

**MUSTANG CITY COUNCIL
FEBRUARY 6, 2024**

The Mustang City Council met in regular session on Tuesday, February 6, 2024, at 7:00 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted as required on Friday, February 2, 2024, at 9:00 a.m. and an Amended Notice of the meeting was posted as required on Monday, February 5, 2024, at 9:14 a.m., all in compliance with the Open Meeting Law, 25 O.S., Section 301, et. seq.

A. CALL TO ORDER

Mayor Grider called the meeting to order at **7:00 p.m.**

B. PLEDGE OF ALLEGIANCE/INVOCATION Russ Brown, Pastor, Mustang Christian Church.

Pastor Brown led the assembly in the Pledge and Invocation. He stated Mustang Christian Church was a small Disciples of Christ church stating he became the interim pastor two years ago and has been the permanent one for one year. He stated they were a small, growing church looking for ways to serve the community. He stated he attended Positive Posse and was impressed with that group and happy to be a part of the Mustang community.

C. ROLL CALL

Councilmembers Present:	Ray
	Leete
	Wald
	Waugh
	McKenzie
	Sholund
	Grider

Councilmembers Absent:	None
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D. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES

Mr. Sean Hagan addressed the Council regarding heavy traffic around the schools, more specifically, the high school and ones in the surrounding area. He stated the traffic into Heights Drive and Mustang Road is so congested that it is unsafe stating there were not enough entries or exits into the schools in this area. He stated he was trying to think of a solution and wondered if the plot of land to the south could be purchased, if available, and redirect some of the traffic through SW 89th Street stating this would help alleviate the heavy traffic in the neighborhoods.

E. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

None.

F. CONSENT AGENDA

- F.1 Approval of 01/09/2024 City Council Minutes.
- F.2 Approval of 01/22/2024 City Council Work Session Minutes.
- F.3 *Claims List for FY2024.
- F.4 Approval to Turn Past Due Library Accounts over to Collection Agency.
- F.5 Approval of Resolution No. 24-024 making Changes in the Library Fund Budget by Making a Supplemental Appropriation to Increase the 2023-2024 Fiscal Year Budget by \$14,580.

MOTION was made by **Councilman McKenzie**, seconded by **Councilman Waugh**, to Approve the Consent Agenda Items F.1 thru F.5.

AYE: Ray, Leete, Wald, Waugh, McKenzie, Sholund, Grider

NAY: None

G. INFORMATION/REPORTS

G.1 City Manager Report

City Manager Rooney stated he had been out of town last week so provided the City Manager's Report to Council today with it being posted on the website tomorrow.

G.2 City Council

Mayor Grider asked the Councilmembers if they had anything to report in their respective Wards:

Councilman Sholund stated he received a few phone calls this month and still trying to return one, but otherwise, has been quiet in his Ward.

Councilman McKenzie stated he had forwarded one concern to the City Manager.

Councilman Waugh stated he had one issue stating *Senior City Planner Conner* was helping him to resolve it and thanked him for his assistance.

Councilman Wald did not have anything to report at this time.

Councilman Leete did not have anything to report at this time.

Councilman Ray did not have anything to report at this time.

Mayor Grider thanked Vice Mayor Ray for filling in for him at the Legislative Breakfast as he was out of the country and thanked the City for their part of the breakfast. He stated he attended the Governor's address stating there was no discussion on grocery sales tax removal; however, there was still legislation on the matter. He encouraged everyone to read the OML weekly emails and *OML Insight* stating they provide information and updates on the various bills and to reach out to our State Senators and Representatives.

H. DISCUSSION ITEMS

- H.1 Public Hearing and Consideration of Ordinance No. 1296, an Ordinance of The City of Mustang, Oklahoma, Amending the Zoning Ordinance of The City of Mustang, Oklahoma, as Amended, to Change Certain Property Located in Canadian County, Oklahoma, from C-5, Commercial Intensive District to a Planned Unit Development with R-2, Two-Family District, Declaring Repealer, and Providing for Severability.

Senior City Planner Conner provided descriptive and background information of the property requesting to be rezoned including the variances requested by the applicant. He stated Staff recommends approval of the rezoning as well as Planning Commission who voted unanimously to recommend approval.

Discussion was held regarding fencing as well as discussion regarding the common area and structures.

Other discussion included giving up commercial space and the loss of sales tax money and if there was a possibility of Sara Road being extended to SW 89th Street which would provide more ways in and out of the property.

Mayor Grider Opened the Public Hearing.

Mark Grubbs, Grubbs Consulting, LLC, 1800 S. Sara Road, on behalf of the applicant, addressed the Council stating the applicant originally planned to put in mini-storage which would not generate sales tax. He stated bringing more people to Mustang would generate more sales tax than a mini-storage. Mr. Grubbs discussed the design of the duplexes and lot sizes stating they were modern and a good product. He also stated Planning Commission approved it and Staff recommends approval. Grubbs stated there is a big movement right now for duplex communities stating he is seeing half and half on duplex verses single family homes.

Mayor Grider stated there has been discussion of mini-storage businesses and sales tax stating that may be changing. He stated the big concern is giving up commercial sales tax stating he agrees with people generating sales tax, but so does commercial stating storage units aren't always permanent, but homes usually are.

Discussion was held regarding if the duplexes would be sold or managed with Grubbs stating he was not sure, but the entire package would most likely be sold and leased individually and not sold separately.

Mayor Grider closed the Public Hearing.

Further discussion was held regarding leaving the area zoned commercially in order to gain taxes for the City and if rezoned, would be at risk of losing that money. Safety was also a concern as well as the variances requested.

MOTION was made by **Councilman Sholund**, seconded by **Councilman McKenzie**, to Disapprove Ordinance No. 1296.

AYE: Ray, Leete, Wald, Waugh, McKenzie, Sholund, Grider

NAY: None

- H.2 Public Hearing and Consideration of Specific Use Permit Application SUP-12-11-23-1-30, SW Corner of N Clear Springs Rd & W Rendezvous Way – 7 acres MOL , DHD Corporation, C-3 Commercial General District, Requesting a Specific Use Permit for Mini Storage and RV Storage Units.

Senior City Planner Conner provided background information stating this property has come before Council and Planning Commission twice before. He stated the property is zoned C-3 stating the applicant is requesting to build a mini-storage and RV storage facility which, under City Code, requires a Special Use Permit (SUP). **Conner** stated Planning Commission approved the SUP with seven stipulations (stipulations are listed on the attached Permit).

Discussion was held regarding fencing, entrance to the storage units and possible signage.

Mayor Grider Opened the Public Hearing.

Kaitlyn Turner, Williams, Box, Forshee & Bullard P.C., on behalf of the applicant, addressed the Council stating the entire site will be screened for security and for the neighbors and also stated the alleyway will be emergency access only. She stated approximately 2.7 acres will not be developed for storage and will be available for future commercial purposes and stated the applicant will abide by Municipal Code and the SUP stipulations.

Discussion was held regarding the fencing such as masonry wall, as well as the gate with Ms. Turner stating all would be installed as allowed by Code and the SUP.

Other discussion was held regarding the 2.7 acres left for commercial purposes and the potential businesses that could be placed there.

Mr. Doug Eckart, 1935 W. Badger Way, addressed the Council stating he was in favor of this SUP stating he felt it was the best proposal that had been brought to the City. He also stated he liked the 2.7 acres being reserved for commercial. Mr. Eckart stated most of the neighborhood was in favor of the SUP except for one neighbor who was against it stating their property backs up to this property. He stated they spoke with the developer who may possibly add trees or something to provide a little more barrier for his property.

Discussion was held regarding Municipal Code's tree placement requirements with **City Manager Rooney** stating the SUP did not need to list this requirement as it is already stipulated in the Code.

Mayor Grider closed the Public Hearing.

MOTION was made by **Councilman Wald**, seconded by **Councilman Sholund**, to Approve the Specific Use Permit with the conditions stipulated by the Planning Commission (attached to the minutes).

AYE: Ray, Leete, Wald, Waugh, McKenzie, Sholund, Grider

NAY: None

- H.3 Consideration of Ordinance No. 1297, an Ordinance of the City of Mustang, Oklahoma, Amending Municipal Code (1) Chapter 122, Article IX, Section 122-851 To Identify and Regulate Permitted Encroachments Into Yard Areas In Residential and Commercial Zoned Properties, Require an Application and Imposing a Fee, and (2) Chapter 42, Section 18, To Establish the Fee for Permitted Encroachments; Declaring Repealer; and Providing for Severability.

Senior City Planner Conner stated Staff has identified instances where commercial accessory structures, such as canopies over gasoline pump stations, are built in violation of platted building setbacks or zoning setbacks. He stated it was Staff's opinion that said canopies, which are accessory structures to the main structure on a property, should be permitted within building setbacks in order to perform their intended purpose of keeping persons or equipment protected from environmental elements. **Conner** stated this newly amended Section of the Code would regulate the construction of carports in residential zones areas unchanged, but have an added Section dealing with canopies in commercial zoned areas stating construction permits would still be required, must be located at minimum 15 feet away from property lines, and still abide by maximum lot coverage requirement for the property. He stated this change would bring at least three businesses in Mustang into compliance with the Code.

MOTION was made by **Councilman Sholund**, seconded by **Councilman McKenzie**, to Approve Ordinance No. 1297.

AYE: Ray, Leete, Wald, Waugh, McKenzie, Sholund, Grider
NAY: None

- H.4 *Consideration of Ordinance No. 1298, an Ordinance of the City of Mustang, Oklahoma, Amending the Code of Ordinances by: (A) Amending Chapter 118, Section 118-6(A) to Increase the Deposit Fee for Temporary Water Flow Meters; and (B) Amending Chapter 42, Section 42-118(A) to Increase the Deposit Fee for Temporary Water Flow Meters; Declaring Repealer; and Providing for Severability.

City Attorney Miller stated this Ordinance increases the deposit for temporary water flow meters stating the deposit has not been changed in a number of years. He stated currently, the price to replace a meter exceeds the deposit by \$500.

Discussion was held regarding the new rate and the deposit being returned if the meter is returned undamaged.

MOTION was made by **Councilman Wald**, seconded by **Councilman Sholund**, to Approve Ordinance No. 1298.

AYE: Ray, Leete, Wald, Waugh, McKenzie, Sholund, Grider

NAY: None

I. MATTERS FOR EXECUTIVE SESSION:

- I.1 Consideration of In re the Expungement of the Criminal Records of SB, Canadian County, Oklahoma; and, proposed Executive Session as authorized by 25 Okla. Stat. 307(B)(4).
- I.2 Consideration of Stephen and Darla Upchurch, et al. vs. The City of Mustang and Wright Water Corporation, Case No. CJ-2024-19, District Court, Canadian County, State of Oklahoma; and, proposed Executive Session as authorized by 25 Okla. Stat. 307(B)(4).
- I.3 Consideration of The City of Mustang, Oklahoma vs. Loren R. Smith and Wilma Smith, Co-Trustees of the Loren R. and Wilma L. Smith Revocable Trust dated July 23, 2002, Case No. CV-2019-53, District Court, Canadian County, Oklahoma; and, proposed Executive Session as authorized by 25 Okla. Stat. 307(B)(4).

MOTION was made by **Mayor Grider**, seconded by **Councilman Wald**, to Adjourn to Executive Session.

AYE: Ray, Leete, Wald, Waugh, McKenzie, Sholund, Grider

NAY: None

TIME ADJOURNED to Executive Session: **8:10 p.m.**

Mayor Grider called the meeting back into Session.

TIME RETURNED to Executive Session: **8:39 p.m.**

In reference to Item I.1 –

Informational purposes only.

In reference to Item I.2 –

Informational purposes only.

In reference to Item I.3 –

MOTION was made by **Councilman Sholund**, seconded by **Councilman Leete**, to Authorize the City Attorney to proceed as discussed in Executive Session.

AYE: Ray, Leete, Wald, Waugh, McKenzie, Sholund, Grider

NAY: None

J. ADJOURNMENT

MOTION was made by **Councilman Wald**, seconded by **Councilman Waugh**, to adjourn.

AYE: Ray, Leete, Wald, Waugh, McKenzie, Sholund, Grider

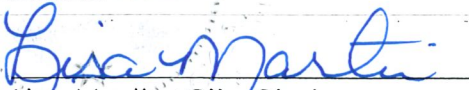
NAY: None

The meeting was adjourned at **8:40 p.m.**



Brian Grider, Mayor

Attest:



Lisa Martin, City Clerk



THE CITY OF MUSTANG

SPECIFIC USE PERMIT – SUP-12-11-23-1-30

LICENSE HOLDER: DHD CORPORATION

LOCATION: SW CORNER OF N CLEAR SPRINGS RD &
W RENDEZVOUS WAY

ZONING: C-3, COMMERCIAL GENERAL DISTRICT

SPECIFIC USE – MINI STORAGE AND RV STORAGE

THIS SPECIFIC USE PERMIT SHALL BE SUBJECT TO THE TERMS AND CONDITIONS OF CHAPTER 122-57 THROUGH 122-61, ARTICLE II, DIVISION II (SPECIFIC USE PERMITS) AND ALL OTHER APPLICABLE CITY OF MUSTANG ORDINANCES.

ADDITIONAL TERMS AND CONDITIONS PLACED UPON THIS SPECIFIC USE PERMIT ARE SET FORTH BELOW:

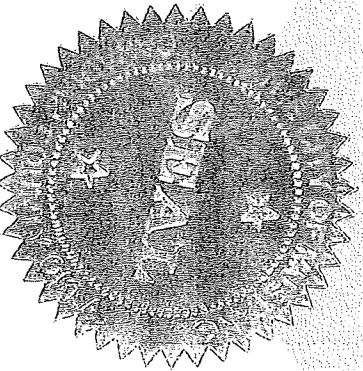
1. LIGHTING ON THE SITE SHALL BE DIRECTED INTERNALLY AND SHALL NOT CONSIST OF POLE LIGHTS.
2. THE EXTERIOR CONSTRUCTION OF BUILDINGS SHALL COMPLY WITH CURRENT CITY ORDINANCES.
3. SIGHT PROOF MASONRY FENCING SHALL BE CONSTRUCTED ON THE EXTERIOR BOUNDARIES OF THE PROPERTY IN ACCORDANCE WITH CURRENT CITY ORDINANCES.
4. ALL BUILDINGS ON SITE SHALL BE CONSTRUCTED TO NO MORE THAN ONE-STORY IN HEIGHT.
5. MINI-STORAGE UNITS ON THE WEST SIDE SHALL BE ACCESSED FROM THE INTERNAL SIDE OF THE SITE ONLY.
6. SIGNAGE FOR THE DEVELOPMENT SHALL CONSIST OF MONUMENT STYLE SIGNAGE ONLY.
7. THE DEVELOPMENT SHALL BE CONSISTENT WITH THE SUBMITTED SITE PLAN.

APPLICANT NAME:

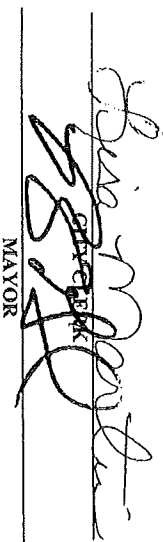
DHD CORPORATION

DATE ISSUED:

02/06/2024



KNOW ALL MEN BY THESE PRESENTS THAT:
THE CITY COUNCIL OF THE CITY OF MUSTANG
APPROVED SAID SPECIFIC USE PERMIT ON 02/06/2024
WITH THE CONDITIONS AS STATED ON THIS PERMIT:


MAYOR