within Block 92 of the East Guthrie subdivision. The portion of alley right-of-way is located adjacent to Lots 6-9 and Lots 16-19. The property is located at 700 S. Division St.
 - a. Staff Report
 - b. Discussion
 - c. Decision
6. Staff Comments
7. Commission comments
8. Adjournment

Agenda posted on the bulletin board in the lobby of City Hall by 5:00 PM on Friday September 3, 2021. The City of Guthrie encourages participation from all its citizens. If participation at any public meeting is not possible due to a disability, notification to the City Clerk at least 48 hours prior to the scheduled meeting is encouraged to make the necessary accommodations. The City may waive the 48 hours rule if signing is not the necessary accommodation.

PLANNING COMMISSION MEETING MINUTES
August 12, 2021

The agenda of the Planning Commission was posted on Monday August 9, 2021 before 5:00 PM. The regular meeting was held August 12, 2021 at Guthrie City Hall.

Members: Joe Chappell
 Kris Bryant
 Don McBride - *Absent*
 Abe Ghassempour
 Aaron Rooney

Also Present: Staff: Dan Kassik, Planning Director

Call to Order

The Planning Commission was called to order on Thursday, August 12, 2021 at 5:30 PM. Commission members were present and a quorum declared.

Minutes Approval

A motion was made by Ghassempour and seconded by Bryant to approve the minutes from the June 10, 2021 regular meeting. Roll call vote. All voted aye. Motion passed 2-0. Rooney and Chappell did not vote as they were not present at the June 10, 2021 meeting.

A motion was made by Rooney seconded by Chappell to approve the minutes from the July 8, 2021 regular meeting. Roll call vote. All voted aye. Motion passed 2-0. Ghassempour and Bryant did not vote as they were not present at the July 8, 2021 meeting

Public Comments

None.

Discussion Item 1

PC Application No. 21-015 – Discussion and possible action on a request to close the full 20-foot by 300-foot of the alley within Block 2 of the Belyea 2nd Addition. The alley is generally located south of University Ave. and east of S. Hazel St.

Staff gave a report on the item. The applicant, Michael Black, was present to answer questions.

Ghassempour asked if the owners of property not part of the application had issues with the alley being closed. Staff informed the Commission that the property owners not part of the application as well as all property owners within 300-feet were notified and Staff did not receive any objections.

A motion was made by Ghassempour and seconded by Chappell to approve the application as submitted. Roll call vote. All voted aye. Motion passed 4-0

Staff Comments

None

Commissioner Comments

None

Adjournment

The meeting adjourned at 5:39 p.m.

Prepared by:

Dan Kassik

Planning Director



To: City of Guthrie Planning Commission
From: Dan Kassik, Planning Director
Subject: Staff Report - PC Application 21-016
Date: August 24, 2021

APPLICANT: Marvel Lewis

OWNER: Branch's Heat & Air

LOCATION: 114 S 19th St and 1923 W. Oklahoma Ave. – Block 1 of Welch Heights

REQUEST: A request to close a 6-foot by 183.7-foot portion of Oklahoma Ave. right-of-way and a 15-foot by 145.84-foot portion of alley right-of-way within Block 1 of the Welch Heights subdivision. The portion of street right-of-way is located adjacent to Lots 4 and 5 and the alley right-of-way is adjacent to Lots 3-6.

EXISTING USE: N/A

ADJACENT ZONING: N/A

COMP. PLAN DESIGNATION: N/A

NOTIFICATION: Notice was published in the Guthrie News Leader on August 25, 2021, and 40 notification letters were mailed to property owners within 300 feet of the subject property.

DISCUSSION:

The applicant is requesting to close a 6'x183.7' portion of Oklahoma Ave right-of-way and a 15'x145.84' portion of alley right-of-way. The attached mortgage certificate survey shows the existing building encroaches into the Oklahoma Ave right-of-way and a house built over the alley right-of-way. The owner is selling the property and the right-of-way issues came up through the sale of the property and thus their intent is to follow through the process to vacate both rights-of-way.

The alley is used as a secondary access for the property, but due to the development of the house, the alley is not a thru alley. The closure of the alley would make the existing area a private driveway. The east/west portion of the alley within the block as well as the very southern portion of the alley within the block will remain. The existing building at the corner of 19th and Oklahoma encroaches into the right-of-way by

5.5-feet. The portion of building that encroaches is not within the actual paved portion of the street. The building to the east encroaches within the alley right-of-way, but that alley is being closed so that will take care of the eastern building encroachment.

There were no objections received from utilities or the City of Guthrie Public Works Department.

The request is for closure, vacation of the right-of-way or abandonment of any easements would have to be accomplished through District Court. However, it should be noted that even if the right-of-way is vacated, the underlying utility easements may remain due to existing utilities.

RECOMMENDATION:

Based on the above discussion, Staff recommends the Planning Commission approve the request to close the portion of alley and street right-of-way as outlined in the application.



Application NO 21-016

PLANNING COMMISSION APPLICATION

The Planning Commission meets the second Thursday of each month. Applications must be submitted to the Planning Department at three (3) weeks prior to the meeting to allow for public notice. All required attachments must be filed with the application.

Application Type:

- Plan Review
- Rezoning
- Special Use Permit
- Street/Alley Closure

- PUD
- Preliminary Plat
- Final Plat
- Amendment

Property Address 114 S. 19th Street 1923 W. Okla. Ave.

Property Owner Branch's Heat & Air, Inc.

Email % marvel@marvellewislaw.com Daytime Phone (405) 496-9100

Mailing Address % Marvel E. Lewis - Attorney
P.O. Box 338 Guthrie, OK 73044

Brief description of proposed project: (attach more pages if needed)

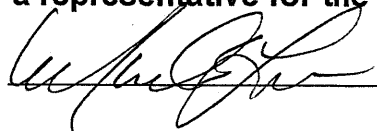
Vacate all that portion of the platted ally south of Oklahoma Avenue between 18th Street and 19th Street which is north of the southern edge of Lot 3, Block 1, Welch Tracts, subdivision in the City of Guthrie.

Vacate all that portion of the street right of way on Oklahoma Avenue between 18th Street and 19th Street, being the south six feet of said right of way from the east boundary of Lot 3, Block 1, Welch Tracts to the west boundary of Lot 4, Block 1, Welch Tracts .

Required Attachments

1. Proof of ownership
2. Logan County Assessor's list of property owners within 300 feet of exterior boundary
3. Rendering of property showing all measurements to scale (site plan)

The applicant or a representative for the applicant must be present at the meeting.

Applicant Signature  Date August 3, 2021

Location Map



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Planning Department
101 N. 2nd St. Guthrie OK 73044



6-foot x 183.7-feet of Oklahoma Ave. right-of-way

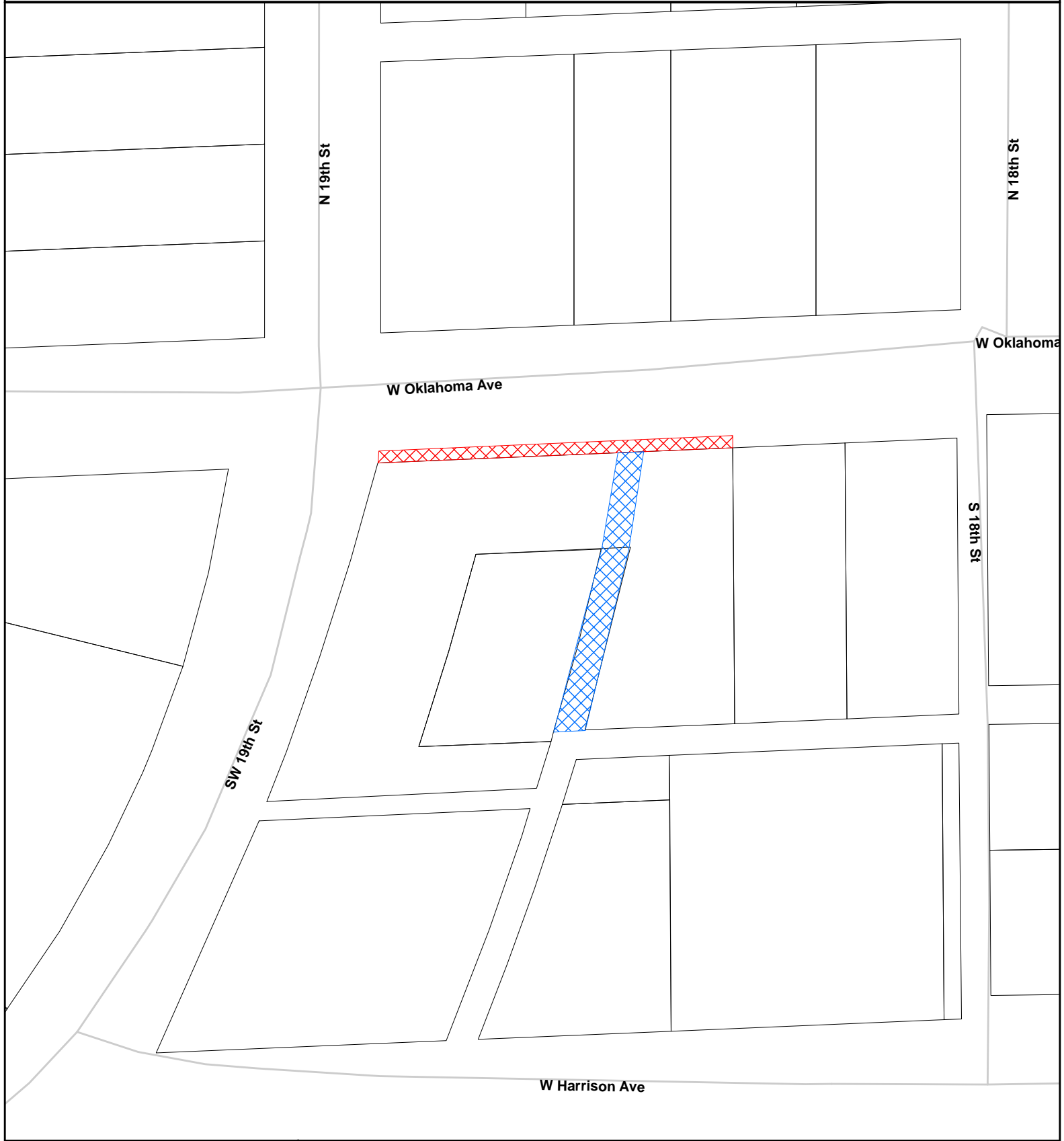


15-foot x 145.84 feet of alley right-of-way





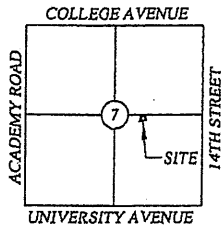
Subject Property

Right-of-Way to be Closed



Planning Department
101 N. 2nd St. Guthrie OK 73044

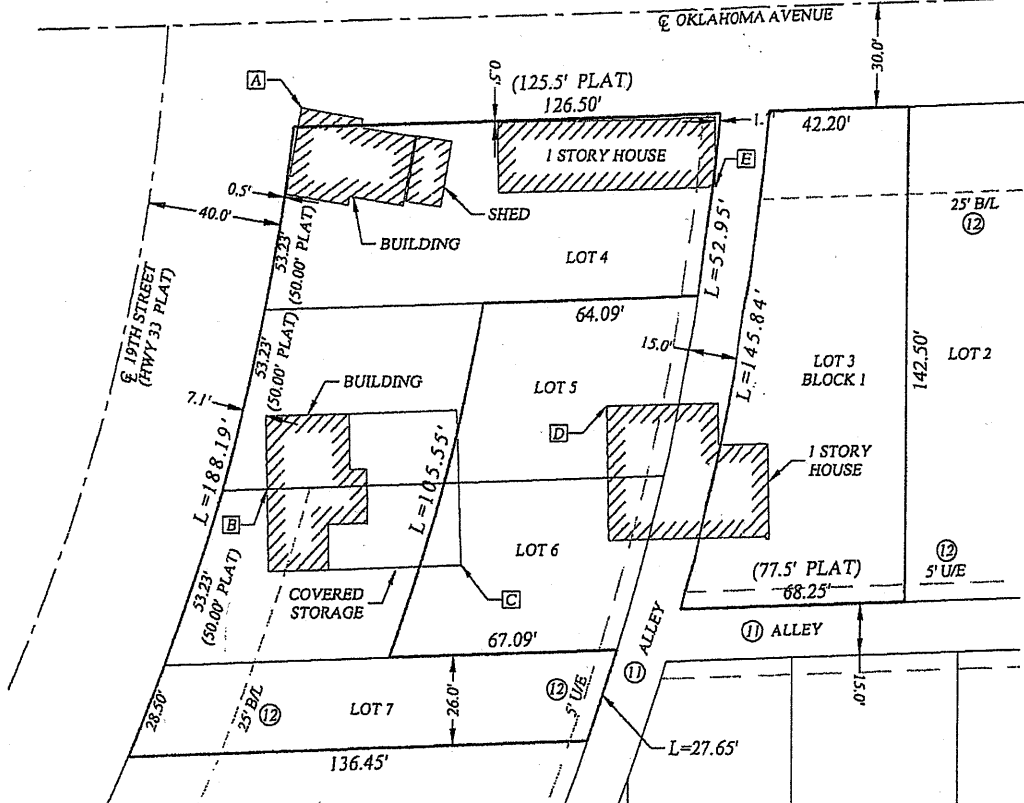
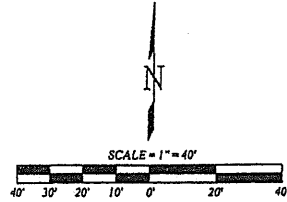
-  6-feet x 183.7-feet of Oklahoma Ave. right-of-way
-  15-feet x 145.84 feet of alley right-of-way



MORTGAGE INSPECTION CERTIFICATE

FILE NUMBER: 2106-0002-18
 BUYER: RUSSELL D. CROCKETT AND
 MARY J. CROCKETT
 ADDRESS: 114 S. 19TH STREET
 GUTHRIE, OK 73044

TOWNSHIP 16 NORTH, RANGE 2 WEST, 1.M.
 LOGAN COUNTY, OKLAHOMA



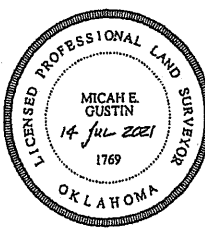
POSSIBLE ENCROACHMENTS -
 [A] A BUILDING LIES 5.5 FEET NORTH OF THE NORTH PROPERTY LINE OF LOT 4.
 [B] A BUILDING LIES 12.6 FEET WEST OF THE 25' BUILDING LIMIT LINE OF LOT 6.
 [C] A COVERED STORAGE AREA LIES 11.1 FEET EAST OF THE EAST PROPERTY LINE IN LOT 6.
 [D] A HOUSE LIES 35.8' WEST OF THE WEST PROPERTY LINE OF LOT 3.
 [E] A HOUSE LIES 0.8 FEET EAST OF THE EAST PROPERTY LINE OF LOT 4.

LEGAL DESCRIPTION (FROM TITLE COMMITMENT NUMBER 2106-0002-18 / 2106-0108-53) -
 LOTS THREE (3), FOUR (4), W/2 OF LOT FIVE (5), W/2 OF LOT SIX (6) AND THE NORTH 26 FEET OF LOT SEVEN (7), IN BLOCK ONE (1), OF WELCH HEIGHTS ADDITION, TO THE CITY OF GUTHRIE, LOGAN COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

CERTIFICATION:
 THIS MORTGAGE INSPECTION CERTIFICATE IS CERTIFIED TO: AMERICAN EAGLE TITLE GROUP LLC. THIS DOCUMENT IS FOR MORTGAGE LOAN PURPOSES ONLY. ALL PERMANENT STRUCTURES WERE LOCATED AS OF THE DATE LISTED BELOW. ENCROACHMENTS THAT WERE FOUND (IF ANY) ARE CALLED OUT ON THE SKETCH. EASEMENTS THAT ARE SHOWN ON THE SKETCH WERE PROVIDED BY THE CLIENT, OR WERE SHOWN ON THE RECORDED SUBDIVISION PLAT.

THIS MORTGAGE INSPECTION CERTIFICATE IS NOT A BOUNDARY SURVEY AND IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OF FENCES, FUTURE BUILDINGS, OR ANY OTHER FUTURE IMPROVEMENT THAT WOULD BENEFIT FROM A FULL BOUNDARY SURVEY. THE ACCOMPANYING SKETCH IS A TRUE REPRESENTATION OF THE CONDITIONS THAT WERE FOUND AT THE TIME OF THE INSPECTION AND THE DISTANCES SHOWN ON THE SKETCH (IF ANY) ARE BASED UPON DEED OR RECORD INFORMATION AND HAVE NOT BEEN VERIFIED UNLESS SPECIFICALLY NOTED AS SUCH.

MICAH E. GUSTIN, O.L.S. 1769
 DATE - 14 JULY 2021
 C.A. # 7698 (EXPIRES 30 JUNE 2022)



LEGEND

SUBJECT PROPERTY	_____
STRUCTURE	_____
CENTERLINE OF STREET	_____
ADJACENT PROPERTY	_____
BUILDING LIMIT LINE	_____
UTILITY EASEMENT	_____

FLOOD ZONE INFORMATION:
 SUBJECT PROPERTY LIES WITHIN FLOOD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN) AS SHOWN ON COMMUNITY PANEL 40083C0265F (MAP EFFECTIVE DATE OF SEPTEMBER 29, 2010)

PAGE 1 OF 2

GLS
 Gustin Land Surveying, LLC
 2408 NORTHWOOD LANE
 EDMOND, OK 73013
 PH. 405-740-6748 FAX 866-705-3128
 JOB: 2106-0002-18
 DRAWN BY: M. GUSTIN
 DATE: 14 JULY 2021
 REVISIONS:

SCHEDULE B ITEMS

FILE NUMBER: 2106-0002-18
BUYER: RUSSELL D. CROCKETT AND
MARY J. CROCKETT
ADDRESS: 114 S. 19TH STREET
GUTHRIE, OK 73044

⑪ ALL MATTERS SHOWN ON PLAT AND PLAT MAP RECORDED IN BOOK 3, PAGE 30. PLAT VACATION AT BOOK 168, PAGE 22. DECREE OF VACATION AT BOOK 238, PAGE 398.

DOES AFFECT THE SUBJECT PROPERTY AND IS SHOWN HEREON.

⑫ RESTRICTIVE COVENANTS RECORDED IN BOOK 53, PAGE 308 (ENTRY 33), AND BOOK 212, PAGE 444. (44); WHICH DO NOT PROVIDE FOR A FORFEITURE OR REVERSION OF TITLE UPON VIOLATION THEREOF, BUT DELETING ANY COVENANT, CONDITION, OR RESTRICTION INDICATING A PREFERENCE, LIMITATION, OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS, OR RESTRICTIONS VIOLATE 42 USC SECTION 3604(C).

DOES AFFECT THE SUBJECT PROPERTY AND IS SHOWN HEREON. NOTE: LOTS 4 & 5 IN BLOCK I ARE DESIGNATED FOR BUSINESS PURPOSES AND ARE EXEMPT FROM THE 25' BUILDING LIMIT LINE.

⑬ EASEMENT, RECORDED IN BOOK 73, PAGE 60.

ABUTS THE SUBJECT PROPERTY AND IS NOT SHOWN HEREON. THIS CALLS FOR A 7' WIDE EASEMENT THAT FALLS WITHIN THE EXISTING ROADWAY (19TH STREET).

⑭ RESOLUTION NO. 93-33 OF THE GUTHRIE CITY COUNCIL RECORDED AT BOOK 1508, PAGE 748.

DOES AFFECT THE SUBJECT PROPERTY, IS NOT SHOWN HEREON, AND IS BLANKET IN NATURE. THIS RESOLUTION DOES NOT ENCUMBER THE SUBJECT PROPERTY WITH ANY EASEMENTS, RATHER IT IS A FORMAL ACCEPTANCE OF THE PUBLIC STREETS AND ALLEYS OF THE SUBDIVISION OF WELCH HEIGHTS, ALONG WITH OTHER LOGAN COUNTY SUBDIVISIONS, BY THE CITY OF GUTHRIE, SAID PUBLIC WAYS ARE TO BE MAINTAINED BY THE CITY OF GUTHRIE.

TITLE INFORMATION:

AMERICAN EAGLE TITLE GROUP, LLC
200 SIGMA PLACE
GUTHRIE, OK 73044
405-282-4012
405-282-0499

COMMITMENT NUMBER 2106-0002-18 / 2106-0108-53
EFFECTIVE JUNE 22, 2021 AT 7:00 AM

PAGE 2 OF 2

GLS 	
Gustin Land Surveying, LLC	
2408 NORTHWOOD LANE EDMOND, OK 73013 PH. 405-740-6748 FAX 866-705-3128	
JOB:	2106-0002-18
DRAWN BY:	M. GUSTIN
DATE:	12 JULY 2021
CHECKED:	



To: City of Guthrie Planning Commission
From: Dan Kassik, Planning Director
Subject: Staff Report - PC Application 21-017
Date: August 24, 2021

APPLICANT: Sheri Mueller

OWNER: Town & Country Investments

LOCATION: 700 S. Division St. – Block 92 of East Guthrie

REQUEST: A request to close a 20-foot by 121-foot portion of alley right-of-way within Block 92 of the East Guthrie subdivision. The portion of alley right-of-way is located adjacent to Lots 6-9 and Lots 16-19.

EXISTING USE: N/A

ADJACENT ZONING: N/A

COMP. PLAN DESIGNATION: N/A

NOTIFICATION: Notice was published in the Guthrie News Leader on August 25, 2021, and 11 notification letters were mailed to property owners within 300 feet of the subject property.

DISCUSSION:

The applicant is requesting to close a 20'x121' portion of alley right-of-way. The current owner, through a recent sale, has discovered this portion of alley right-of exists and wants to have that right-of-way vacated to ensure there is not issue with future development.

The portion of alley to be closed/vacated is not physically developed and no utilities exist within the alley right-of-way.

There were no objections received from utilities or the City of Guthrie Public Works Department.

The request is for closure, vacation of the right-of-way or abandonment of any easements would have to be accomplished through District Court.

RECOMMENDATION:

Based on the above discussion, Staff recommends the Planning Commission approve the request to close the portion of alley right-of-way as outlined in the application.



Application NO 21-017

PLANNING COMMISSION APPLICATION

The Planning Commission meets the second Thursday of each month. Applications must be submitted to the Planning Department at three (3) weeks prior to the meeting to allow for public notice. All required attachments must be filed with the application.

Application Type:

- Plan Review
- Rezoning
- Special Use Permit
- Street/Alley Closure

- PUD
- Preliminary Plat
- Final Plat
- Amendment

Property Address 714 S. DIVISION, GUTHRIE, OK 73044

Property Owner TOWN AND COUNTRY INVESTMENTS, LLC

Email SMUELLER@OKTITLEATTORNEY.COM Daytime Phone 405 282 7677

Mailing Address PO BOX 1225 201, GUTHRIE, OK 73044

Brief description of proposed project: (attach more pages if needed)

VACATE AN ALLEY THAT WAS PLATTED,
HOWEVER, IT WAS NOT DEVELOPED OR
USED.

Required Attachments

1. Proof of ownership - SEE ATTACHED DEED
2. Logan County Assessor's list of property owners within 300 feet of exterior boundary
3. Rendering of property showing all measurements to scale (site plan)

The applicant or a representative for the applicant must be present at the meeting.

Applicant Signature
SHERI L. MUELLER

Date 9/12/2021

Location Map




Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Planning Department
101 N. 2nd St. Guthrie OK 73044

Legend

 Subject Property

Location Map



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Planning Department
101 N. 2nd St. Guthrie OK 73044

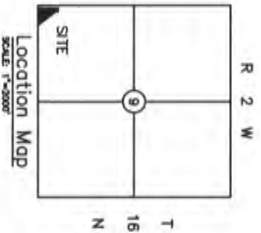


Area to be closed/vacated



STREET VACATION IN FAVOR OF SCHMIDT'S CASE NO. CL-200-195 BOOK 2027, PAGE 403

Legend
 FND FOUND
 IP IRON PIN
 R/W RIGHT OF WAY



Scale: 1"=50'

Plat of Survey - Page 1 of 2

of part of
Block 92
East Guthrie
Logan County
Guthrie, Oklahoma

Surveyor's Certification

I, CLAYTON CANTRELL, HEREBY CERTIFY THAT THE ABOVE REPRESENTS A SURVEY PERFORMED UNDER MY DIRECT SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS OF THIS DATE.
 THIS PLAT OF SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS, AS ADOPTED BY THE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS FOR THE STATE OF OKLAHOMA.
 DATE OF LAST FIELD VISIT: XXX XX, 2021
 WITNESS MY HAND AND SEAL THIS XXX DAY OF XXXX, 2022

CLAYTON CANTRELL
 LICENSED PROFESSIONAL LAND SURVEYOR
 OKLAHOMA NO. 1802
 EMAIL: crossroadsurveycompany@gmail.com



Crossroads Survey Company, LLC

FILE:	SURVEY BY: CC/DM	DATE: 6/4/2021
ORDER: 2006	DRAWN BY: CKC	SCALE: 1"=50'
BOOK:	CHECKED BY: CKC	SHEET 1 OF 2

PO BOX 1772
 CLAREMONT, OKLAHOMA 74023
 PHONE: (918) 225-0345
 C.A. NO. 6841 EXPIRES 6/30/2022