

**AGENDA
CITY OF SHAWNEE
PLANNING COMMISSION
SEPTEMBER 6TH, 2017 AT 1:30 P.M.
COMMISSION CHAMBERS
CITY HALL, 16 W 9TH ST**

- 1)** Roll Call
- 2)** Consideration of approval of the minutes from the August 2nd, 2017 Planning Commission meeting
- 3)** Citizens' Participation
(A three minute limit per person)
(A twelve minute limit per topic)
- 4)** Case #P10-17 - A public hearing for consideration of approval of a Conditional Use Permit to allow for a bed and breakfast for property located at 16712 Magnino Road, Shawnee, OK
Applicant: Lora Davis
- 5)** Discussion and possible action to appoint one member of the Planning Commission to the City's Tax Increment Financing District Review Committee in accordance with the Local Development Act
- 6)** Planning Director's Report
- 7)** Commissioners Comments and/or New Business
- 8)** Adjournment

PLANNING COMMISSION MINUTES

DATE: AUGUST 2ND, 2017

The Planning Commission of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in the Commission Chambers, at City Hall, 9th and Broadway, on Wednesday, August 2nd, 2017 at 1:30 p.m., pursuant to notice duly posted as prescribed by law.

AGENDA ITEM NO.1: **Roll Call**

Upon roll call the following members were present:

Present: Clinard, Walker, Cowen, Kienzle, Rowell

Absent: Bergsten

Meeting was called to Order.

AGENDA ITEM NO. 2: **Consideration of Approval of the minutes from the June 12th, 2017 Planning Commission Meeting, rescheduled from June 7th, 2017**

Vice-Chairman Cowen asked for a motion. Commissioner Walker made a motion to approve, seconded by Commissioner Kienzle.

Motion passed:

AYE: Clinard, Walker, Cowen, Kienzle, Rowell

NAY:

ABSTAIN:

AGENDA ITEM NO. 3: **Citizen's Participation**

Vice-Chairman Cowen opened the public portion of the meeting and announced that this is an open time for discussion for those with questions on topics not on the Agenda and asked if anyone would like to come forward. No one came forward and Vice-Chairman Cowen closed the public portion of the meeting.

AGENDA ITEM NO. 4: **Case #P08-17 – A public hearing for consideration of approval of a Conditional Use Permit to allow for a manufactured home for property located at 1215 E. Farrall Street, Shawnee, OK**

Applicant: Lehomahte Wassana

Vice-Chairman Cowen asked for the staff report. Justin Debruin presented the staff report. Mr. Debruin informed the Commissioners that request was for a manufactured home on Farrall Street, east of Harrison Street. The property is secluded by trees and adjoined by around five other manufactured homes in neighborhood. Mr. Debruin briefly described the HUD standards and went on to state that Staff has no objections and would answer any questions. Vice-Chairman Cowen asked if there were any questions. There were none and Vice-Chairman Cowen asked to entertain a motion. Commissioner Kienzle made a motion to approve, seconded by Commissioner Clinard.

Motion passed:

AYE: Clinard, Walker, Cowen, Kienzle, Rowell

NAY:

ABSTAIN:

AGENDA ITEM NO. 5:

Case #P09-17 – A public hearing for consideration of approval of a Rezone from R-1; Single Family Residential District to C-3; Highway Commercial District, located at 4010 N. Kickapoo Street, Shawnee, OK

Applicant: Nelmon Brauning

Vice-Chairman Cowen asked for the staff report. Brittney Burton presented the staff report. Ms. Burton informed the Commissioners that a location just south of this request was recently approved for rezone from R-1 to C-3 and the location coming before board for approval at 4010 N. Kickapoo is around .72 acres in size. Ms. Burton expressed that similar commercial zoning is situated next to the property. Staff has no objections and recommends approval. Ms. Burton asked if there were any questions. There were none and Vice- Chairman Cowen asked to entertain a motion. Commissioner Clinard made a motion to approve, seconded by Commissioner Kienzle.

Motion passed:

AYE: Clinard, Walker, Cowen, Kienzle, Rowell

NAY:

ABSTAIN:

AGENDA ITEM NO. 6:

Case #S04-17 – Consideration of approval of a Final Plat for Avedis Park, located at 1500 E. Independence Street, Shawnee, OK

Applicant: ADG, PC

Vice-Chairman Cowen asked for the staff report. Justin Debruin presented the staff report. Mr. Debruin described property as being twelve acres in size, located across from Sequoyah Elementary School off Independence and Elm. Property was rezoned from R-1 to C-1 for this particular use and Preliminary Plat was approved October 2016. Mr. Debruin informed the Commissioners that the plat was a one lot plat, simple in nature and includes one point of access. Mr. Debruin explained the request was to construct a 7,000 square foot structure while keeping the trees and environment intact to create a buffer between the properties adjoining. Staff recommends approval for final plat with six conditions. Mr. Debruin stated he would be happy to answer any questions. Vice-Chairman Cowen asked if he knew how quickly construction would begin. Mr. Debruin informed him that the applicant has started obtaining bids on the structure. Commissioner Clinard asked if there would be a loft or if it would be a one-story. Mr. Debruin stated he believed it was a one-story only. Vice-Chairman Cowen asked to entertain a motion. Commissioner Kienzle made a motion to approve with the six listed conditions, seconded by Commissioner Walker.

Motion passed:

AYE: Clinard, Walker, Cowen, Kienzle, Rowell

NAY:

ABSTAIN:

AGENDA ITEM NO. 7:

Planning Director's Report

Justin Debruin gave a few updates. The Avedis Sidewalk Project, phase one, is coming along with completion nearing the halfway mark. Wayfinding signage should begin in August, for the parks and major gateways. Bluezones is having their kickoff on August 26th, 2017. Mr. Debruin discussed the development review meeting highlights regarding new construction updates and the additions for the Shawnee Public school systems. Mr. Debruin gave an update regarding the sanitary sewer solution for Shawnee Park Apartments and the new homes being constructed at Wyndemere Section Two and Timbers Addition.

AGENDA ITEM NO. 8:

Commissioners Comments and/or New Business

Commissioner Walker asked if there were any plans regarding Harrison Street development on vacant structures. Mr. Debruin mentioned increased discussion and possible prospects for certain lots in this area. Commissioner Clinard informed the board that she would be resigning due to moving out of state and may not be in attendance at the September meeting. Commissioner Kienzle asked how the recruitment process was moving along for the vacant seats on the board. Mr. Debruin stated it was going well and Mayor was making his selections.

AGENDA ITEM NO. 9:

Adjournment

Meeting was adjourned.

Chairman/Vice-Chairman

Cheyenne Pettigrew

Planning Commission Secretary

City of Shawnee
Planning Department
222. N. Broadway
Shawnee, OK 74801
(405) 878-1616
Fax: (405) 878-1587
www.ShawneeOK.org



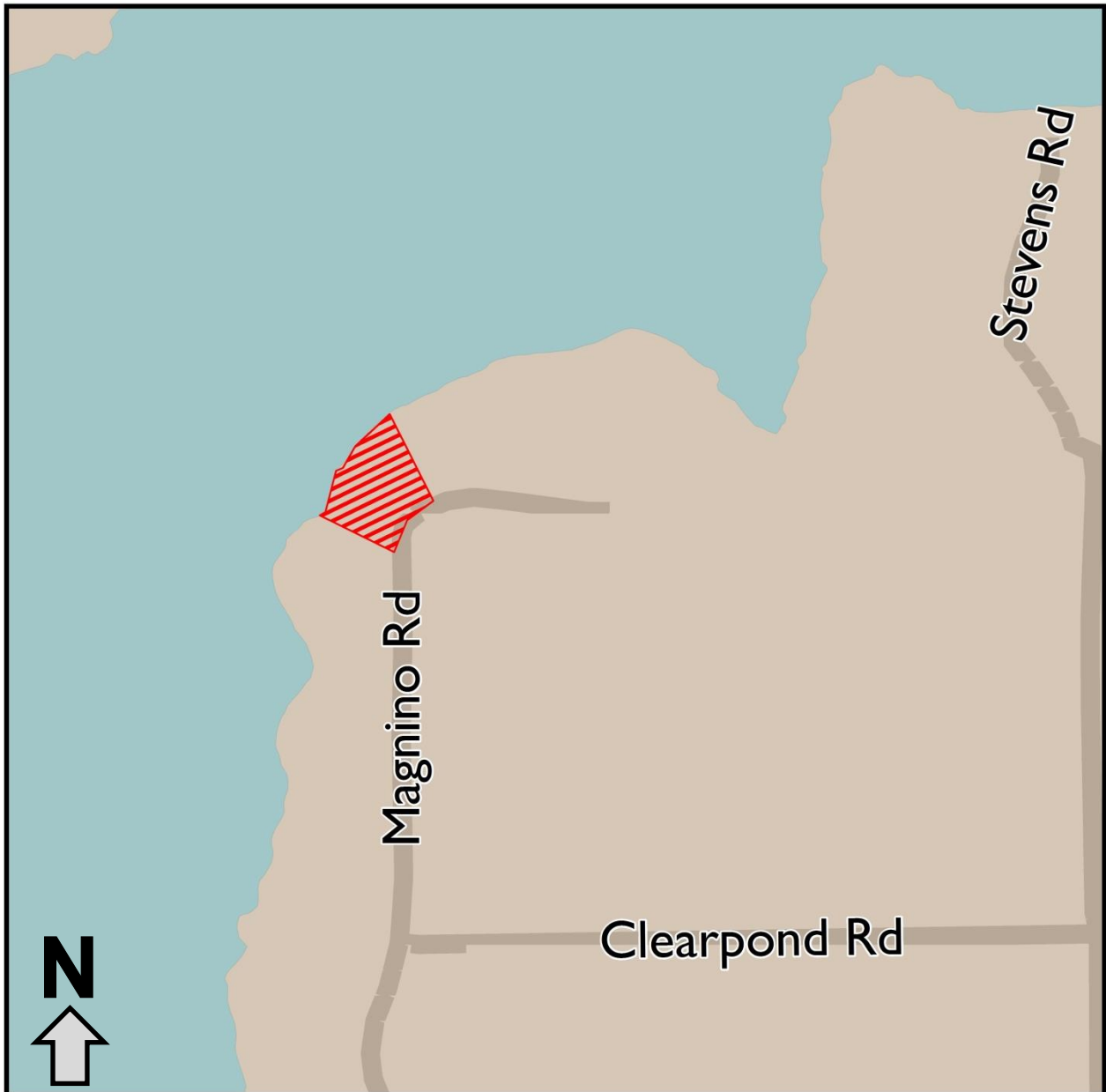
CASE # P10-17
PUBLIC HEARING DATE:
September 6th, 2017
CITY COMMISSION DATE:
September 18th, 2017

APPLICANT:
Lora Davis
James Hunter

16712 Magnino Rd.
Shawnee, OK 74801

(405) 275-4017

PROPERTY ADDRESS/LOCATION: **16712 Magino Rd. Shawnee OK, 74801**



The applicant, Lora Davis, is a current lake lot lease holder with the City of Shawnee who has a desire to convert her current residential home into a bed and breakfast (B&B). City lake lot leases are unique in that they are governed not only by the City Zoning Code, but also an overlay zoning district known as the Lake Protection Zone (LPZ). Within the LPZ, a bed and breakfast use may be allowed subject to the granting of a conditional use permit (CUP) by the City Commission.

In accordance with Section 22-145.3 of the City of Shawnee Zoning Code, a B&B is defined as, “a dwelling or area containing one or more structures occupied by the owner, where for compensation, lodging and breakfast are provided for up to a maximum of six (6) guest rooms per building; and the owner thereof intends that the same guest occupy the bed and breakfast facility for less than thirty (30) days.”

The subject lease lot is located at 16712 Magnino Road, and is generally known as Lot 5, Johnston Tract. Mrs. Davis has maintained ownership of the property since 1998 and is good standing with the City.

EXISTING ZONING: A1	EXISTING LAND USE: Residential	SURROUNDING ZONING & LAND USE: A-1 (Agricultural)	School District: I-3 Bethel	PROPERTY SIZE: 1 Acres
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STAFF RECOMMENDATION

Upon reviewing the facts, Staff finds that a B&B use is minimal in intensity and furthermore, the large size of City lease lots provides adequate separation from surrounding leaseholders and property owners. Staff has no objection to approving this request for a B&B use on City lease property.

APPROVE	APPROVE WITH CONDITIONS	DENY
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Staff has received no letters of protest from surrounding property owners.

ATTACHMENTS: Exhibit 1	SUBMITTED PLANS	PUBLIC HEARING PETITION/ APPLICATION FORM	LEGAL NOTICE	LEGAL DESCRIPTION
PUBLIC COMMENTS	AGENCY COMMENTS	RESPONSE TO STANDARDS		

3 Aug 2017

EXHIBIT

1

To: Shawnee Planning Commission

Please consider my property for a conditional zoning change that will allow me to operate a bed and breakfast at 16712 Magnino Rd. This property is identified on my lake lease as lot 5, Johnson Tract.

My property is located on a dead end road and provides a great view of the lake which may entice new visitors to Shawnee. My home has 1800 square feet and 2 bedrooms both of which have private bathrooms. My guest room has a queen sized bed and 2 built in bunks making it ideal for both adults and families. I only plan on using the guest room for visitors. Initially, I will only do AirBNB as I explore the requirements for providing breakfast options for my guests.

I believe that occasional guests will not be even noticed by my neighbors. Despite that, I have visited with them all to make sure they have no objections.

I was widowed 5 years ago. Adding an additional small revenue stream will allow me to take better care of my property. I also enjoy people and look forward to entering the hospitality field.

Your consideration of my request is appreciated.

Cordially,



Lora J. Davis

16712 Magnino Rd

Shawnee, Ok

405 275 4017

CITY OF SHAWNEE
PUBLIC HEARING NOTICE
CASE #P10-17

Notice is hereby given that the City of Shawnee, Oklahoma, will conduct a public hearing on an application for a Conditional Use Permit on property located within the City of Shawnee.

The applicant requests a conditional use permit for the following described property:

Lot 5 Johnston Tract City of Shawnee Lake Lease, A/K/A 16712 Magnino Rd. Shawnee, OK.

General Location Known As:	<u>16712 Magnino Road, Shawnee, OK</u>
Current Zoning Classification:	<u>A-1; Rural Agricultural</u>
Requested Zoning Classification:	<u>A-1; Rural Agricultural w/ CUP</u>
Proposed Use of Property	<u>Bed & Breakfast</u>
Applicant:	<u>Lora Davis and James Hunter</u>

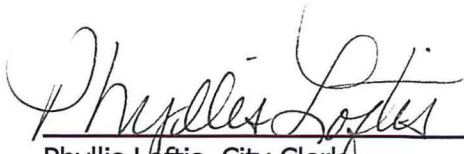
The public hearings will be held in the City Commission Chambers in City Hall, 16 W. 9th St. Shawnee, Oklahoma, as follows:

September 6th, 2017 AT 1:30 P.M.: CITY OF SHAWNEE PLANNING COMMISSION
September 18th, 2017 AT 6:30 P.M.: CITY OF SHAWNEE CITY COMMISSION

At this time any interested citizen of Shawnee, Oklahoma will have the opportunity to appear and be heard with regard to the conditional use permit. The Commission reserves the right to limit discussion and debate on the proposed conditional use permit in the public hearing, in which event those persons appearing in support or opposition of the proposed conditional use permit will be allotted equal time. If there are any questions about the proposal, or you need additional information prior to the public hearing, please contact the Planning Department at 878-1616. A copy of the application is available for public inspection during normal working hours in the Planning Secretary's office at 222 N. Broadway.

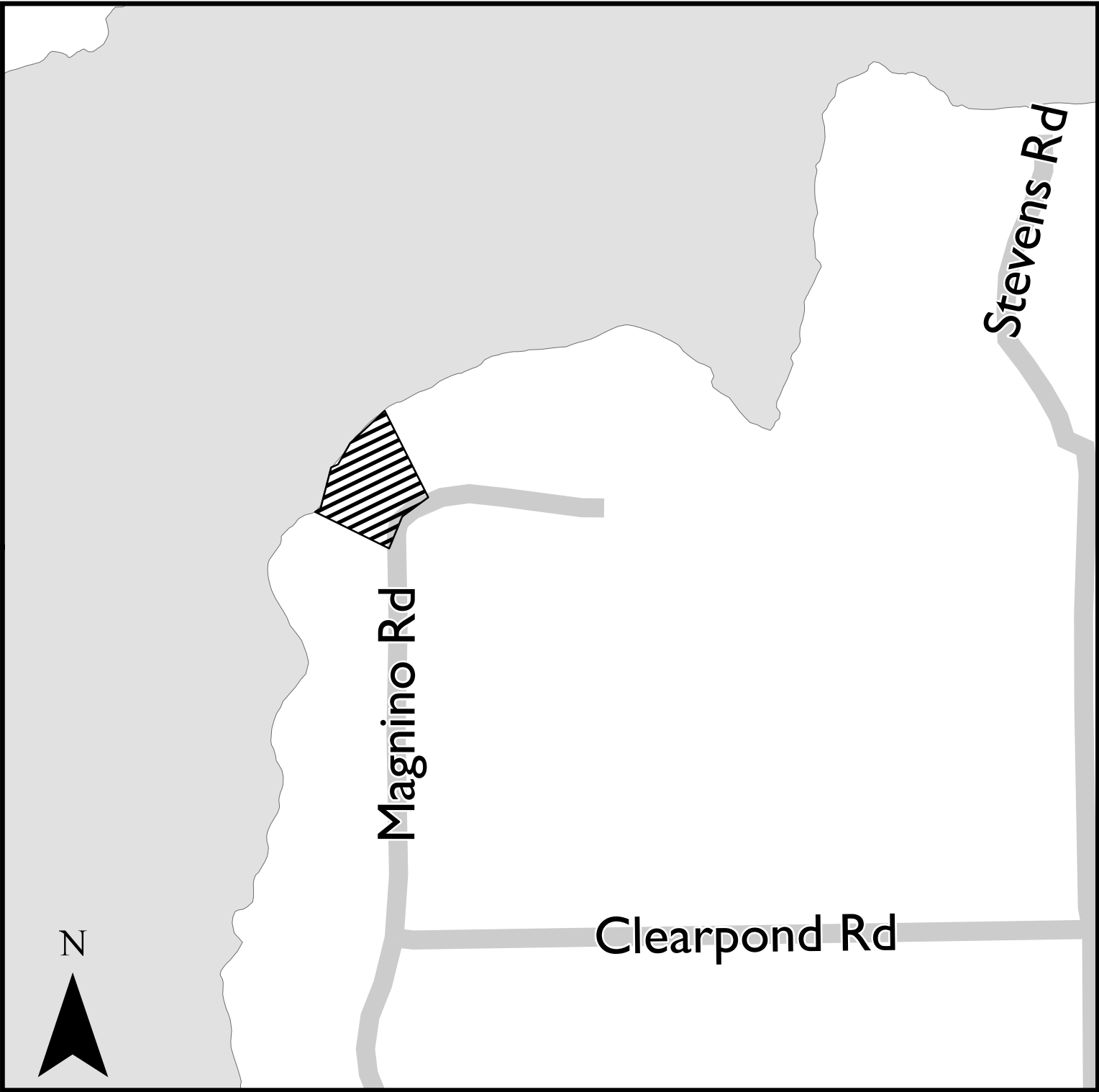
Witness my hand this 16th day of August, 2017.





Phyllis Loftis, City Clerk

CASE # P10-17
CONDITIONAL USE PERMIT
16712 MAGNINO RD



CERTIFICATE OF BONDED ABTRACTOR
300 FEET RADIUS REPORT

STATE OF OKLAHOMA)
) §:
COUNTY OF POTTAWATOMIE)

The undersigned bonded abstractor in and for Pottawatomie County, State of Oklahoma, does hereby certify that the following Ownership is true and correct according to the current year's tax rolls in the office of the County Treasurer of Pottawatomie County, Oklahoma, as updated by the records of the County Clerk of Pottawatomie County, Oklahoma; that the owners, as reflected by said records, are based on the last conveyance or final decree of record of certain properties located within 300 feet in all directions of the following described land:

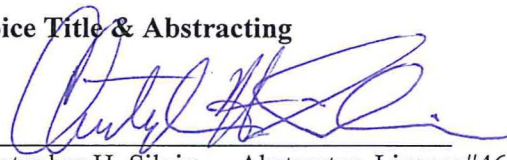
Lot 5 Johnston Tract City of Shawnee Lake Lease, A/K/A 16712 Magnino Rd. Shawnee, OK.

and find the following owners, addresses and brief legal descriptions on the attached page.

NOTICE TO CUSTOMERS: This report is released with the understanding that the information is strictly confidential. This report contains information from public land records only and it is not to be construed as an abstract of title, opinion of title, title commitment, title insurance policy, or environmental research report. As used herein, the term "public land records" means those land records which under the recording laws of the state of Oklahoma, impart constructive notice to the third parties with respect to recorded, unreleased or record instruments memorializing legal interests in real estate. The company suggests that you contact your attorney for matters of a legal nature or legal opinion. We have exercised due care and diligence in preparing this report, however, the Abstractor does not guarantee validity of the title and acceptance of this report by the Company or person(s) for whom this report is made, constitutes agreement and confirmation of the limitation of this report.

Dated: 11th of July, 2017

Choice Title & Abstracting

By: 
Christopher H. Silvia Abstractor, License#4645
OAB Certificate of Authority #0167

scr 1

OWNERSHIP LIST
 LOT 5 JOHNSTON TRACT
 16712 MAGNINO RD
 SHAWNEE, OK 74801
 LORA DAVIS

OWNER	LOT	BLK	ADDITION
JENNIFER D CARDIN 16816 MAGNINO RD SHAWNEE OK 74801	1	JOHNSTON	16816 MAGNINO SHAWNEE OK 74801
LONNIE M COX 16808 MAGNINO RD SHAWNEE OK 74801	3	JOHNSTON	16808 MAGNINO SHAWNEE OK 74801
RONALD E HUGHES 16804 MAGNINO RD SHAWNEE OK 74801	3A	JOHNSTON	16804 MAGNINO SHAWNEE OK 74801
ERRON D MOORE 16800 MAGNINO RD SHAWNEE OK 74801	4	JOHNSTON	16800 MAGNINO SHAWNEE OK 74801
KELLY T DAVIS 17124 MELODIE LANE CHOCTAW OK 73020	6	JOHNSTON	16708 MAGNINO SHAWNEE OK 74801
DERRICK CARPENTER 4 DONNA LANE SHAWNEE OK 74801	7	JOHNSTON	16706 MAGNINO SHAWNEE OK 74801
DERRICK CARPENTER 4 DONNA LANE SHAWNEE OK 74801	8	JOHNSTON	16704 MAGNINO SHAWNEE OK 74801
DERRICK CARPENTER 4 DONNA LANE SHAWNEE OK 74801	9	JOHNSTON	16702 MAGNINO SHAWNEE OK 74801
JOHN & MYRTLE REED 41 MAGNINO RD SHAWNEE OK 74801			SESWSE 22-10-2 41 MAGNINO SHAWNEE OK 74801

PLANNING COMMISSION APPLICATION



City of Shawnee Planning Department

222 N. Broadway
Shawnee, OK 74801
(405) 878-1616 Fax (405) 878-1587
www.ShawneeOK.org

For Office Use Only

Case Number: P10-17
Project Number: 170718
Date Filed: August 3rd 2017
Cheryl Dettig
Planning Commission Secretary

REQUEST:

☒ Rezoning
☒ Conditional Use Permit

☐ Rezoning w/Conditional Use Permit
☐ Planned Unit Development

I, the undersigned, do hereby respectfully make application and petition to the City Commission to amend the zoning map, and to change the zoning district of the Shawnee area, from A-1 District to A-1 w/ CUP District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): 16712 Magnino Rd

LEGAL DESCRIPTION: Shawnee Lake Lease Lot 5, Johnston Tract

PROPERTY OWNER (S): Lora Davis James Hunter

PROPERTY AGENT (APPLICANT): _____

APPLICANT'S ADDRESS: 16712 Magnino Rd

CITY: Shawnee STATE: OK ZIP: 74801

EMAIL ADDRESS: lorajodavis@gmail.com

TELEPHONE NUMBER: (405) 275 4617 CONTACT NUMBER: (405) 275 4617

DIMENSIONS OF PROPERTY:

see atch

AREA: _____ WIDTH: _____

LENGTH: _____ FRONTAGE: _____

CURRENT ZONING: A-1 CURRENT USE: home

PROPOSED ZONING: A-1 CUP PROPOSED USE: Bed & Breakfast one room

With the filing of this application, I acknowledge that I have been informed of off-street parking, fencing and paving requirements in regard to the zoning I have requested as witnessed by my signature.

APPLICATION, OWNERSHIP LIST AND PAYMENT
MUST BE RECEIVED 30 DAYS PRIOR TO MEETING

Lora Davis
SIGNATURE OF APPLICANT

FOR STAFF USE ONLY

REZONING &/OR C.U.P FEE \$ 280.00

RECEIPT NO. 02068971

PLANNED UNIT DEVELOPMENT FEE \$ 550.00

SIGN DEPOSIT \$ 50.00

(Refundable if Applicant returns 48 hrs. after City Commission Meeting)

PLANNING COMMISSION ACTION: _____ DATE: _____

CITY COMMISSION ACTION: _____ DATE: _____

PLACE ON ZONING MAP: _____ ORDINANCE NO.: _____

Atch 1. Platmap Rpt
2. Lot drawing
3. C.U. Drawing