

REGULAR PLANNING COMMISSION MINUTES

DATE: SEPTEMBER 2ND, 2020

The Planning Commission of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in person for a regular meeting on September 2nd, 2020, 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: Walker, Loftis-Walton, Deem, Engles, Rowell

Absent: None

A quorum was declared, and the meeting was called to order.

AGENDA ITEM NO.2: Reconsideration of approval of the amended minutes from the regular meeting of March 4th, 2020, the special meeting of May 15th, 2020, the special meeting of May 29th, 2020, the regular meeting of June 3rd, 2020, and the special meeting of June 19th, 2020.

Commissioner Walker made a motion, seconded by Commissioner Engles, to approve the amended minutes from the regular meeting of March 4, 2020, the special meeting of May 15, 2020, the special meeting of May 29, 2020, the regular meeting of June 3rd, 2020 and the special meeting of June 19th, 2020.

Motion carried 5-0-0.

Aye: Walker, Loftis-Walton, Deem, Engles, Rowell

Nay: None

Abstain: None

AGENDA ITEM NO.3: Consideration of approval of the minutes from the regular meeting of July 1st, 2020 and the regular meeting of August 5th, 2020.

Commissioner Loftis-Walton made a motion, seconded by Commissioner Walker, to approve the minutes from the regular meeting of July 1st, 2020 and the regular meeting of August 5, 2020. Motion carried 5-0-0.

Aye: Walker, Loftis-Walton, Deem, Engles, Rowell

Nay: None

Abstain: None

AGENDA ITEM NO.4: Citizens' Participation (A three-minute limit per person) (A twelve-minute limit per topic)

No citizens came forward to comment.

AGENDA ITEM NO.5: Case #P13-20 Public Hearing and Consideration of a rezoning from C-1 (Neighborhood Commercial District) to C-3 (Highway Commercial District) on a 0.19-acre property located at 1018 W. Benedict Street.

Director Blaine presented the staff report. She mentioned most of the area is zoned residential (R-1 & R-2) and upholds that neighborhood character. She indicated three parcels did hold commercial zoning classifications in that area, that were not congruent. It was discussed the wide array of heavier business uses that are allowable by right in the requested C-3 (Highway Commercial District). She said the 2040 Comprehensive Plan had low intensity commercial and residential designated for the future land use of this area. The property could still be used as income property under the current C-1 (Neighborhood Commercial District) zoning.

Vice Chairperson Deem opened the public hearing portion for this case. Ken Stafford (applicant) came up to speak on behalf of his case. He mentioned the property was his mother's and had been in their family for 45 years. Commissioner Loftis-Walton inquired if the applicant had a specific business use in mind for the property. He stated he did not. Vice Chairperson Deem inquired on how long the building had been vacant. Ken Stafford stated about one year. He mentioned Rent-a-Tent had occupied the building previously for warehouse space. Stafford asked about a process to amend the Comp Plan. Director Blaine stated she was working with the City Attorney to adopt a process and application for amendments, that it had not been created by past staff. Vice Chairperson Deem asked if anyone else wanted to speak on behalf of the item. No one else came forward and Deem closed the public hearing.

Commissioner Loftis-Walton discussed the options of the use of the building under C-1 verses C-3. She stated she felt the property was more economically marketable as C-3.

Commissioner Loftis-Walton made a motion, seconded by Commissioner Rowell, to approve the rezoning from C-1 (Neighborhood Commercial District) to C-3 (Highway Commercial District) on a 0.19-acre property located at 1018 W. Benedict Street. Motion carried 4-1-0.

Aye: Loftis-Walton, Rowell, Deem, Engles
Nay: Walker
Abstain: None

It was stated the application would be heard at the next regular City Commission meeting on Tuesday, September 8th at 6:00 p.m. in the Commission Chambers.

AGENDA ITEM NO.6:

Case #P14-20 – Public Hearing and Consideration of a rezoning from C-1 (Neighborhood Commercial District) to C-3 (Highway Commercial District) with a CUP (Conditional Use Permit) for a cellular communications tower on a 1.66-acre property located at 815 N. Harrison Ave.

Applicant: Troy Williams, Branch Communications, AT&T

Director Blaine gave the staff report. The proposed site is located on the S & S Salvage property. She mentioned this was the third communications tower application from the applicant, Troy Williams of Branch Communications on behalf of AT&T. The market analysis showed a great deficit in infrastructure and bandwidth for the Shawnee area. The COVID-19 pandemic has only increased that need due to more people working from home and education going to virtual platforms. Blaine mentioned this item would also have to go to the Zoning Board of Adjustment for a setback variance due to the age of the City of Shawnee's code predating the engineered design of sectional towers which would collapse within its compound instead of falling over the height of the tower. Staff recommended approval of this item.

Vice Chairperson Deem asked if the commissioners had any questions of Blaine. Commissioner Loftis-Walton asked for clarification of vehicles being stored in or around the lease area. Blaine clarified that there would be no

storage of excess materials or vehicles within the lease area which would be fenced off; however, outside the leased area would still be able to stow away vehicles.

Vice Chairperson Deem opened the public hearing portion for this case. Troy Williams of Branch Communications on behalf of AT&T (applicant) came forward. He added that he had obtained support letters from surrounding properties, such as the Sac & Fox Nation. Loftis-Walton asked if this tower would help boost 5G signal in the area. Williams confirmed that it would.

Commissioner Walker made a motion, seconded by Commissioner Engles, to deny the rezoning from C-1 (Neighborhood Commercial District) to C-3 (Highway Commercial District) with a CUP (Conditional Use Permit) for a cellular communications tower on a 1.66-acre property located at 815 N. Harrison Ave. Motion carried 5-0-0.

Aye: Walker, Engles, Loftis-Walton, Deem, Rowell

Nay: None

Abstain: None

It was stated the application would be heard at the next regular City Commission meeting on Tuesday, September 8th at 6:00 p.m. in the Commission Chambers. Vice Chairperson Deem clarified Monday, September 7th was a holiday; therefore, the City Commission meeting would be on Tuesday instead of Monday.

AGENDA ITEM NO.7:

Case #P15-20 – Public Hearing and Consideration of a rezoning from C-3 (Highway Commercial District) to C-3 with a CUP (Conditional Use Permit) for the purpose of an outdoor gathering space containing food trucks, on-premise sale and consumption of alcohol, pop-up shops and restrooms located on a 1.29-acre property located at 6-20 W. MacArthur Street.

Applicant: GCR Sunset Enterprises, LLC

Director Blaine gave the staff report. She stated the applicants' inspiration for the project was from the Bleu Garten's concept in Oklahoma City. She mentioned the applicants would have to go to Zoning Board of Adjustment to get approval to use a shipping container as permanent restrooms, as current City Code did not have options for non-traditional construction types such as shipping containers. She stated that she was in favor of the concept, but that Planning, Engineering and Building departments would need to have specific plans for review. She noted a letter of opposition was received by a business owner on the south side of MacArthur Street. She stated the creation of a CUP (Conditional Use Permit) document would be useful in setting parameters for the development. Commissioner Walker mentioned a similar document had been crafted for the Shawnee Trading Post on N. Kickapoo. Blaine concurred. Commissioner Loftis-Walton asked why the applicant did not submit a particular plan for their development proposal. Blaine said she would defer that question to the applicant if they were present at the meeting.

Vice Chairperson Deem opened the public hearing portion for this case. Gary Barnett, co-property owner and applicant came forward. He stated they were coordinating with the City departments and the utility companies before developing a specific plan. He stated they wanted to follow all codes and make a family-friendly space. He said they wanted to be neighbor-friendly and a space for OBU students to hang out.

Commissioner Walker asked if the item was deferred to next month's regular meeting if that would give staff time to meet with the applicants and compose the CUP document. Blaine confirmed that she believed it would be ample time. Commissioner Engles stated the concept was very exciting to entertain for the Shawnee community, and that she had been to similar developments across the state. Charlotte Barnett, co-applicant, stated they intended to have mural art, landscaping, live music, food trucks serving food and alcohol, etc. as part of the development. The applicants agreed they could have plans produced by the next regular Planning Commission meeting, which is Wednesday, October 7th, 2020. The item was deferred to the October 7th, 2020 meeting.

AGENDA ITEM NO.8:

Case #P16-20 – Public Hearing and Consideration of a rezoning from A-1 (Rural Agricultural District) to C-3 (Highway Commercial District) for the

purpose of indoor cultivation of medical marijuana on a 1.00-acre property located at 2124 W. Benedict Street.

Applicant: Executive Home Rentals, LLC

Director Blaine presented the staff report. She stated the parcel was illegal, nonconforming due to a lot split that was not reviewed and approved by the City of Shawnee and that a parcel requires a minimum of five acres as well as specific dimensional standards in order to have the A-1 (Rural Agricultural District) zoning classification. This parcel is one-acre tract that was split off a larger seven-acre tract. She explained medical marijuana related businesses are only permitted by ordinance in C-3, C-4 and C-5, as well as industrial districts. The 2040 Comprehensive Plan has this area designated as rural/agricultural. Blaine mentioned the desire to keep the area as such with various other properties with permitted zoning districts existing across city limits. Staff recommended denial of this item. She also mentioned an opposition letter that was received from a surrounding property owner within the 300' radius.

Vice Chairperson Deem opened the public hearing portion for this case. Dr. David Wade, son-in-law of William 'Bill' Rapp, stated his father-in-law has lived on his seven acres for seventy years. He mentioned the rural feel of this area and the lack of suitability to the area for a medical marijuana grow facility that could produce odor, decrease in property values, and potential for an increase in crime.

Sarah Inselman stated they were closer to the property than the Rapp family. She said they were concerned about the value of the property her family just purchased. She said she was concerned about security and safety of her grandchildren and the premises. She also had concerns about odor control.

Ann McDonald stated she submitted the letter of opposition. She stated they purchased the property over twenty years ago because of the rural feel of the area. She had concerns about safety, crime, security, and odor.

Dick Dixon stated he agreed with the reasons of opposition that had previously been stated.

Cecil Cole stated concerns about odor control as well as security/safety of area and his children.

Kevin Hanna stated he was the applicant and wished to withdraw his application due to the neighbors' concerns. He mentioned his desire to potentially apply for permission to have a mobile home on the property. Blaine stated a minimum of five acres was required to entertain a CUP (Conditional Use Permit) on land outside of a designated mobile home park zoning district. She stated the applicant could apply for a variance through Zoning Board of Adjustment if he felt strongly about that option. Vice Chairperson Deem said she appreciated the applicant's sensitivity to his neighbors' concerns.

No action was taken.

AGENDA ITEM NO.9: Planning Director's Report

Blaine mentioned that herself and the attorney's office were working on the ordinance, application, fees and timeframes to review amendments to the Comprehensive Plan. There was discussion on frequency and timeframes for review of internal recommended amendments as well as external applicants.

AGENDA ITEM NO.10: Commissioners' Comments

No comments.

AGENDA ITEM NO.11: New Business

No new business.

AGENDA ITEM NO.12: Adjournment

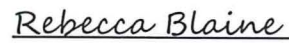
Vice Chairperson Deem asked for a motion to adjourn. Commissioner Engles made a motion with a second by Commissioner Walker. Motion carried 5-0.

Aye: Walker, Loftis-Walton, Deem, Engles, Rowell
Nay: None
Abstain: None

Meeting was adjourned at 2:56 p.m.

A handwritten signature in cursive script, reading "Cody Deem", written over a horizontal line.

Chairman/Vice-Chairman

A handwritten signature in cursive script, reading "Rebecca Blaine", written over a horizontal line.

Planning Director