

**AGENDA
CITY OF SHAWNEE
PLANNING COMMISSION
SEPTEMBER 5TH, 2018 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 1st, 2018 Planning Commission meeting
- 3)** Citizens' Participation
(A three minute limit per person)
(A twelve minute limit per topic)
- 4)** Case #P14-18 – A public hearing in consideration of approval for a Rezone from A-1; Rural Agricultural District to R-1; Single Family Residential District, located at 1 Country Club Road, Shawnee, OK
Applicant: Charles and Connie Rutherford
- 5)** Planning Director's Report
- 6)** Commissioners Comments and/or New Business
- 7)** Adjournment

PLANNING COMMISSION MINUTES

DATE: AUGUST 1ST, 2018

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 1st, 2018 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: Deem, Matthews, Walker, Cowen, Kienzle, Rowell

Absent: Bergsten

Meeting was called to Order.

AGENDA ITEM NO.2: **Consideration of approval of the minutes from the July 5th, 2018 Planning Commission Meeting**

Commissioner Walker asked to change his vote listed to show abstained. Vice-Chairman Cowen asked if there was a motion with that note. Commissioner Matthews made a motion to approve, seconded by Commissioner Deem.

Motion passes:

AYE: Deem, Matthews, Walker, Cowen, Rowell

NAY:

ABSTAIN: Kienzle

AGENDA ITEM NO.3: **Citizens' 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 #S04-18 – Consideration of approval of a Preliminary Plat for Maple Development, LLC located on Shawnee Mall Drive, East of the BNSF Railroad Tracks, Shawnee, OK (Deferred from June 6th, 2018 Planning Commission)**

Applicant: Sid and Javal, INC

Justin Debruin presented staff report, informing the board that the case has been deferred since March with hopes the applicant would submit documents staff could make a recommendation to approve. Staff has not received anything new within the last two months and recommends denial of request. Mr. Debruin stated the recommendation would not prohibit applicant from submitting new application in future and asked if there were any questions. Vice-Chairman opened the public portion of the meeting and asked if anyone in opposition to the case would like to come forward to speak. No one came forward and Vice-Chairman Cowen asked if anyone in favor would like to

come forward. No one came forward. Vice-Chairman Cowen closed the public portion of the meeting and asked for any comments, questions or a motion. Commissioner Matthews made a motion to deny, seconded by Commissioner Kienzle.

Motion to deny:

AYE: Deem, Matthews, Walker, Cowen, Kienzle, Rowell

NAY:

ABSTAIN:

AGENDA ITEM NO.5:

Case #S10-18 – Consideration of approval of a Preliminary Plat for The Grove Retirement Homes located at 3900 N. Union Avenue, Shawnee, OK (Deferred from July 5th, 2018 Planning Commission)

Applicant: Crafton Tull

Justin Debruin presented staff report and stated subject site is located south of the Middle School off Union Avenue and intent is to construct a retirement community with roughly 150 structures, divided by floodplain in center. With necessary corrections made regarding the floodplain and sewer lines, Staff finds request to be in conformance with subdivision regulations and recommends approval with three conditions. Mr. Debruin discussed conditions and asked if there were any questions. Commissioner Kienzle asked about the sidewalks on Union Avenue and where it is showed on plat. Justin Debruin mentioned that since sidewalk is existing, applicant may have not listed on plat and also informed board that they would be responsible to repair any potential damages made to them. Commissioner Kienzle asked if there were two drives and Mr. Debruin agreed. Commissioner Kienzle stated she had a hard time differentiating between the front and back of the units. Mr. Debruin agreed and explained applicant is not required to submit site plan with preliminary plat. Commissioner Matthews asked if applicant would be required to construct sidewalk somewhere else since there is one existing and code requires sidewalk with new construction. Mr. Debruin informed him that they would be exempt from this since there is one already existing. Vice-Chairman Cowen opened the public portion of the meeting and asked if anyone in opposition to the case would like to come forward to speak. No one came forward and Chairman Bergsten asked if anyone in favor would like to come forward. Chris Gray with Crafton Tull came forward to speak in favor. Mr. Gray stated he would be happy to answer any questions. Commissioner Kienzle mentioned her questions and Mr. Gray informed her they would replace sidewalks if they need to cut into them and site plans would be submitted along with the building permit. Commissioner Kienzle expressed her opinions of the driveway and façade. Mr. Gray stated he would speak to developer. Vice-Chairman Cowen closed the public portion of the meeting and asked for any comments, questions or a motion. Commissioner Kienzle made a motion to approve with listed conditions, seconded by Commissioner Walker.

Motion to approve:

AYE: Deem, Matthews, Walker, Cowen, Kienzle, Rowell

NAY:

ABSTAIN:

AGENDA ITEM NO.6:

Case #P13-18 – A public hearing in consideration of approval of a Conditional Use Permit located at 24 Post Office Lane, Shawnee, OK

Applicant: Julie Thompson

Joseph Barker introduced himself as the Assistant City Planner and presented staff report. Mr. Barker explained request is for construction of a manufactured home on an agriculturally zoned lot. Mr. Barker stated requested use is not unprecedented with at least two other existing manufactured homes in area. The lot is considered non-conforming at 1.67 acres and Mr. Barker discussed stipulations required to allow conditional use permit. Staff recommends approval of application. Mr. Barker informed board of the letter of concern from neighboring home owner. Commissioner Deem asked what the mechanisms for addressing the concerns were. Mr. Debruin explained the permitting process to move home onto site and code enforcement would be working that. Vice-Chairman Cowen discussed the easements and property lines. Vice-Chairman Cowen opened the public portion of the meeting and Mr. Childers came forward to speak. Mr. Childers stated he was not against proposal but questioned making the turn on corner without coming over onto his property and does not want to cut down any trees or having fence taken down. Mr. Childers expressed the issue with another resident years prior but is willing to work with applicant and just wants to know what the plan is so he can be notified of moving date. Chairman Bergsten closed the public portion of the meeting and asked for any comments, questions or a motion. Commissioner Kienzle made a motion to approve with listed conditions and addition that Mr. Childers is notified of moving date, seconded by Commissioner Matthews.

Motion passes:

AYE: Deem, Matthews, Walker, Cowen, Kienzle, Rowell

NAY:

ABSTAIN:

AGENDA ITEM NO.7:

Presentation by Blue Zones Project regarding Broadway Avenue Marquee Project process

Rachael Melot with the Blue Zones Project presented report.

AGENDA ITEM NO.8:

Planning Director's Report

Justin Debruin introduced Joseph Barker to the board and went over the dates that the comprehensive plan consultants would be in town. Mr. Debruin also discussed the design studio dates for the comprehensive plan update. Commissioner Kienzle offered posting dates on social media. Commissioner Deem stated stoplight is still down.

AGENDA ITEM NO.9:

Commissioners Comments and/or New Business

No comments.

AGENDA ITEM NO.10:

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 # P14-18 PUBLIC HEARING DATE: September 5th, 2018 CITY COMMISSION DATE: September 17th, 2018	
APPLICANT: Charles H. & Connie A. Rutherford 44944 Kingsbury Lane Shawnee, Oklahoma, 74801				
PROPERTY ADDRESS/LOCATION: 1 Country Club Road Shawnee, OK 74801				
SUMMARY OF REQUEST: The applicants, Charles and Connie Rutherford, are requesting a rezone from A-I (Rural Agricultural) to R-1 (Single Family Residential) for a property located at 1 Country Club Road. This property is located east of Bryan Avenue, on Highland Street.				
EXISTING ZONING: A-I	EXISTING LAND USE: Vacant	SURROUNDING ZONING & LAND USE: A1 (Rural Agricultural) R1 (Single Family Residential)	Number of Lots: 1	PROPERTY SIZE: 0.67 Acres

STAFF REVIEW AND ANALYSIS

The applicant has indicated a desire to construct a single-family residence on the proposed lot. According to the submitted survey plat, the subject site is 0.67 acres in size and abuts Country Club Heights I and Highland Farm Estates Additions. Adjacent properties are zoned R-1 (Single Family Residential) and A-1 (Rural Agricultural), making the requested R-1 zoning consistent with surrounding land uses. Also, the request is in conformance with the Comprehensive Plan's residential designation for this area.

The rezone is required to conform to Section 22-160.2 of the Zoning Code, "Uses," which assures that the R-1 zoning district is used for single family dwellings and related recreational activities. The rezone is also required to conform to Section 22.160.4 of the Zoning Code, "Dimensional Standards,". Based on the submitted survey plat, it does appear that the property meets all the dimensional standards of Table 22-160.4.1.

The subject request is in conformance with the City Zoning Code and Comprehensive Plan; Therefore, Staff hereby recommends approval on the requested rezone from A-1 (Rural Agriculture) to R-1 (Single Family Residential).

APPROVE

APPROVE WITH CONDITIONS

DENY

**ATTACHMENTS:
(CIRCLE)**

**SUBMITTED
PLANS**

**PUBLIC HEARING
PETITION/
APPLICATION FORM**

LEGAL NOTICE

LEGAL DESCRIPTION

PUBLIC COMMENTS

AGENCY COMMENTS

RESPONSE TO STANDARDS

Attachments:



PLANNING COMMISSION APPLICATION

Planning Department

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

For Office Use Only

Case Number: PM-18
Project Number: 180703
Date Filed: July 13th, 2018
Cheyenne Pellegrino
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 R-1 District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): 1 Country Club, Shawnee, OK 74801

LEGAL DESCRIPTION: _____

PROPERTY OWNER (S): Charles H. and Connie A. Rutherford

PROPERTY AGENT (APPLICANT): _____

APPLICANT'S ADDRESS: 44944 Kingsbury Ln.

CITY: Shawnee **STATE:** OK **ZIP:** 74801

EMAIL ADDRESS: Charley H Rutherford@gmail.com

TELEPHONE NUMBER: (405) 833-8974 **CONTACT NUMBER:** () same

DIMENSIONS OF PROPERTY: AREA: _____ WIDTH: _____

LENGTH: _____ FRONTAGE: _____

CURRENT ZONING: A-1 **CURRENT USE:** Vacant

PROPOSED ZONING: R-1 **PROPOSED USE:** Home

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

Charles H. Rutherford
SIGNATURE OF APPLICANT

FOR STAFF USE ONLY

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

RECEIPT NO. 02191023

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.:** _____

CITY OF SHAWNEE
PUBLIC HEARING NOTICE
CASE #P14-18

Notice is hereby given that the City of Shawnee, Oklahoma, will conduct a public hearing on a proposed Rezone of property located within the City of Shawnee.

The property requesting rezoning is described as follows:

A tract of land in the SW/4 of Section 16 Township 10 N Range 4 E described further and shown on Survey Plat drawing number JN 1522 from Knight Land Survey, Pottawatomie County, Oklahoma.

General Location Known As:	<u>1 Country Club Road, Shawnee, OK</u>
Current Zoning Classification:	<u>A-1; Rural Agricultural District</u>
Requested Zoning Classification:	<u>R-1; Single Family Residential District</u>
Proposed Use of Property:	<u>Residential</u>
Applicant:	<u>Charles and Connie Rutherford</u>

The "Zoning Map of the City of Shawnee, Oklahoma" will be amended accordingly to reflect such change if approved by the City Commission.

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

September 5th, 2018 AT 1:30 P.M.: CITY OF SHAWNEE PLANNING COMMISSION
September 17th, 2018 AT 6:00 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 rezone. The Commission reserves the right to limit discussion and debate on the proposed rezone in the public hearing, in which event those persons appearing in support or opposition of the proposed rezone will be allotted equal time. Any formal protest must be filed in writing with the City Clerk during normal working hours before 5:00 p.m. a minimum of three (3) days prior to the hearing. 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 15th day of August, 2018.

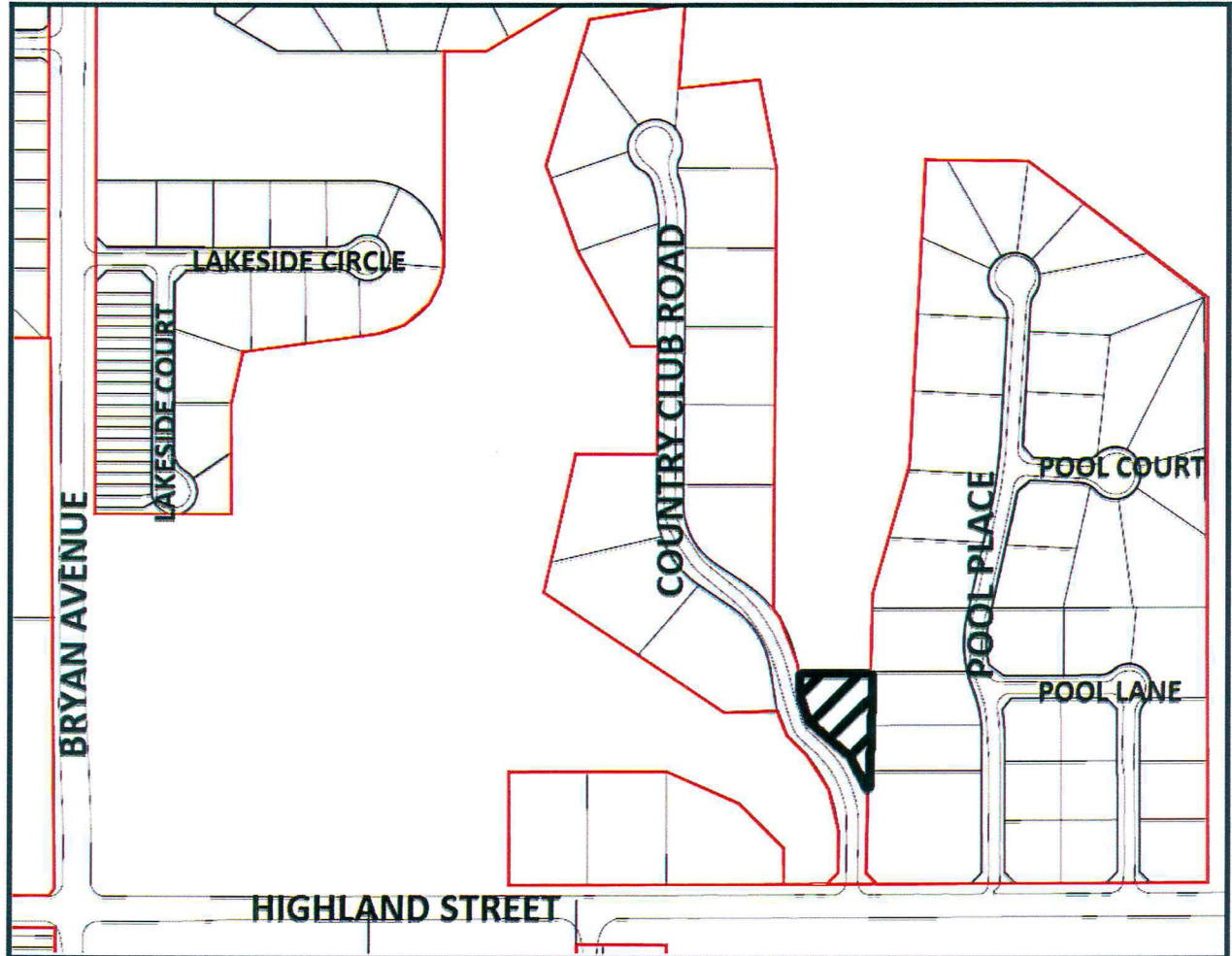


for Lisa Lasky, Deputy
Phyllis Loftis, City Clerk

CASE #P14-18

CONSIDERATION FOR REZONE FROM A-1 TO RQ

1 COUNTRY CLUB ROAD



*CHOICE TITLE & ABSTRACTING INSURANCE
ESCROW/CLOSING/ABSTRACTING AGENCY*

*118 N. Broadway
Shawnee, Oklahoma 74801*

July 12, 2018

Attn:
Charles & Connie Rutherford
1 Country Club Road
Shawnee, Oklahoma 74801
405-833-8974
Re: Choice File No. 8295

LEGAL DESCRIPTION

A tract of land in the SW/4 of Section 16 Township 10 N Range 4 E described further and shown on Survey Plat drawing number JN 1522 from Knight Land Survey, Pottawatomie County, Oklahoma.

Property Address: 1 Country Club Road, Shawnee, OK 74801

Property Owner: Charles & Connie Rutherford 102 Kingsbury Lane, Shawnee, OK 74801

300' SURROUNDING PROPERTY OWNERS

Shawnee Country Club, Dan Overland, P.O. Box 250 Earlsboro, OK 74840

43305 HWY 3, Cynthia Jean Oliver Harden, 311 W MacArthur Shawnee, OK 74801

43401 HWY 3, Dennis & Cynthia Harden, 43401 HWY 3 Shawnee, OK 74801

Lots 1 & 2 Block 1 Country Club Heights, The 19th LLC, P.O. Box 1584 Shawnee OK 74802

Lot 3 Block 1 Country Club Heights, Jeff Diamond, PO BOX 336, Shawnee OK 74802

Lot 4 Block 1 Country Club Heights, Raymond & Laverne Shaffer, 2 Country Club Road, Shawnee OK 74801

Lot 5 Block 1 Country Club Heights, Jacob Goodson, 2209 Bryant Via, Shawnee OK 74804
Lot 6 Block 1 Country Club Heights, Loyd Drain, P.O. Box 711 Shawnee OK 74802

Lots 7 & 8 Block 1 Country Club Heights, Steven & Lenita Olsen, 3 Country Club Road, Shawnee OK 74802

Lot 1 Block 1 Highland Farms Estates, Ricky & Sherri Streight, 501 Pool Place, Shawnee OK 74801

Lot 2 Block 1 Highland Farms Estates, Randy & Paula Lauderdale, 503 Pool Place, Shawnee OK 74801

Lot 3 Block 1 Highland Farms Estates, Robert Chin, Robert W Chin Revocable Trust, 505 Pool Place, Shawnee OK 74801

Lot 1 & 2 Block 2 Highland Farms Estates, Henry & Peggy Chesney, 2500 E Highland, Shawnee OK 74801

Lot 3 Block 2 Highland Farms Estates, Ronald & Joleen Lewis, 600 Pool Place, Shawnee OK 74801

Lot 4 Block 2 Highland Farms Estates, Frank & Betty Howard, 602 Pool Place, Shawnee OK 74801

Lot 5 Block 2 Highland Farms Estates, Rod & Kim Huffman, Rod & Kim Huffman 2000 Revocable Trust, 604 Pool Place, Shawnee OK 74801

Lot 6 Block 2 Highland Farms Estates, Peter & Velma Welch, 606 Pool Place, Shawnee OK 74801

Lot 23 Block 2 Highland Farms Estates, Gary & Sue Cantrell, 603 Pool Place, Shawnee OK 74801

Lot 24 Block 2 Highland Farms Estates, Jeff & Jilene Wade, 601 Pool Place, Shawnee OK 74801

End of Report