

NOTICE OF MEETING
PLANNING COMMISSION

TYPE OF MEETING

REGULAR MEETING	(X)	RESCHEDULED REGULAR MEETING	()
SPECIAL MEETING	()	CONTINUED OR RECONVENED MEETING	()

DATE:	TIME:	PLACE OF MEETING:
<u>09/01/2021</u>	<u>1:30 P.M.</u>	<u>Commission Chambers</u>
		<u>City Hall, 9th & Broadway</u>
		<u>Shawnee, OK 74802-1448</u>

To be completed by person filing notice:

NAME: Rachel Clyne

TITLE: City Planner

ADDRESS: 222 N. Broadway Ave.
Shawnee, OK 74801

PHONE: (405) 878-1616

Filed in the office of the municipal clerk at 4:31 a.m. (p.m.) on 8/30/2021

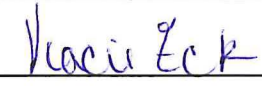
SIGNED: 
City Clerk/Deputy Clerk

=====

FOR CITY CLERK'S OFFICE USE ONLY

DATE NOTICE RELEASED TO NEWS MEDIA: 8/30/21

PERSON FILING NOTICE: /s/ Rachel Clyne

NOTICE VERIFIED BY: 

AGENDA
PLANNING COMMISSION of SHAWNEE, OK
Regular Meeting
September 1, 2021 at 1:30 P.M.
City Hall, 16 W. 9TH St. Shawnee, OK

1. Roll Call
2. Consideration of approval of the minutes from the regular meeting of the Shawnee Planning Commission on August 4, 2021.
3. **CUP03-21** - Public hearing and consideration of an application to rezone property located at 15413 Nickens Road, from A-1 (Rural Agricultural District) to A-1 (Rural Agricultural District) with LPZ (Lake Protection Zone) overlay and a CUP (Conditional Use Permit) for the purpose of operating a Bed & Breakfast/Airbnb (short-term rental).
*Case No. **CUP03-21**, Applicants: Grinnell and Rhodes families*
4. **PL05-21** - Consideration of an application for a Final Plat for Trails End Phase I subdivision. The property is a part of the SW/4 of Section 30, Township 11North, Range 4East, I.M. Shawnee, Pottawatomie County, Oklahoma. A residential development of approximately 46.20 acres with 76 lots.
*Case No. **PL05-21**, Applicant: Joel Harrison, PE (Crafton Tull) for Live Orange, LLC.*
5. **PUD01-21** - Public hearing and consideration of an application for a Planned Unit Development (PUD) on land located southwest of the intersection of N. Kickapoo Ave. and E. Highland St. more specifically known as Lots 1-16; Lots 23-28; and Lots 31-32, all in Block One (1) of the Fairgrounds Addition subdivision. The proposed mixed-use development will incorporate commercial and residential uses.
*Case No. **PUD01-21**, Applicant: Michael San Pedro*
6. City Planner's Report
7. New Business
8. Commissioners' Comments
9. Adjournment

REGULAR PLANNING COMMISSION MINUTES

DATE: August 4, 2021

DRAFT minutes

The Planning Commission of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in person for a regular meeting on August 4, 2021, at 1:30 p.m., pursuant to notice duly posted as prescribed by law.

Item 1. Roll Call

The following Commissioners were present:

Present: Walker, Loftis-Walton, Johnson, Deem, Engles, Lester, Rowell

Absent: None

City Planner, Rachel Clyne, stated there was a quorum, and the meeting was called to order.

Item 2. Approval of Minutes

Consideration of approval of the minutes from the regular meeting of July 7, 2021.

Chair Deem asked the Planning Commissioners if there were questions or corrections to the minutes.

Commissioner Walker noted a scrivener's error on Item 3.

Commissioner Walker made a motion to **Approve** the minutes as with the correction, which was seconded by Commissioner Johnson.

Motion passed 6-0-1.

Aye: Walker, Loftis-Walton, Johnson, Deem, Engles, Lester

Nay: None

Abstain: Rowell

Item 3.

Case No. **LOT01-21** -- Consideration of an application requesting a Lot Split of land located near 33808 Belcher Road.

Chairperson Deem asked for a staff report. Planner Clyne stated the applicant was requesting a Lot Split of 5-acres from the parent tract of approximately 13-acres. The applicants are applying for a variance for a reduction in minimum street frontage from the Zoning Board of Adjustment on August 19, 2021. Staff recommended that the Planning Commission vote for **Conditional Approval** of **LOT01-21** with the condition that the associated variance request (ZBOA-03-21) is approved.

Commissioner Rowell made a motion Conditionally Approve **LOT01-21** as presented, which was seconded by Commissioner Loftis-Walton.

Motion passed 7-0-0.

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

Nay: None

Abstain: None

Item 4.

Case No. **LOT02-21** -- Consideration of an application requesting a Lot Split of land located on properties addressed 1101 N. Union Ave and 212 E. Kirk St.

Chair Deem asked for a staff report. Planner Clyne stated the applicant was requesting a Lot Split to an existing property that currently had two houses with two distinct addresses. Clyne explained in the Zoning Code under **Sec. 22-295.** - Traditional Neighborhood infill standards are discussed. The purpose of this floating zone (TN) is applied to legally created lots that are located in plats or replats recorded prior to 1960. The underlying base zoning of the lot (R-1) does not change, but additional standards are applied ensure that construction is compatible with the neighborhood.

Staff recommended the Planning Commission recommend **Approval** of **LOT02-21**.

Commissioner Loftis-Walton made a motion to Approve **LOT02-21** as presented, which was seconded by Commissioner Engles.

Motion passed 7-0-0.

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

Nay: None

Abstain: None

Item 5. Planning Director's Report

City Planner Clyne advised the Shawnee Arts & Culture Commission had its first meeting July 28, 2021. She advised the Interim City Manager, Eric Benson was on duty through October 30, 2021. Clyne mentioned the need for another planner in the Planning Department and invited calls or emails. Clyne stated all Planning Commissioners' terms were up-to-date through the City Commission. Lastly, Clyne stated there were items ready for the September Planning Commission meeting.

Item 6. New Business

There was no new business.

Item 7. Commissioners Comments

Chair Deem acknowledged that she was grateful for everyone attending the meeting.

Item 8. Adjournment

Commissioner _____made a motion to adjourn, which was seconded by Commissioner _____.

Motion passed 7-0-0.

Meeting was adjourned at ____ p.m.

Chair/Vice-Chair

/s/ Rachel Clyne
City Planner



Planning Commission Meeting – 09.01.2021 – City of Shawnee, Oklahoma

Staff Report – CUP03-21– Conditional Use Permit – 15413 Nickens Rd

To: Shawnee Planning Commission

From: Rachel Clyne, City Planner

Date: August 25, 2021

Subject: CUP-03-21 – Request for a Rezoning overlay clarification and Conditional Use Permit (CUP) at 15413 Nickens to operate a Bed & Breakfast/Airbnb

It is requested that the following information be given formal consideration by the Planning Commission at its special meeting of September 1, 2021.

Background

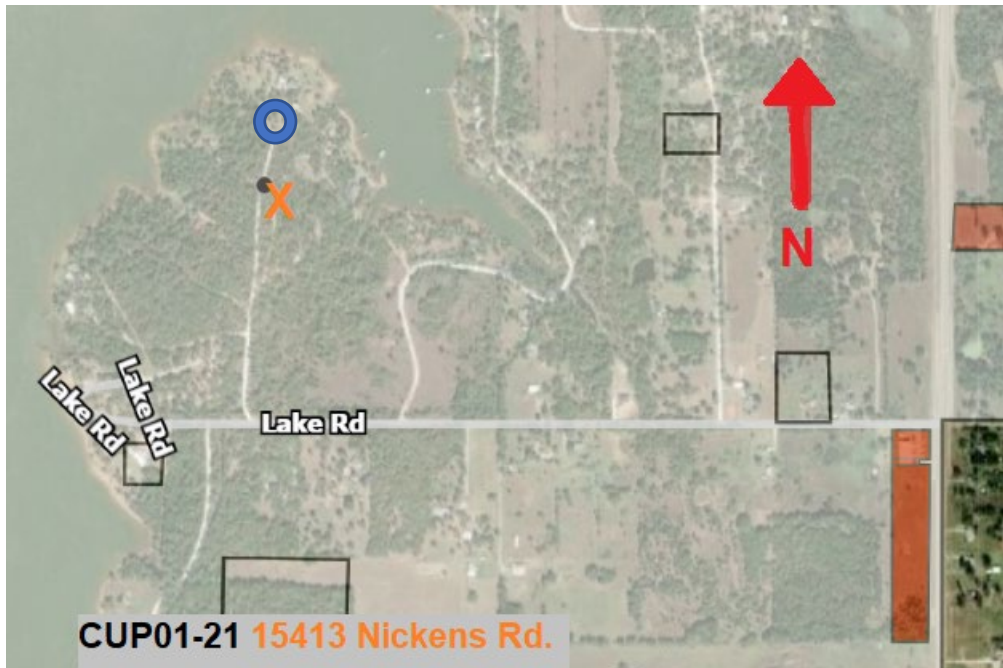
The subject property is located at 15413 Nickens Road a/k/a Cabin Site Lease #033928. The Rezoning overlay clarification is to include the correct zoning overlay of LPZ (Lake Protection Zone). This overlay is applicable to all City-owned Lake Lot Leases. The request for a Conditional Use Permit (CUP) is to operate a short-term rental (Bed & Breakfast/Airbnb). The applicants for this CUP request are the Grinnell and Rhodes families

Discussion

Referencing the City of Shawnee Zoning Code [Article VII. – Zoning] in DIVISION 4. - Agricultural Uses, Section 22-260.- Uses. The uses permitted with zoning A-1 (Rural Agricultural District) include “Bed & Breakfast” is a permitted use in A-1 zoning.

Zoning Code (Code) DIVISION 14. – Administration. Section 22-605. – Conditional Use Permit. *“The uses designated under the various districts herein as “conditional uses” are so classified because they could more intensely dominate the area in which they are located....”* The conditional uses shall be reviewed and authorized or rejected with or without special conditions placed on the project. Operations under **CUP03-21** shall adhere to all regulations within Code of Ordinances of the City of Shawnee, Oklahoma.

Home Sharing is a temporary rental of a dwelling (or rooms of a dwelling). AirBnb and VRBO are examples of platforms used for home sharing. The Shawnee City Commission is in the process of reviewing the concept of home sharing and its applicability in the City of Shawnee.



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: 20210667

Project Number: _____

Date Filed: 7-29-2021

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 A1 District to LPZ with CUP District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): 15413 Nickens Rd. Shawnee OK 74801

LEGAL DESCRIPTION: Cabin Site Lease # 033928 Belcher Shawnee Lake

PROPERTY OWNER (S): Zachary and Jennifer Grinnell / Sheri and Greg Rhodes

PROPERTY AGENT (APPLICANT): _____

APPLICANT'S ADDRESS: 25492 Kings Rd

CITY: Tecumseh STATE: OK ZIP: 74873

EMAIL ADDRESS: Zgrinnell@gmail.com

TELEPHONE NUMBER: (580) 736-1470 CONTACT NUMBER: () same

DIMENSIONS OF PROPERTY: AREA: _____ WIDTH: _____
LENGTH: _____ FRONTAGE: _____

CURRENT ZONING: A1 CURRENT USE: Residential

PROPOSED ZONING: LPZ w/ CUP PROPOSED USE: Air BnB / Bed & Breakfast

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.

COMPLETED APPLICATION AND ALL CORRESPONDING DOCUMENTS MUST BE
RECEIVED 30 DAYS PRIOR TO MEETING TO MAKE THE AGENDA.

Sheri Rhodes
SIGNATURE OF APPLICANT

FOR STAFF USE ONLY

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

PLANNED UNIT DEVELOPMENT FEE \$ 550.00

RECEIPT NO. 585

NOTIFICATION SIGN \$ 50.00

V#1048 7-30-2021

PLANNING COMMISSION ACTION: _____ DATE: _____

CITY COMMISSION ACTION: _____ DATE: _____

PLACE ON ZONING MAP: _____ ORDINANCE NO.: _____

City of Shawnee Planning Commission

We wish to apply for a conditional use permit that will allow us to have the ability to use our lake house at Shawnee Lake as a short-term rental listed on Air BNB and/or VRBO. Our family purchased the home last summer and have loved our time at Shawnee Lake. A little background on our family, Sheri Hale-Rhodes was a Shawnee High graduate and she taught at Shawnee Public School for 22 years and her son Zac Grinnell was a Shawnee High School graduate as well. Sheri and her family have been Shawnee residents since 1975, and her father was a local business owner. The family continues to be active in the community by regularly volunteering at local organizations such as Legacy Parenting Center and Community Market and also serve as members of the local Life Church. We truly are investing in seeing the City of Shawnee continue to grow and prosper and feel that our rental provides sales tax income to the city and guests spending their money at local restaurants and shops.

We request to have the ability to list our home as a short-term rental on Air BNB / VRBO and share our lake house with vacationers and tourists. We do receive a financial gain when we do rent our home, but we also feel this is a great way for families and tourists to experience all the wonderful things Shawnee Lake and the city of Shawnee has to offer during their time at our home. Some of the rental guests have been families that have children attending OBU, a group of softball players playing a local tournament at FireLake, multiple families traveling with children that get to experience fishing, swimming, and relaxing at the lake, and guests from other states that have told us they never knew a wonderful lake like ours existed near Shawnee.

We understand that we have neighbors that own homes on both sides of our home and we understand some of their concerns with vacationers and tourists staying at our home. We want to try our best to minimize any adverse outcomes from our short-term rentals. As the active manager for our home, we have the ability to approve or deny any rental request for our home and we will continue to be prudent on who we chose to stay at our home.

The rules we established for the home were no large gatherings clearly listed on our home description, no pets, quiet hours from 10pm to 6am, and a maximum overnight guest of 6-8 people. We indicate that our backyard is shared with others since there is no fencing to clearly show property lines. In the home manual there are photos showing where the property boundaries are and ask that guests stay within the boundaries. We have plenty of space for guests to swim directly in front of our home and not be over near the neighbor's property. We do share a common driveway and gate entrance with our neighbors to the west. To alleviate some of the issues this may cause we provide a temporary gate code to our guests which is then deleted following their stay. We have recently purchased 4 highly visible metal signs that indicate our home parking locations and a sign pointing to the west showing no parking and to not block the neighbor's driveway.

All of our guests have expressed what an amazing experience Shawnee Twin Lakes has provided for their family and friends and wish to come back again soon. We know we are blessed to have

this lake property and while we do get a financial gain from the short-term rentals, we also feel this is a way to bless other families with an opportunity to have a great experience at the lake at an affordable rate.

We ask that our conditional use permit be approved, and we will continue our commitment to abide by all rules and ordinances required by the city of Shawnee. We also pledge to promote open communication with our neighbors, so they are not negatively impacted by our short-term rentals.

Thank you for the consideration,
Zac and Jenn Grinnell
Greg and Sheri Rhodes

The parking area at our home is 67 feet long and 43 feet wide. It is easily accessible for 4-5 vehicles to park in our parking area.

We have purchased high visibility signs that clearly show where our home and parking area is and where not to park and block the neighbor's driveway.





67 feet long
43 feet wide

Signs showing where our parking area is and where not to park or block driveway





Neighbor's
Driveway



15413
Nickens Rd.

Please Park Here

No Parking

Please Do Not Block Driveway

file copy

NOTICE OF A PUBLIC HEARING
City Of Shawnee, Oklahoma
Case #CUP03-21

In accordance with 11 O.S. 43-106 and City of Shawnee Zoning Code Sec. 22-645, requests for rezoning, conditional use permits (CUP), planned unit developments (PUD), and variances require notification of a PUBLIC HEARING

Case number CUP03-21 is for a rezoning and CUP (conditional use permit).

The property is located at **5413 Nickens Rd.**

Current zoning is **A-1 (Rural Agricultural District)**.

Proposed zoning is **LPZ (Lake Protection Zone) with CUP (Conditional Use Permit)**.

CUP request is for a **Bed and Breakfast/Air BnB**.

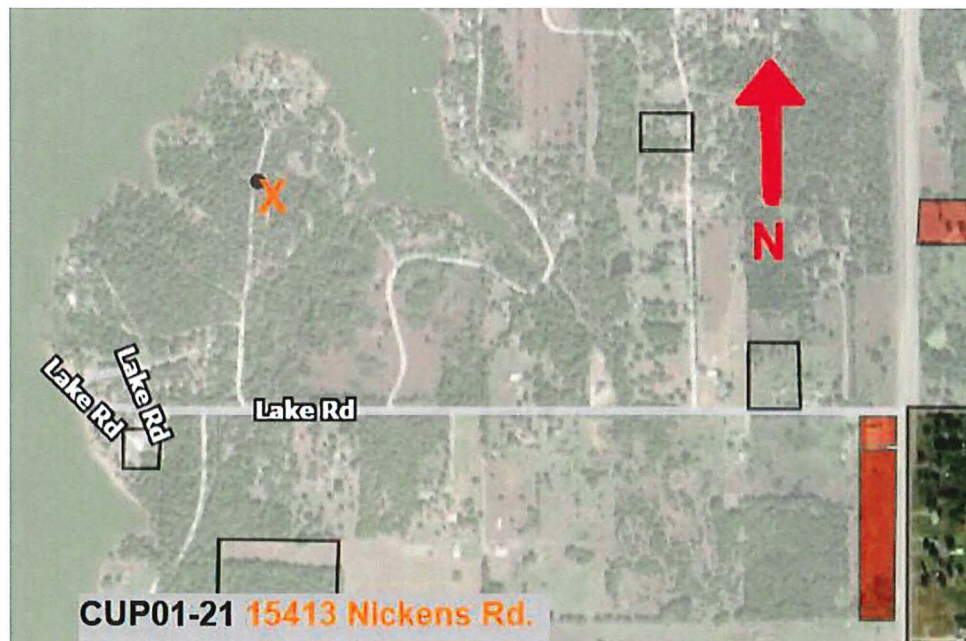
Applicants are the **Grinnell and Rhodes families**.

The public hearings for **CUP03-21** will be held in the City Commission Chambers in City Hall, 16 W. 9th St. Shawnee, Oklahoma, as follows:

September 1, 2021	at 1:30 p.m.	City of Shawnee Planning Commission meeting
September 20, 2021	at 6:00 p.m.	City of Shawnee City Commission meeting

Attendance at the public hearing is not mandatory but all interested parties are encouraged to attend. Questions about the application may be directed to the City of Shawnee Planning Department at 405-878-1616. A copy of the application is available for public inspection during normal working hours in the Planning Office/Annex Building located at 222 N. Broadway

Presented for post and publication on August 11, 2021, by Rachel Clyne, City Planner.



Lease holders within 300 feet of 15413 Nickens Rd.

Ellen Chidester – 15508 Nickens Rd. Mailing – 1205 N Lawton Moore, OK 73160

Kenneth & Rita Sparks 15411 Nickens Rd. Mailing PO Box 452 McCloud OK 74851

Robert and Traci Murphy 15509 Nickens Rd Mailing 3451 Fish Market Rd. McCloud OK 74851

Edward Hall, Kasey Miller 15605 Nickens Rd. Mailing 3148 SW 93rd OKC OK 73159

Michael & Kirk Lowery 33112 33114 Post Office Neck. Mailing 2009 Brook Hollow Shawnee OK 74804

Kristi & Alvin Peterson 33202 Post Office Neck – Mailing Same Shawnee OK 74801

PLEASE READ CAREFULLY

THIS LEASE IS NOT TRANSFERABLE AND IS SUBJECT TO CANCELLATION BY THE CITY FOR ANY VIOLATIONS OF THE TERMS THEREOF AS MORE SPECIFICALLY SET FORTH IN SECTION 16-326 OF THE SHAWNEE MUNICIPAL CODE:

**CABIN SITE LEASE
LEASE# 033928**

STATE OF OKLAHOMA, POTTAWATOMIE COUNTY, SS:

This Lease made and entered into in duplicate this date of 5/18/2020 by and between the CITY OF SHAWNEE, a municipal Corporation, PARTY OF THE FIRST PART, and

GREGORY & SHERI RHODES
of 25492 KINGS RD TECUMSEH OK 74873 ,
ZACHARY AND JENNIFER GRINNELL
of 25492 KINGS RD TECUMSEH OK 74873,
PARTY OF THE SECOND PART.

WITNESSETH: That the first party in consideration of the sum of \$ 731.00 dollars for 2020, does hereby acknowledge receipt of the applicable rental fee, and other good and valuable considerations, does by these presents demise, lease and let unto the second party the following described real estate situated on, and a part of the site, owned by the first party as a City Reservoir and known as Shawnee Twin Lake No. 1, in the County of Pottawatomie State of Oklahoma, to-wit:

15413 NICKENS RD

TO HAVE AND TO HOLD SAME UNTO the second party for a term of thirty (30) years from the date hereof.

IT IS FURTHER mutually understood and agreed by and between the parties hereto as follows:

The said party of the second part shall and will and does hereby agree to pay to the first party annual lease payments as set forth in "Exhibit A", payable yearly in advance. The City shall retain the right to adjust the lease rate schedule at the termination of the original 30-year lease or at such time that a transfer is approved in accordance with Section 16-321 of the Shawnee Municipal Code (hereafter "SMC").

That at the expiration of the primary term hereof, the lessee shall have the right and option to renew said lease for an additional period of thirty (30) years under the terms and

determination of the flood elevation has been done correctly and that any structure or building to be constructed on the leased premises be above the flood elevation. **LESSOR EXPRESSLY MAKES NO WARRANTIES OR REPRESENTATIONS AS TO SAFETY FROM FLOODING ON THE LEASED PREMISES AND LESSEE EXPRESSLY RELEASES THE LESSOR FROM ANY LIABILITY DUE TO FLOOD DAMAGE, BOTH PERSONAL AND PROPERTY, OCCURRING ON THE LEASED PREMISES FROM ANY CAUSE OR CONDITION.**

That all sanitary facilities to be constructed on the premises shall be wholly contained on the leased premises. Sanitary facilities, include, but are not limited to, septic tanks and lateral lines.

All septic systems and waste disposal systems on leased lake lots shall be inspected and subject the standards set forth in Chapter 16 SMC. The leaseholder shall have sixty (60) days to correct any defects found in the system. Corrections not made within the allotted time shall be grounds for the City to cancel the lease of the leaseholder.

 That no lease shall be assigned or sublet, but lessee may at any time during the term of his/her lease, sell and transfer to other parties the improvements on the lot leased by him/her.

That in the event of the sale of the improvements by the lessee, the transfer shall not become effective until approved by the Board of Commissioners of the City of Shawnee at a regular or adjourned meeting held for that purpose and the City as lessor reserves the right to reject and disapprove any transfer when in its opinion it would be to the best interests of the City and its inhabitants to do so. If the transfer is approved, a new lease shall be entered into between the purchaser and the City, and a transfer charge is hereby fixed and established in the sum of one-thousand dollars (\$1000.00) to be paid to the City prior to said transfer in accordance with Section 16-322 SMC.

That the lessee shall be the owner of all improvements which may be placed by him or her, said improvements including cabins or other buildings and boat houses constitute personal property and lessee shall have the right to remove same from the lot at the termination of the lease, subject to the following: whenever a lease has been cancelled by the City as provided herein or by ordinance, the lessee or owner of said improvements shall remove the same within sixty (60) days of the date of the said cancellation of the lease and upon failure to do so, said improvements shall revert to and become the property of the City of Shawnee. And it shall have the right, without further notice or demand to take immediate possession of all said improvements and these will belong to the first party or its assigns, as liquidated damages for the non-fulfillment of the lease by lessee and for the use and rental thereof.

That the said second party does hereby release the City of Shawnee of any claim or claims for damages by reason of the cancellation of the said lease aforesaid.

That the second party shall at all times during the term of this lease be subject to and does hereby agree to abide by and conform to any rules, regulations or ordinances now in force, or that may hereafter be adopted by the City of Shawnee, governing the regulation of said lake and

conditions set forth in Section 16-321 SMC. There is no limit to the number of times a lease can be renewed.

The premises of all lots leased by the City shall at all times be kept clean and maintained in a sanitary condition by the lessee. There is a 25-foot lakeshore buffer that extends landward of the ordinary high water mark on all leased lots for the purpose of watershed protection. This area shall not be used by the general public, except during an emergency situation. Within this buffer, leaseholders are encouraged to preserve existing native vegetation. Docks and other approved structures may be located within the buffer area. Fertilizers and other chemicals shall not be used within the buffer area. All other applicable City regulations and rules apply

That in addition to the possession of the property so leased, the lessee shall have the right and privilege of a site for a boat house and boat dock on the land owned by the City adjoining and immediately in front of a lot leased, which said boat house shall be erected and maintained by and at the cost of the lessee on ground not to exceed an area of thirty (30) feet by thirty (30) feet, which said boat house shall never be used as a place of human habitation, and which said boat house or boat dock shall conform to the provisions of Section 16-325 SMC, and that said boat dock or boat house shall be the private property of the lessee, who shall have the right of ingress and egress to and from the same, subject to the rights of the public as set forth herein. The lessee shall agree to keep said lot and boat house and dock in a clean and sanitary condition, and to maintain the same in a safe condition, and the City as lessor shall in no manner be liable to lessee for any damages suffered by lessee to said lot or boat house or dock, or the improvements thereon on account of the rise and fall of the water line of said lake, or for the enlargement or decrease by the City of the size of said lake, or on account of any rule or regulation that may hereafter be adopted by lessor, governing the regulations of said lake, and lessee agrees to hold the lessor free and harmless from all damages suffered by him or by any other person, on account of personal injuries or loss of property that may incur upon said lot, boat house or boat dock.

That the lessee agrees to lease the premises AS IS from the lessor with the knowledge and understanding that the lessor does not guarantee access to lots. Should the Lessee determine that an access road is necessary to reach his/her lot from a road already in existence, lessee agrees to use his/her own funds to create said access road. Lessee further agrees that upon access road completion it shall not be a private road, but rather, will be available for public use, including, but not limited to, allowing neighbor lots to connect to it to improve access to their lots or to allow joint access to bordering lots upon the one access road. The location of any access road to be constructed by the lessee must be approved by the City Engineer of the City of Shawnee prior to the beginning of construction.

That should the lessee construct any building or other structure, said construction will be in accordance to City of Shawnee development regulations. Lessee agrees that prior to commencing construction on any structure on the leased premises he/she will obtain an approved building permit from the City.

That lessee is solely responsible for determining the flood elevation on the leased premises and is required to satisfy lessor that prior to any construction on the leased premises the

within the described premises, as to fishing, hunting, boating and other recreational activities upon and around said water reservoir, and to conform to and abide by all further rules, regulations and ordinances now in force, or that hereafter may be adopted by the City of Shawnee, Oklahoma, governing the regulations of said premises and lake.

The City Commission may upon a showing of intentional disregard for the terms of the lease and this division or other city ordinance pertaining to the lake, cancel the city lease upon 30 days notice to the lessee by mailing a copy of such notice to the lessee at his/her last known address. If a lease is cancelled either by the city or the lessee of a city-owned lot prior to the expiration of the lease term, the lessee shall pay the city an early termination fee of \$1,000 in exchange for a release of liability from the remaining term.

That this lease shall be binding upon the representatives, heirs, and assigns and successors in interest of the parties hereto.

It is understood by the parties hereto that a failure to comply with the terms of said Cabin Site Lease shall constitute a misdemeanor and any person, firm, or corporation convicted of such violation shall be punished by a fine not exceeding five hundred dollars (\$500.00) plus costs, or imprisonment for a term not exceeding thirty (30) days, or by such fine and imprisonment.

IN WITNESS WHEREOF, party of the first part has caused its name to be affixed hereto by the Mayor of the City of Shawnee, Oklahoma, and attested by the City Clerk, and the party of the second part hereunto affixed his/her name the day and year first above written.



ATTEST:

Lisa Layton
CITY CLERK

CITY OF SHAWNEE, OKLAHOMA
A Municipal Corporation,

BY: Russell Smiley
MAYOR
PARTY OF THE FIRST PART

Jeff Coine
PARTY OF THE SECOND PART

Gary A. Rhoads
PARTY OF THE SECOND PART

Sheri Rhoads
PARTY OF THE SECOND PART

Jennifer Grunell
PARTY OF THE SECOND PART

NOTICE OF A PUBLIC HEARING
City Of Shawnee, Oklahoma
Case #CUP03-21

In accordance with 11 O.S. 43-106 and City of Shawnee Zoning Code Sec. 22-645, requests for rezoning, conditional use permits (CUP), planned unit developments (PUD), and variances require notification of a PUBLIC HEARING

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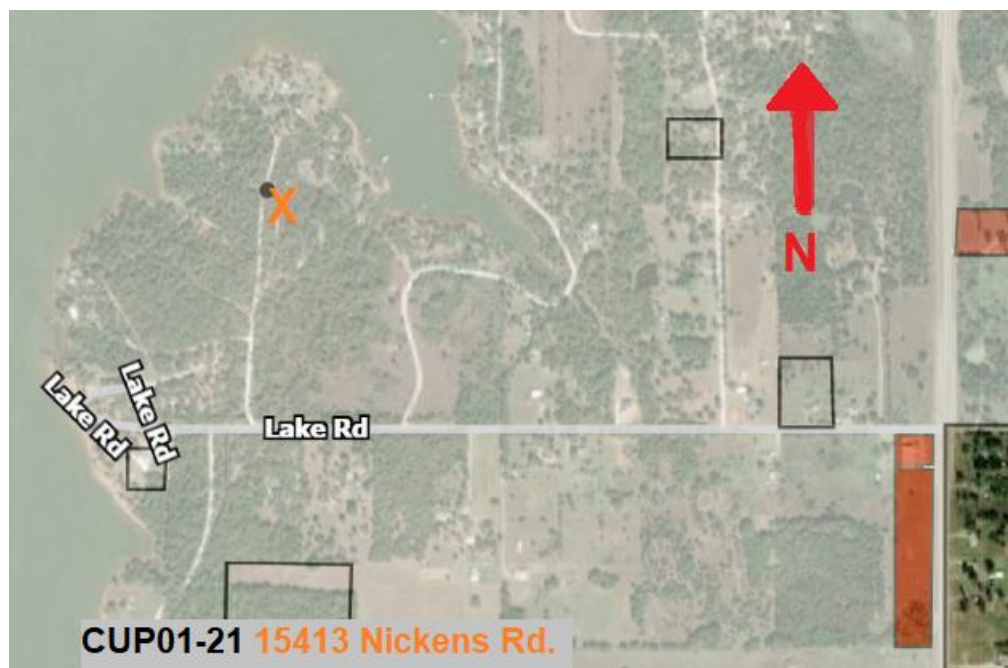
Applicants are the **Grinnell and Rhodes families**.

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September 1, 2021	at 1:30 p.m.	City of Shawnee Planning Commission meeting
September 20, 2021	at 6:00 p.m.	City of Shawnee City Commission meeting

Attendance at the public hearing is not mandatory but all interested parties are encouraged to attend. Questions about the application may be directed to the City of Shawnee Planning Department at 405-878-1616. A copy of the application is available for public inspection during normal working hours in the Planning Office/Annex Building located at 222 N. Broadway

Presented for post and publication on August 11, 2021, by Rachel Clyne, City Planner.



RECEIVED

AUG 25 2021

CITY CLERK

City of Shawnee Planning Commission,

We wish to protest the rezoning and conditional use permit request for a Bed and Breakfast/Airbnb located at 15413 Nickens Road on Shawnee Twin Lakes. We are the adjacent neighbors to the East of the Airbnb applicants. We purchased the home in 2017. Over the last four years we have enjoyed the lake with our family. We have also enjoyed getting to know our neighbors and creating friendships.

In the Summer of 2020, the Grinnell/Rhodes family, purchased the home next to ours and immediately began operating an Airbnb. We read the city lake lease agreement and the city Code of Ordinance and discovered that Airbnb's were not allowed. We had concerns with an Airbnb operating so close to our home. We expressed our concerns and explained Airbnb's were not allowed per the code with the owner and the acting operating property manager. Our home is approximately 33 feet from the Airbnb. Frequently Airbnb guests would unknowingly and knowingly use our property (see photos). We are also concerned with the safety of our children, grandchildren, and pets. Although hosts can deny requests to rent Airbnb's, there is no way to truly know who is renting the property, if this person is a law-abiding citizen, sex-offender or if the person renting the property will be present. It is difficult for our family to relax and enjoy our home knowing there are complete strangers just a few feet away.

In July 2020, we notified the city of Shawnee and they confirmed that Airbnb's were not permitted in the Lake Protection Zone and that code enforcement would be notified. Article V of the Shawnee Twin Lakes Lake Protection Zone Code of Ordinance is attached below. After our discussion with the City of Shawnee the Airbnb continued to operate and we continued to experience trespassing and lack of privacy. After several weeks we notified our ward city commissioner Bob Weaver. We asked Bob to seek clarification with the proper officials. The city manager at that time called us to state that he was aware of the problem and agreed it was not allowed under the Lake Protection Zone. He further stated that the Airbnb fell under "subletting" and he would take care of it and asked that we give him some time to handle it. After several more weeks the Airbnb continued having guests and we continued to experience problems. We were advised to install security cameras and document incidents.

Over the course of 2020 and 2021 the Airbnb continued to operate. We had multiple conversations and meetings with our city commissioner and the former city manager notifying them of issues we were experiencing. We also attended three City commission meetings and spoke on record explaining our concerns and the problems we were experiencing. We asked for clarification, guidance, and action, but we received none.

On June 18, 2021 there was a large event at the Airbnb. The Sparks (adjacent neighbors to the west of the Airbnb) front yard was used as parking by some of the Airbnb guests. The homeowner, Reta Sparks, was in her front yard and asked the guests not to park in her yard because it was not part of the rental property. The guests did not respond kindly, and multiple seemingly intoxicated Airbnb guests aggressively verbally confronted Reta. Reta asked to speak to the person who rented the Airbnb but was notified that the renter was not present and

would not be back until the following day. He had rented the property for a “company party” for his employees to use, but was not physically present at that time. The owner of the Airbnb was notified. I phoned the city the following Monday and was referred to the planning director, Rebecca Blaine. I explained the situation we have been dealing with the past year and the altercation that happened over the weekend. She advised me she was not aware of the Airbnb operating at the lake and stated it was against city code and she would be sending a cease and desist letter to the owners. She notified me on June 22, 2021 the letter had been sent and shortly after the Airbnb listing was removed. We were contacted by one of the owners, who informed us he would not be operating the Airbnb any longer and that he would not be pursuing a permit in the future.

Recently, we were made aware of the notice posted in front of 15413 Nickens Road. We would like to point out that although Bed and Breakfasts are allowed at the lake with a conditional use permit, the proposed application for the Airbnb/Bed and Breakfast is misleading. Airbnb is not a Bed and Breakfast. A bed and breakfast in the code is defined as a dwelling occupied by the owner (see Sec. 22-206. Definitions attached below). The Airbnb is not owner occupied as they leave the premise and rent the entire home to guests without being present. All lake leaseholders are required to sign a lease agreement with the city of Shawnee. The conditions of the lease are taken from Sec. 16-322 Assignment of lease; sale of improvements (see attached). The first sentence of this code states No lease entered into under this division shall be assigned or sublet. Although there is not legal definition for Airbnb, VRBO or any other vacation rental because they are trademarked company names, they provide opportunity for property rentals. Therefore, this definition should fall under the category of “assigned or sublet”. Further, Sec. 22-121.-Prohibited uses expressly states that unless the use is specifically listed as permitted, it is not allowed. Airbnb’s, VRBO’s or other vacation rentals are not specifically listed in Sec. 22-120 – Permitted uses that Sec 22-121 refers to. Sec 22-120.-Permitted Uses also expressly states that an application for conditional permit within the LPZ (Lake Protection Zone) shall provide public notice and notice shall be mailed to ALL lease holders within 300 feet of the exterior boundaries of the subject lease. To our knowledge this was not done. Although vacation rentals are operating in other parts of the city, please refer to the LPZ. In article V. sec 22-118 of the LPZ it states that “where two or more provision conflict, the more stringent interpretation shall prevail”.

We are asking that the conditional use permit be denied based on the applicable city codes (attached below), Lake Protection Zone and for the numerous nuisances we have experienced and documented over the past year when the Airbnb knowingly operated against city code and disregarded our personal property, privacy and safety.

Thank you,
Robert and Traci Murphy

The applicant states in advertised Airbnb listing that no events and no pets are allowed. Applicant's personal letter submitted with application also states no large gatherings. The rules were also in place when the Airbnb was previously operating. Below is a brief summary of problems we have experienced with this Airbnb. We have also attached a small portion of the photos we have documenting trespassing issues.

- Approximately 25 documented times Airbnb guests have crossed onto our property. Sometimes multiple times throughout the day.
- Approximately 3 documented times Airbnb guests with leashed dogs have used our yard to potty.
- Approximately 7 documented times that Airbnb guests' dogs have come on our property unattended and Airbnb guests came over to retrieve them.
- Approximately 2 times Airbnb guests drove into our entrance thinking it was the Airbnb entrance.
- 2 Large events held on Airbnb property

ATTACHMENTS

- FIGURE 1: Aerial view of involved sites
- FIGURE 2: Aerial view of estimated property lines
- FIGURE 3: View of Airbnb & Murphy back yard showing approx. boundaries
- FIGURE 4: View of Murphy & Airbnb front yard
- FIGURE 5: Side view of Murphy & Airbnb yard
- FIGURE 6: Airbnb guests in Murphy yard with their dogs
- FIGURE 7: Airbnb guests in Murphy yard with their dogs
- FIGURE 8: Airbnb guests in Murphy yard crossing to Airbnb front yard
- FIGURE 9: Airbnb guests digging in Murphy yard/flower bed
- FIGURE 10: Airbnb guest in Murphy yard crossing from Airbnb front yard
- FIGURE 11-12: Airbnb large wedding event
- Exhibit 1: City of Shawnee Code of Ordinance Sec. 22-117 and 22-118
- Exhibit 2: City of Shawnee Code of Ordinance Sec. 22-120 Permitted Uses and Sec. 22-121 Prohibited uses
- Exhibit 3: City of Shawnee Code of Ordinance Sec. 22-206 Definitions. Bed & Breakfast defined
- Exhibit 4: City of Shawnee Code of Ordinance Sec. 16-322 Assignment of lease; sale of improvements.

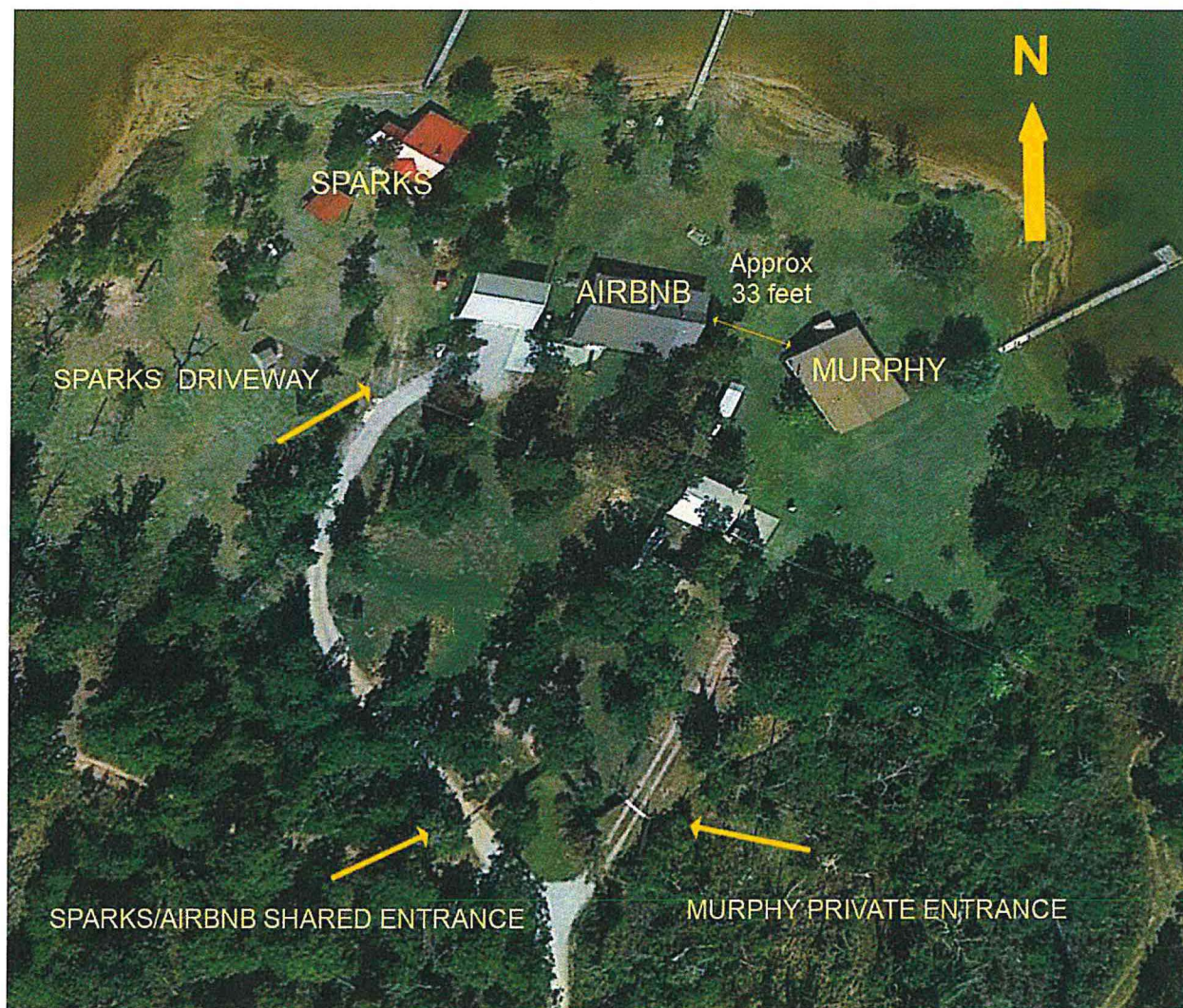


FIGURE 1



FIGURE 2



FIGURE 3

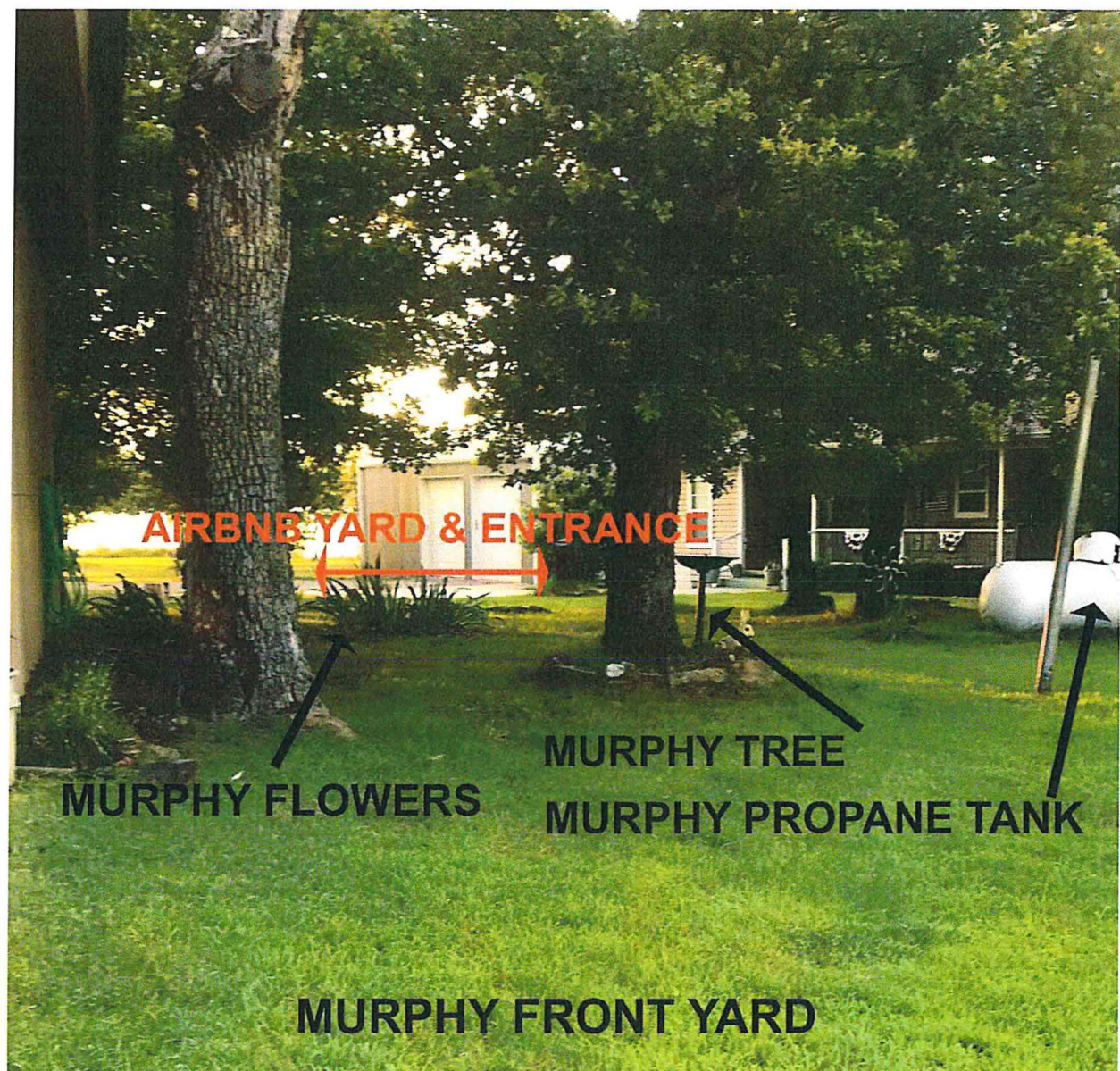


FIGURE 4



FIGURE 5



FIGURE 6

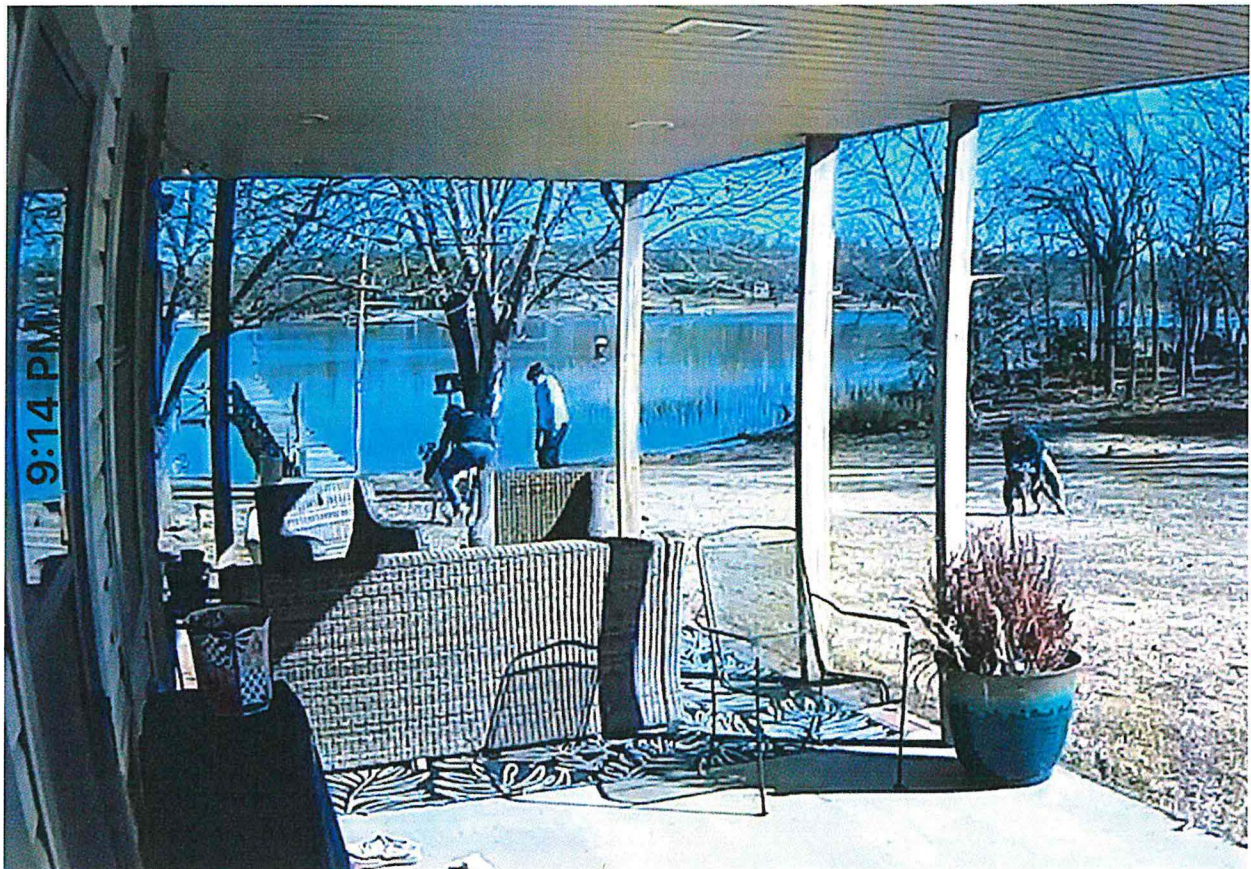


FIGURE 7



FIGURE 8



FIGURE 9



FIGURE 10



FIGURE 11

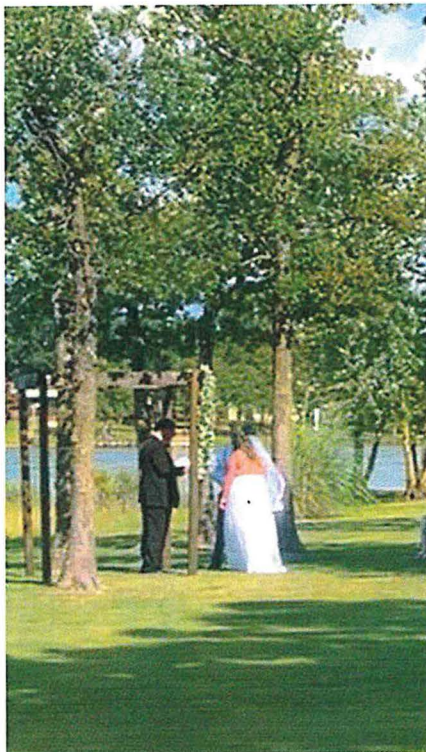


FIGURE 12

ARTICLE V. - SHAWNEE TWIN LAKES LAKE PROTECTION ZONE (LPZ)

Sec. 22-117. - Lake protection zone; purpose.

The purpose of the lake protection zone (LPZ) is to protect public health, safety and welfare and to ensure orderly development along and near Shawnee Lake Number 1. It is an overlay zone that is applied as specified below. An overlay zone is a set of zoning standards and regulations that are applied in addition to the existing standards of the base zone. A special zoning district is necessary to ensure adequate environmental protection for the Shawnee Lake Number 1, which serves as a municipal water source for the city.

(Code 2002, § 22-101; Ord. No. 2442NS, § 1, 9-7-2010)

Sec. 22-118. - Application.

The LPZ overlay zone applies to all lake lot leases administered by the city and the state commissioners of the land office (CLO) on Shawnee Lake Number 1. These requirements shall supplement existing zoning and code provisions and where two or more provisions conflict, the more stringent interpretation shall prevail as determined by the community development director. These regulations shall not be extended to city and state lease areas that are not along the shoreline of Shawnee Twin Lakes No. 1, as determined by the city. These regulations do not apply to private property.

Sec. 22-120. - Permitted uses.

Permitted uses are as specified below and shall not be superseded by the uses listed in the underlying district:

- (1) Single-family detached residences.
- (2) Manufactured and mobile homes, provided that any mobile or manufactured home placed on the lake after December 31, 2010, shall be multi-sectioned construction. No single-wide mobile or manufactured homes shall be allowed, with the exception of an approved guest cottage. A new single-wide manufactured or mobile home shall be allowed as a replacement to an existing single-wide unit which existed prior to the original adoption of this article.
- (3) Boat docks and other similar uses as per [section 16-225](#).
- (4) Accessory uses customarily incidental and secondary to the uses permitted by right.
- (5) Other uses specifically authorized by the city via an approved lease, provided that such use shall conform to the underlying zoning district.
- (6) Home occupation.
- (7) Community buildings, buildings associated with clubs/civic organizations and associations and similar uses as determined by the director and as acknowledged by the city commission.
- (8) Guest cottages may be approved as an accessory use to an existing single-family residence with an approved conditional use permit ¹, provided that a guest cottage shall not exceed 600 square feet, shall not be sublet, and shall share a common driveway with the main residence.
- (9) Bed and breakfast, subject to the granting of a conditional use permit ¹.
- (10) Overnight camping for personal use (not a commercial campground), provided that it is done in a contained unit (e.g., motorhome, fifth-wheel, travel trailer, etc.) and the use is temporary and the unit does not remain on the site between use. Temporary use is considered a use which does not exceed 60 days in a calendar year and does not include any single stay greater than 14 days.

Note: ¹ An application for a conditional use permit within the LPZ shall provide public notice in accordance with the applicable section of the Shawnee Zoning Code, provided that the notice requirements are amended as follows: Notice shall be mailed to all holders of leased property within 300 feet of the exterior boundaries of the subject lease. Additional mailed notice is not required.

(Code 2002, § 22-104; Ord. No. 2442NS, § 1, 9-7-2010)

Sec. 22-121. - Prohibited uses.

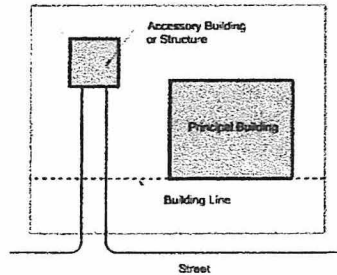
The following uses are expressly prohibited: All uses not specifically listed as permitted in [section 22-120](#).

(Code 2002, § 22-105; Ord. No. 2442NS, § 1, 9-7-2010)

Sec. 22-206. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building or structure means a subordinate structure detached from but located on the same lot as a principle building. The use of an accessory structure must be similar and accessory to the use of the principal building. Accessory structures include garages.



Accessory dwelling unit means a second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility with provisions within the accessory apartment for cooking, eating, sanitation, and sleeping. Such a dwelling is an accessory use to the main dwelling.

Accessory use means a use that is incidental and subordinate to that of the main building or use of land and that is located on the same lot and under the same ownership in all respects.

Administrative and professional office means uses that have very minimal impact to surrounding properties or the general public, which usually have low traffic volume and common business hours (if open to the public), such as 8:00 a.m. until 6:00 p.m. Examples include, but are not limited to, banks, general business offices, accounting and tax preparation, law offices, etc. The office may or may not be open to the general public.

Adult companion home means any home or establishment, funded and certified by the department of human services, which provides homelike residential accommodations and supportive assistance to three or fewer developmentally disabled adults.

Adult novelty store means a commercial establishment that displays, sells, or offers for sale instruments, devices, or paraphernalia designed or marketed primarily for use to stimulate human genital organs or for use in connection with sadomasochistic practices.

Agricultural animals means animals which are considered accessory to an agricultural use, whether for personal enjoyment or commercial purposes, including horses, mules, burros, sheep, cattle, rabbits, chickens, duck, geese, pigs, goats, ostrich or emus.

Agriculture means the use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing produce; providing, however, that the operation, of any such accessory uses shall be secondary to that of the principal use. The operation of commercial feed pens, sales yards and auction yards for horses, cattle or hogs is deemed an industrial and not an agricultural use.

Alcohol mixed beverage establishment means a business which sells alcohol beverages by the individual drink for on-premises consumption whose alcohol sales make up more than 50 percent of sales. Typical uses might be a bar or nightclub.

Alley means a minor right-of-way dedicated to the public use not more than 30 feet wide affording a secondary means of access to abutting property and not intended for general traffic circulation.

Animals, grooming and sales, means grooming of dogs, cats and other small animals. Typical uses include dog bathing and clipping salons, pet grooming shops or pet shops. No medical, training, or boarding services are permitted.

Auctioning means auctioning of livestock on a wholesale or retail basis with incidental on-site storage of animals on a temporary basis not to exceed 48-hour periods. Typical uses include animal auctions, livestock auctions or livestock auction yards.

Assisted living facility means a special combination of housing, supportive services, personalized assistance and health care designed to respond to individual needs of those who need help with activities of daily living. Interpreted definition shall be consistent with Oklahoma Continuum of Care and Assisted Living Act.

Automobile car wash means a building or structure designed primarily for washing automobiles using production line methods with a chain conveyor, blowers, steam cleaners, high pressure spray, or other mechanical devices. A self-service system may also be available for manual washing of vehicles.

Automobile wrecking or salvage yard means an area outside of a building where motor vehicles are disassembled, dismantled, junked or wrecked, or where motor vehicles not in operable condition or used parts of motor vehicles are stored.

Basement means a story partly or wholly underground. For purposes of height measurements, a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes other than by a janitor employed on the premises.

Bed and breakfast means 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 guest rooms per building; and the owner thereof intends that the same guest occupy the bed and breakfast facility for less than 30 days.

Billboard (including poster and panel types) means a nonaccessory sign or sign structure upon which advertising may be posted, painted or affixed, and which is primarily designed for the rental or lease of the sign space for advertising not related to the use of the property upon which the sign is located.

Block means, in describing the boundaries of a district, the term "block" refers to the legal description. In all other cases, the term "block" refers to the property abutting on one side of the street between two intersecting streets or between an intersection street and a railroad right-of-way or between an intersecting street and a railroad right-of-way or between an intersecting street and a watercourse.

Board of adjustment means the board of adjustment of the city.

Boardinghouse and roominghouse means a facility where meals or lodging are provided for persons other than the family or their relatives and excluding facilities for transient persons such as hotels, motels, inns and other such facilities.

Building means any structure having a roof supported by columns or walls that is used or intended to be used for the shelter or enclosure of persons, animals or property.

Building coverage (lot coverage) means the percentage of the lot area covered by the building. Overhanging roofs are not included in the area.

Building height means the vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or the deckline of a mansard roof or the average height of the highest gable of a pitch or hip roof.

Building line

Sec. 16-322. - Assignment of lease; sale of improvements.

- (a) No lease entered into under this division shall be assigned or sublet, but the lessee may at any time during the term of his lease sell and transfer to other persons the improvements on the lot leased by him.
- (b) If improvements are sold by the lessee, the transfer shall not become effective until approved by the city commission at a regular or adjourned meeting held for that purpose. The city as lessor reserves the right to reject and disapprove any transfer when, in its opinion, it would be to the best interests of the city and its inhabitants to do so. If the transfer is approved, a new full-term lease shall be entered into between the purchaser and the city, and a transfer charge in an amount as described in the city fee schedule shall be paid to the city prior to such transfer. No transfer fee shall be charged in cases where the transfer is made as a result of a trust or will or in cases where a lease has joint owners and one owner obtains full ownership rights.

(Code 2002, § 16-322; Ord. No. 2441NS, § 3, 9-7-2010)

RECEIVED

AUG 26 2021

City of Shawnee Planning Commission

Subject: Application for conditional use permit located at 15413 Nickens RD
Applicants Zac and Jen Grinnell/Greg and Sheri Rhodes

CITY CLERK

As the homeowners, Kenny and Reta Sparks, at 15411 Nickens RD, adjacent neighbors to the west of the above referenced applicants, it is our desire to protest the rezoning and conditional use permit request for Airbnb/Bed and Breakfast.

We will try to explain how we came from enjoying our little retirement retreat to where we are today. We ask that you take into consideration that not all lake lots are suitable for short term rentals/Airbnb operation. We feel ours is not. Size, proximity to neighbors, shared drives, and lack of identified boundaries has created a concern for the safety of our little ones, grandchildren and family members. Being forced to accept uncompliant guest, especially when alcohol is involved does not create an enjoyable or safe environment.

Shortly after the applicants purchased their home, May or June 2020, the manager notified us that guests, booked thru the Airbnb, would be arriving in coming days. Not being familiar with the term Airbnb or its operation this prompted further research. Having recently purchased our home in April 2020, with concerns of how the Airbnb operation could affect us, we referenced the City Cabin Site Lease remembering the condition **no lease shall be assigned or sublet, but lessee may at any time during the term of his/her lease, sell and transfer to other parties the improvements on the lot leased by him/her.** At this time, we reached out to Ward 2 City Commissioner Bob Weaver seeking clarification of this condition in the lease agreement and voicing concerns. As a result, we were then notified by the City Manager acknowledging our concerns stating that he would look into the matter then get back to us.

As occasional situations occurred, as a result of the Airbnb operation, with no response from the City Manager, we decided to address the City Commissioners. We attended the September 8, 2020 City Commission meeting again voicing our concerns and seeking clarification of the City Cabin Site lease conditions.

The Airbnb continued to operate throughout 2020 and into 2021, renting to individuals, families, and groups for events such as weddings and staff parties. **SEE ATTACHED PHOTOS #1-3** As the groups became larger it presented more problems. Our lots share a common drive leading to separate entries. **SEE ATTACHED PHOTOS #4-6.** When there are small or large groups the guest will sometimes use our entry and yard for parking. Although the applicants state in their letter accompanying the application, rules established for their home were no large gatherings, maximum guest of 6-8 people and a manual including photos showing where the property boundaries are asking that guest stay within in the boundaries. Not all guest follows the rules regarding boundaries nor do the applicants always follow the rules they have established for their home regarding no large gatherings. **SEE ATTACHED PHOTOS #1-3**

On June 17, 2021 we received a text from the manager to inform us that there would be a staff party the following day at their home stating the guest had been advised not to block our drive. On June 18, 2021 entering the drive there were vehicles parked from the gate entrance, along the drive on the applicant's property, filling their parking area and using our yard for parking, as well. **SEE ATTACHED PHOTOS #2-3**

As one of the owners of the adjacent property, Reta spoke with a young lady explaining that our property was not part of the venue and ask that they not park in our yard. The young lady acknowledged that they had been told not to block our drive, apologized and said she would pass the information to the remaining guest. Later when leaving, one of three guests-initiated conversation regarding our request that led to a very disturbing and upsetting altercation. After contacting the manager, with no resolution, we reached out to the other owners asking to meet as a group seeking a resolution to the problems we were encountering. That was rejected.

Again, on June 21, 2021 we attended another City Commission meeting (3) asking for clarification and guidance. As a result, we learned that a cease-and-desist letter was mailed on June 22, 2021.

After much research, advice from others and referencing the lake lease agreement/Cabin Site Lease and City Code Ordinance we learned that the Airbnb is a trademarked name of the company that is a marketplace for rental properties. We did not find anywhere in the code where the Airbnb is mentioned. In the code Bed and Breakfast are allowed with a Conditional Use Permit approval. Airbnb and Bed and Breakfast are not the same. Current applicants leave the premises during the guest stay. From approximately July 2020 through June 2021 the applicants operated without the required permit.

REFEERENCES:

Sec. 22-206 Definitions: Bed and Breakfast means a dwelling or area containing one or more structures, **occupied by the owners**, where for compensation, lodging and breakfast are provided for up to a maximum of six guest rooms per building; and the owner thereof intends that the same guest occupy the bed and breakfast facility for less than 30 days

CABIN SITE LEASE: No lease shall be assigned or sublet, but the lessee may at any time during the term of his/her lease, sell and transfer to other parties the improvements on the lot leased by him/her.

As the lessee, all lake leaseholders are required to sign a lease agreement.

SHAWNEE CODE OF ORDINANCES: CHAPTER 16-LAKES; Article II.-Twin Lakes, Division 8. Lot Rentals, Sec. 16-322-Assignment of lease; sale of improvements.

- (a) No lease entered into under this division shall be assigned or sublet, but the lessee may at any time during the term of his lease sell and transfer to other persons the improvements on the lot leased by him.

Article V. – Shawnee Twin Lake Protection Zone (LPZ) Code of Ordinance

Section 22-117 – Lake protection zone; purpose.

Section 22-118 – Application

Article V. – Shawnee Twin Lake Protection Zone (LPZ)

Sec. 22-120 Permitted uses

(8) Guest cottages may be approved as an accessory use to an existing single-family residence with an approved conditional use permit, that a guest cottage shall not exceed 600 square feet, shall not be sublet, and shall share a common driveway with the main residence.

(9) Bed and breakfast, subject to the granting of a conditional use permit

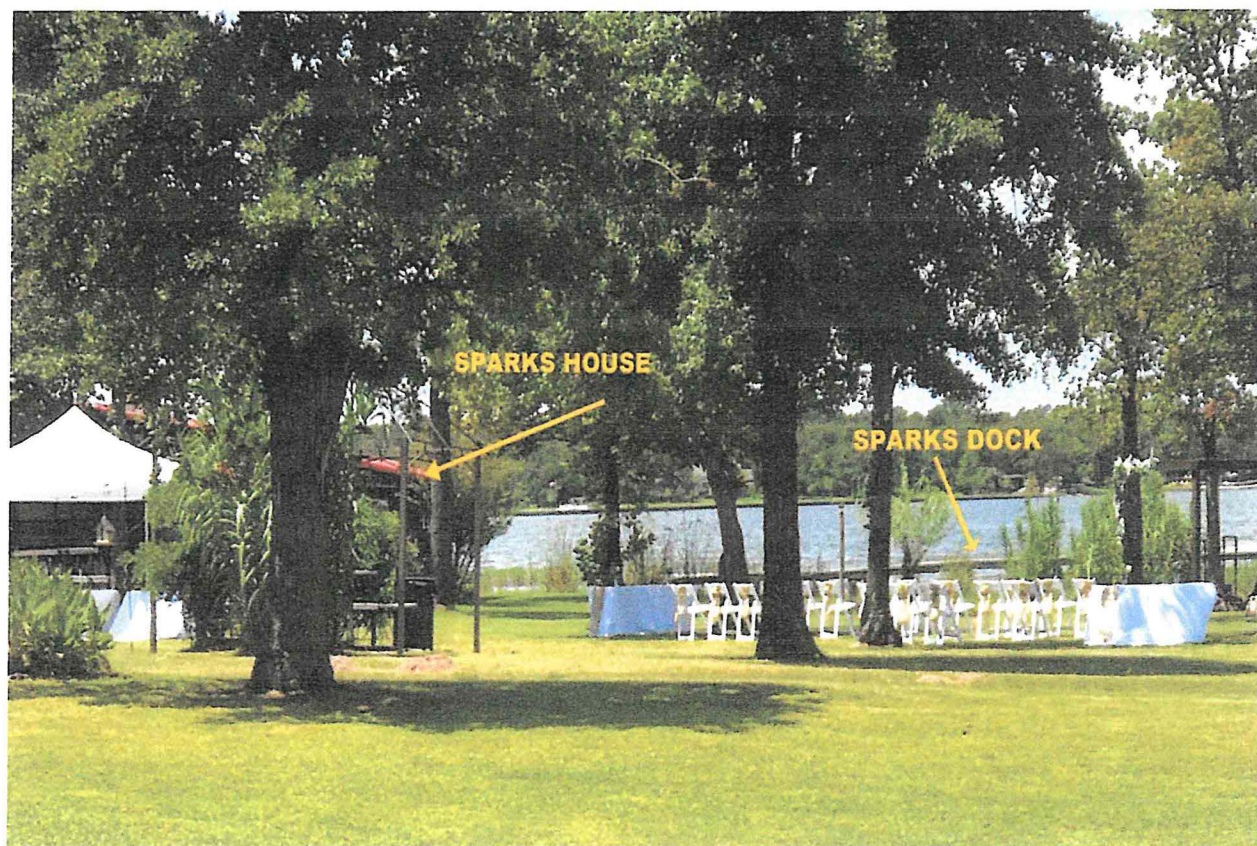
Sec. 22-121 Prohibited uses.

The following uses are expressly prohibited: All uses not specifically listed as permitted in Section 22-120

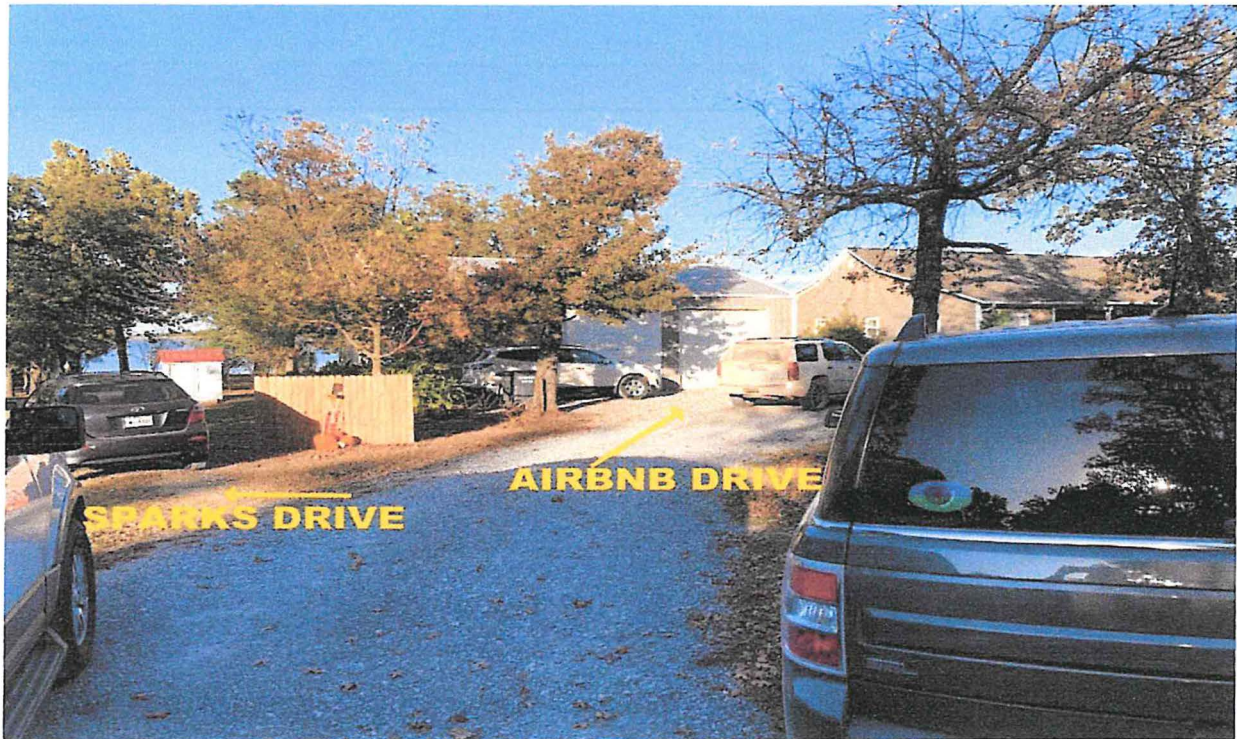
In closing: There is currently no ordinance that specifically allows Airbnb/short term rentals. The overlay zone for The Twin Lakes allows Bed and Breakfast only, which are not the same. For this reason and the other documented reasons, we ask the application for conditional use permit and rezoning be denied.

Thank you for your consideration, Kenny and Reta Sparks

#1



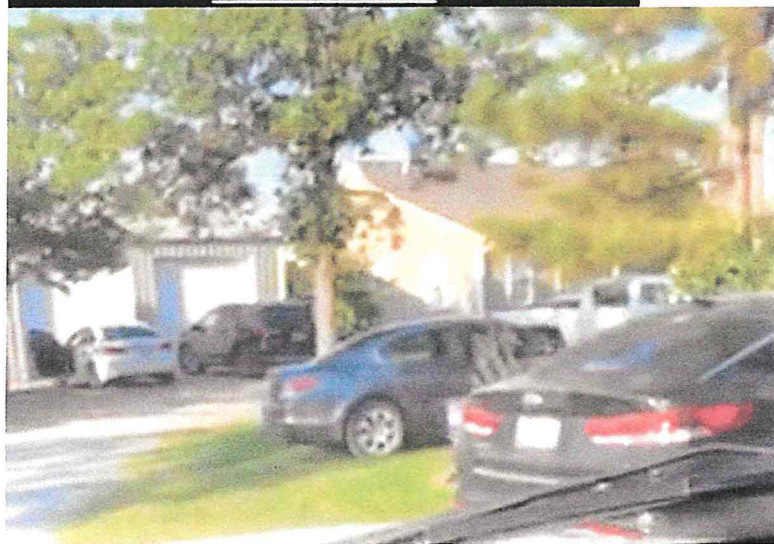
Airbnb applicant stated in personal letter submitted with Rezoning application some rules they established for the home were no large gatherings. Above picture shows preparation for a wedding. There were approximately 20 guests not including bride/groom with an additional approximately 8 wedding staff including caterers, photographer, videographer, etc.



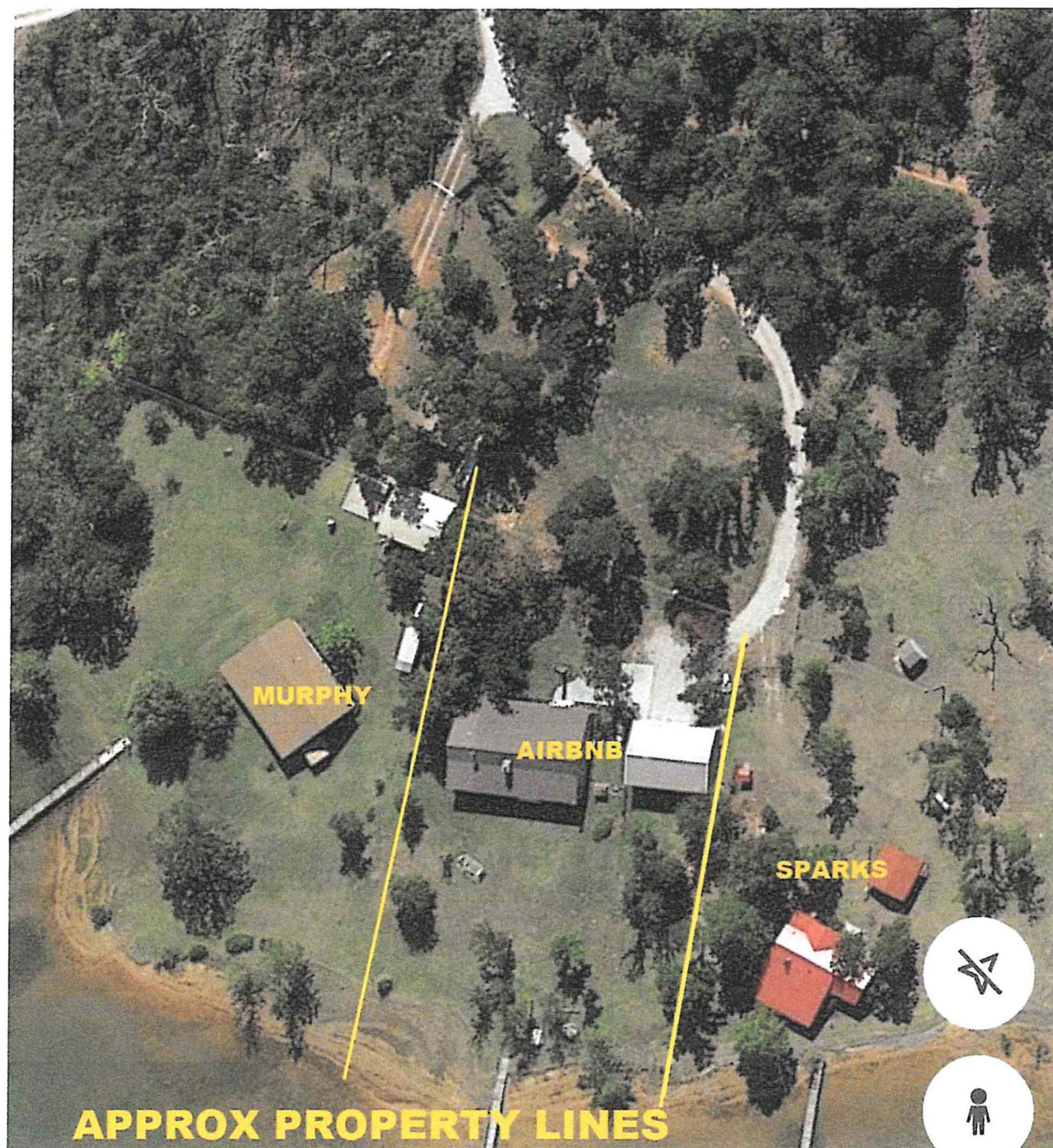
Picture 1 shows shared drive and Sparks drive being blocked by Airbnb guests



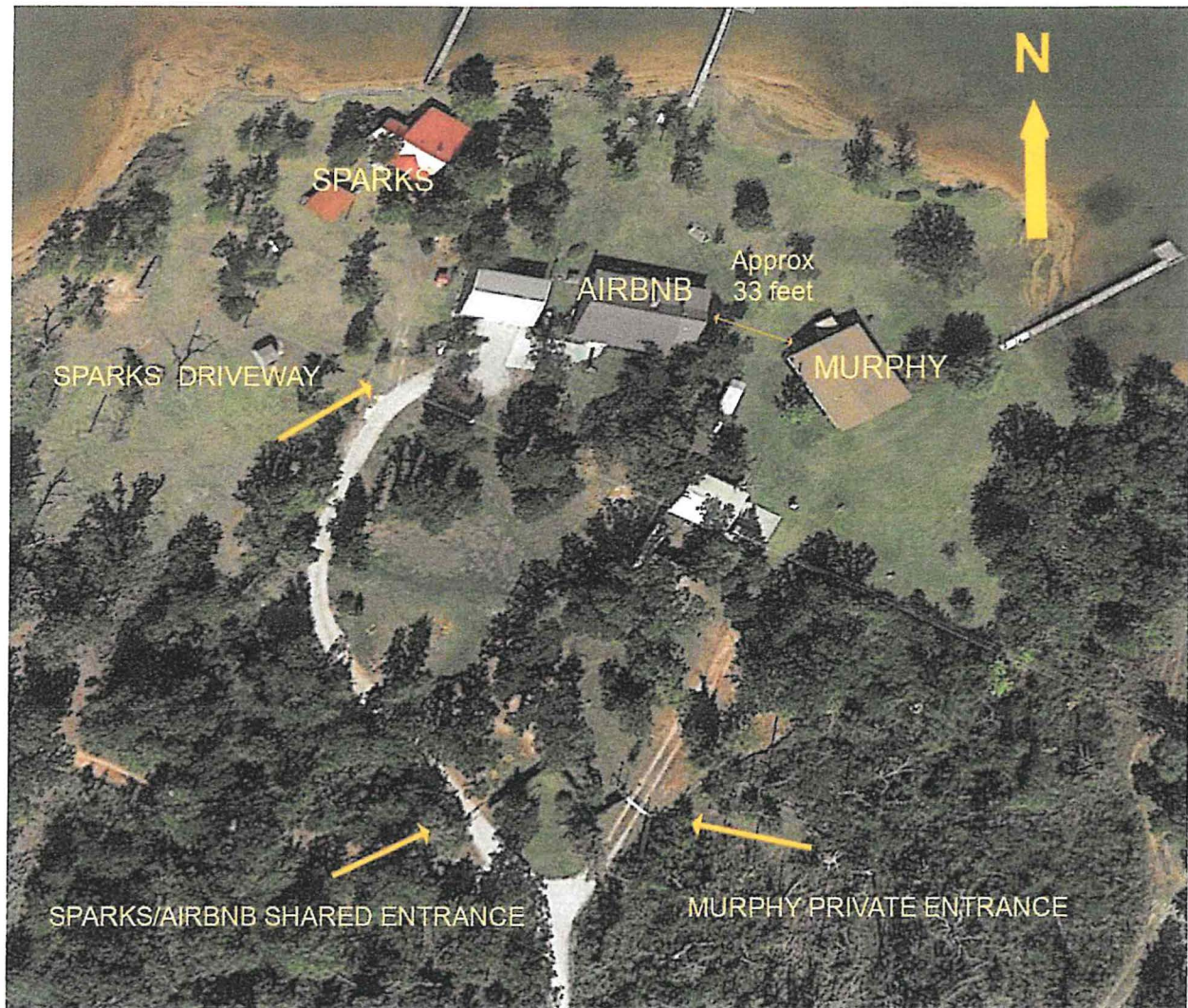
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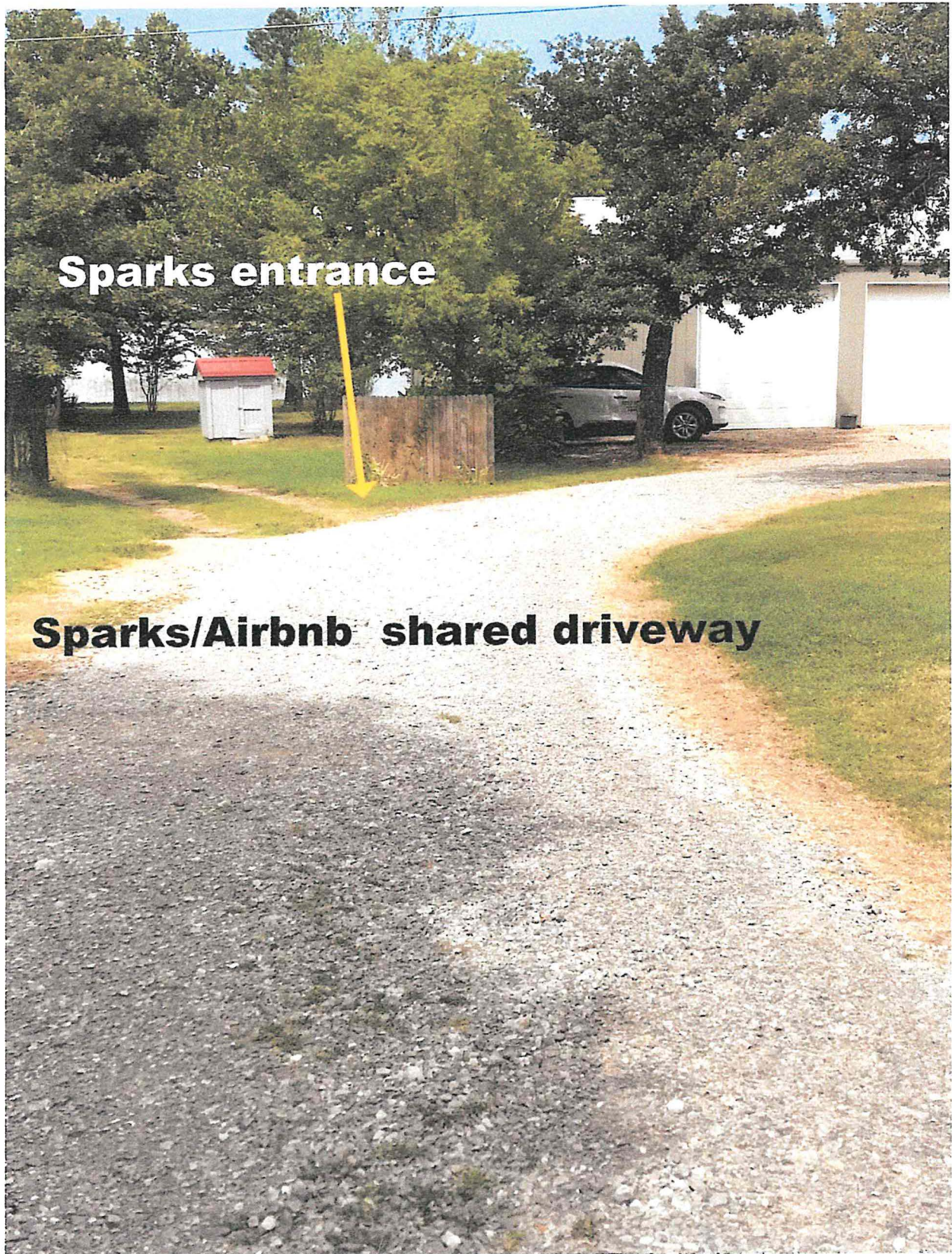


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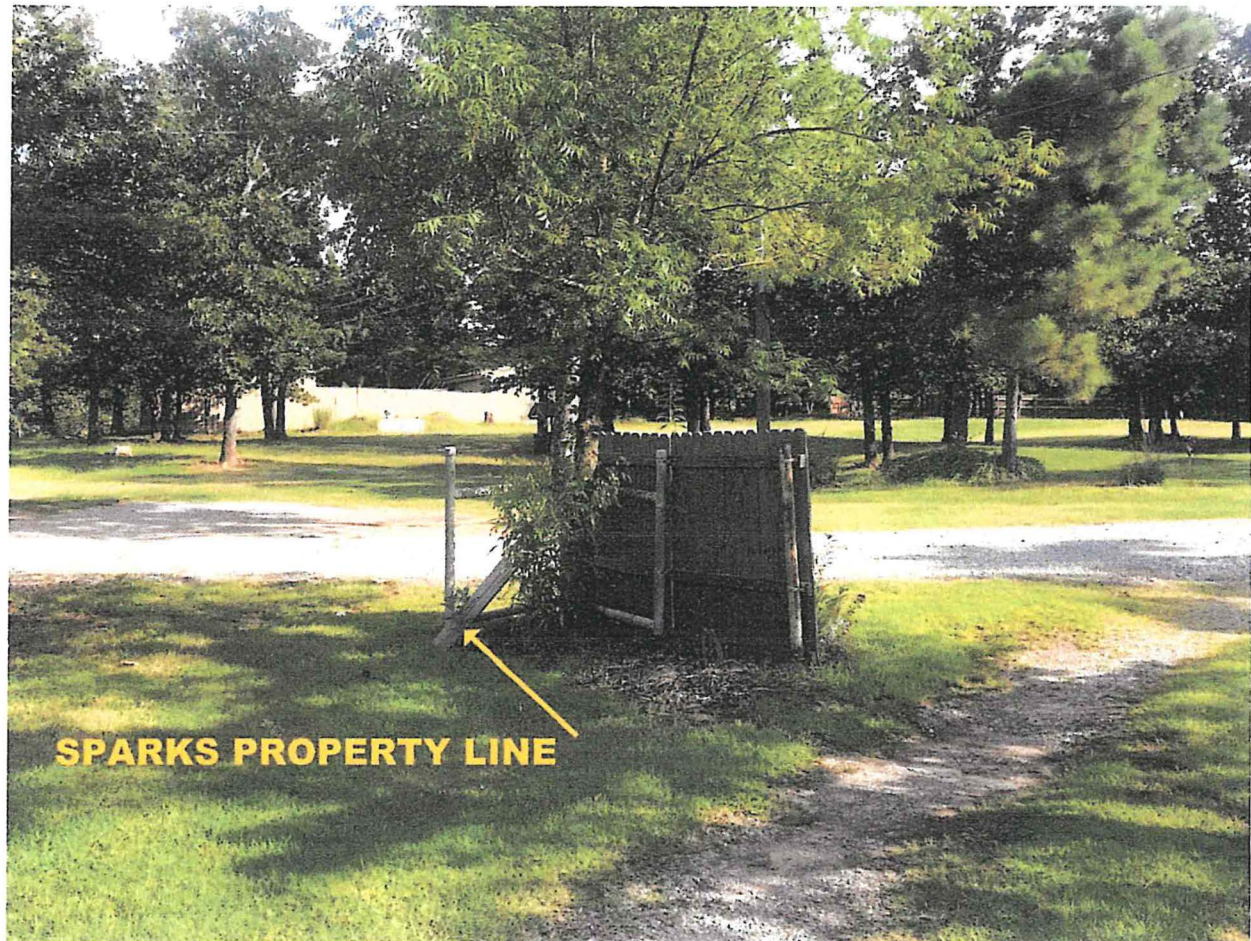
#5





Sparks entrance

Sparks/Airbnb shared driveway





Planning Commission Meeting – 09.01.2021 – City of Shawnee, Oklahoma

Staff Report – PL05-21 – Final Plat – Trails End Phase I

To: Shawnee Planning Commission

From: Rachel Clyne, City Planner

Date: August 20, 2021

Subject: PL05-21 – Request for a Final Plat for the Trails End Phase I subdivision located on the east side of N. Kickapoo Avenue and north of County Road 112.

It is requested that the following information be given formal consideration by the Planning Commission at its special meeting of September 1, 2021.

Background

On January 6, 2021, the Shawnee Planning Commission voted unanimously to recommend conditional approval of the Preliminary Plat for Trails End subdivision to the City Commission. On January 19, 2021, The Shawnee City Commission voted for conditional of the preliminary plat.

A significant portion of the ±80-acre parcel was its proximity to and with the 100-year floodplain. The two conditions were:

1. Approval from FEMA for a LOMR-F (Letter of Map Revision - with Fill) for east detention pond and 19 lots that are in the 100-year floodplain must be presented with Final Plat submittal.
2. If FEMA does not approve, revisions to the plat - detention pond and lots will need to be located outside the 100-year floodplain (Section 14-97 .1 states any residential structure shall have the lowest floor (including basement) elevated to one or more feet above the base flood elevation).

Discussion

The applicant did apply for a CLOMR-F (Conditional Letter of Map Removal based on Fill) with FEMA. Approval was granted to the majority of the lots. To accommodate the floodplain issues, the applicant submitted a revision of the plat, Trails End Phase I. This project is now m/l 46.20-acres with 74 lots. The Phase I is approximately the north half of the original submission.

Staff reviewed the resubmitted Phase I and requested changes, which the applicant's engineer quickly revised. The common area(s) and stormwater detention have been designed to address the floodplain concerns. City Engineer, Seth Barkhimer, has reviewed the Trails End Phase I and finds it sufficient.

Recommendation

Staff recommends that the Planning Commission recommend to the City Commission **APPROVAL** of **PL05-21**, for Final Plat of Trails End Phase I subdivision as presented.

The application will be heard at the regular City Commission meeting on Monday, September 20, 2021 at 6:00 p.m. in the Commission Chambers of City Hall.



FINAL PLAT 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: _____
Project Number : _____
Date Filed: _____
Amount Paid : _____
Receipt No.: _____

Please provide a submittal letter, 6-24 X 36 maps, 1-8 1/2 x 14 map, 1 electronic map and filing fees upon submitting this application. Please call (405) 878-1616 with any questions.

APPLICANT Live Orange, LLC. (Greg Brown)
APPLICANT ADDRESS 2510 E. Independence #400
APPLICANT PHONE NUMBERS (405) 273-1671 (office) (405) 640-5526 (cell)
EMAIL ADDRESS gbrown@gbrownhomes.com
NAME OF PLAT Trails End Section 1
LOCATION N. Kickapoo Street, North of County Road 112
NUMBER OF ACRES 46.20± NUMBER OF LOTS 79

FOR 2 ACRE LOTS OR GREATER DEVELOPMENTS: FEE: \$225.00
PLUS **\$3.00** PER LOT UP TO FIFTY (50) LOTS - NUMBER OF LOTS _____
PLUS **\$1.00** PER LOT OVER FIFTY (50) LOTS - NUMBER OF LOTS _____
TOTAL COST _____

FOR LESS THAN 2 ACRE LOTS: FEE: \$225.00
PLUS **\$2.00** PER LOT UP TO FIFTY (50) LOTS - NUMBER OF LOTS 79 \$100.00
PLUS **\$1.00** PER LOT OVER FIFTY (50) LOTS - NUMBER OF LOTS 29 \$ 29.00
TOTAL COST \$354.00

OWNER/DEVELOPER INFORMATION:

NAME Same as Applicant
ADDRESS _____
CONTACT NUMBERS _____
EMAIL ADDRESS _____

PROJECT ENGINEER INFORMATION:

NAME Crafton Tull (Joel Harrison, PE)
ADDRESS 300 Pointe Parkway Blvd., Yukon, OK 73099
CONTACT NUMBERS (405) 787-6270
EMAIL ADDRESS Joel.Harrison@craftontull.com June.Young@craftontull.com

**APPLICATION, SITE PLAN, CONSTRUCTION DOCUMENTS, PAYMENT, ETC... MUST BE RECEIVED 30 DAYS
PRIOR TO MEETING**

OWNER'S CERTIFICATE AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS:
That LIVE ORANGE, LLC, does hereby certify that they are the owners of and the only persons, firms or corporation having any rights, title, or interest in and to the land shown on the annexed plat and that they have caused the same to be surveyed and platted, and that they hereby dedicate all the streets and easements shown hereon to the public, for the purposes of streets, utilities, and drainage, for their heirs, executors, administrators, successors, and assign forever, and have caused the same to be released from all encumbrances so that the title is clear, except as shown in the abstractor's certificate.

IN WITNESS WHEREOF, the undersigned have caused this instrument to be executed this _____ day of _____, _____ Covenants, reservations, and restrictions for this addition are contained in a separate instrument.

LIVE ORANGE, LLC

Greg Brown, Manager

STATE OF OKLAHOMA)
)
)
COUNTY OF POTTOWAMIE)

Before me, the undersigned Notary Public, in and for said County and State on this _____ day of _____, _____ personally appeared _____, to me known to be the identical person who executed the within and foregoing instrument, as a free and voluntary act and deed, for the uses and purposes herein set forth.

MY COMMISSION EXPIRES:
09/22/2024

NOTARY PUBLIC, #16009122

LEGAL DESCRIPTION

A tract of land situate within a portion of the Southwest (SW/4) Quarter of Section Thirty (30), Township Eleven North (T11N), Range Four East (R4E) of the Indian Meridian (I.M.) in SHAWNEE, POTTOWATOMIE COUNTY, OKLAHOMA, being more particularly described as follows:

COMMENCING at the Southwest Corner of said SW/4; thence
N00°39'02"W along the West line of said SW/4 a distance of 1938.98 feet to the POINT OF BEGINNING;
thence continuing

N00°39'02"W a long said West line a distance of 699.94 feet; thence
N89°04'50"E a distance of 2638.42 feet; thence
S00°21'54"E a distance of 833.39 feet; thence
S89°38'06"W a distance of 1020.56 feet; thence
N62°31'54"W a distance of 170.00 feet; thence
N27°28'06"E a distance of 3.09 feet; thence
S89°05'59"W a distance of 891.74 feet; thence
N63°26'37"W a distance of 50.00 feet; thence
N26°33'23"E a distance of 40.52 feet; thence
N63°26'37"W a distance of 190.00 feet; thence
S26°33'23"E a distance of 122.28 feet; thence
S89°20'58"W a distance of 322.66 feet to the POINT OF BEGINNING.

Said tract contains 2,012,509 Sq Ft or 46.20 Acres, more or less.

LAND SURVEYOR'S CERTIFICATE

I, DENVER WINCHESTER, do hereby certify that I am a PROFESSIONAL LAND SURVEYOR, and that the annexed plat represents a survey made under my direction, and that the monuments noted hereon actually exist and their positions are correctly shown.

DENVER WINCHESTER, PLS 1952

STATE OF OKLAHOMA)
)
)
COUNTY OF OKLAHOMA)

Before me, the undersigned Notary Public, in and for said County and State on this _____ day of _____, _____ personally appeared DENVER WINCHESTER, to me known to be the identical person who executed the within and foregoing instrument, as a free and voluntary act and deed, for the uses and purposes herein set forth.

MY COMMISSION EXPIRES:
March 28, 2023

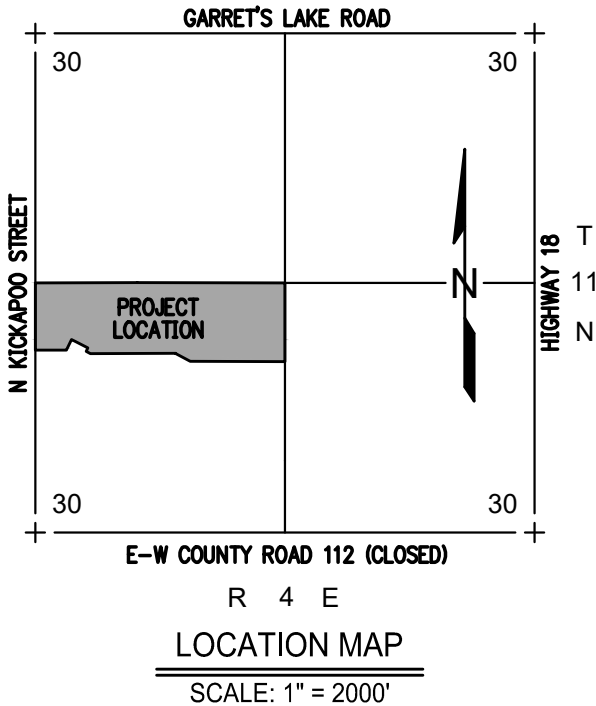
NOTARY PUBLIC, #03005138

CITY PLANNING COMMISSION APPROVAL

I, _____, Planning Commission Chairperson of the City of SHAWNEE, do certify that the SHAWNEE Planning Commission duly approved this plat on the _____ day of _____, _____.

PLANNING COMMISSION CHAIRPERSON

FINAL PLAT
OF
TRAILS END
PHASE 1
A PART OF THE SW/4 OF SECTION 30, T11N, R4E, I.M.
SHAWNEE, POTTOWATOMIE COUNTY, OKLAHOMA



ACCEPTANCE OF DEDICATION OF CITY COMMISSION

Be it resolved by the Commission of the CITY of SHAWNEE, OKLAHOMA, that the dedications shown on the annexed plat are hereby accepted, adopted by the Commission of the CITY of SHAWNEE, OKLAHOMA, this _____ day of _____, _____.

ATTEST:

CITY CLERK

MAYOR

Owner's Notary Seal

County Treasurer's Seal

Bonded Abstractor's Notary Seal

City CORPORATE Seal

City Clerk Seal

Land Surveyor's Seal

Surveyor's Notary Seal

BONDED ABSTRACTOR'S CERTIFICATE

The undersigned, a duly qualified and lawful bonded abstractor of titles, in and for the County of POTTOWATOMIE, State of OKLAHOMA, hereby certifies that the records of said county show that the title to the land on the annexed plat is vested in LIVE ORANGE, LLC, that on the _____ day of _____, _____ there are no actions pending or judgements of any nature in any court or on file with the clerk of any court in said county and state against said land, or the owners thereof, and that the taxes are paid for the year _____, and prior years, that there are no outstanding tax sales certificates against said land, and no tax deeds are issued to any one person, that there are no liens, mortgages or other encumbrances of any kind against the land included in the annexed plat, except mortgages, mineral rights, water rights, and easements of record previously reserved, excepted or granted.

IN WITNESS WHEREOF, said bonded abstractor has caused this instrument to be executed this _____ day of _____, _____.

FIRST AMERICAN TITLE INSURANCE COMPANY

AUTHORIZED SIGNER

STATE OF OKLAHOMA)
)
)
COUNTY OF)

Before me, the undersigned Notary Public, in and for said County and State on this _____ day of _____, _____ personally appeared _____, to me known to be the identical person who executed the within and foregoing instrument, as a free and voluntary act and deed, for the uses and purposes herein set forth.

MY COMMISSION EXPIRES:

NOTARY PUBLIC, # _____

COUNTY TREASURER'S CERTIFICATE

I, _____, do hereby certify that I am the duly elected, qualified and acting County Treasurer of POTTAWATOMIE COUNTY, STATE OF OKLAHOMA, that the tax records of said County show all taxes are paid for the year _____, and prior years on the land shown on the annexed plat, that the required statutory security has been deposited in the Office of the County Treasurer, guaranteeing payment of the current years taxes.

IN WITNESS WHEREOF, said County Treasurer has caused this instrument to be executed at the CITY of SHAWNEE, OKLAHOMA, this _____ day of _____, _____.

COUNTY TREASURER

CERTIFICATE OF CITY CLERK

I, _____, City Clerk of the CITY of SHAWNEE, STATE OF OKLAHOMA, hereby certify that I have examined the records of said City and find that all deferred payments or unmatured installments upon special assessment have been paid in full and that there is no special assessment procedure now pending against the land shown on the annexed plat on this _____ day of _____, _____.

CITY CLERK

ADDRESSES

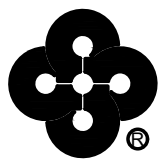
Any addresses shown on this plat were accurate at the time this plat was filed. Addresses are subject to change and should never be relied upon in place of legal description.

NOTES

- This plat of survey meets the Oklahoma Minimum Standards for the Practice of Land Surveying as adopted by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors and that said Final Plat complies with the requirements of Title 11, Section 41-108 of the Oklahoma State Statutes.
- Monuments shall be as follows:
Magnetic Nail with Washer stamped "CTA CA973" for all Paved Surfaces or
3/8" Iron Rod with a Plastic Cap stamped "CTA CA973"
- Maintenance of the Common Areas and Islands/Medians in Public Rights-of-Way shall be the responsibility of the Property Owners and/or Property Owners Association. No structures, storage of material, grading, fill, or other obstructions, either temporary or permanent shall be placed within the drainage related common areas and/or drainage areas shown. Certain amenities such as, but not limited to, walks, benches, piers, and docks, shall be permitted if installed in a manner to meet the requirements specified above.

FINAL PLAT
TRAILS END PHASE 1

300 Pointe Parkway Blvd.
Yukon, Oklahoma 73099



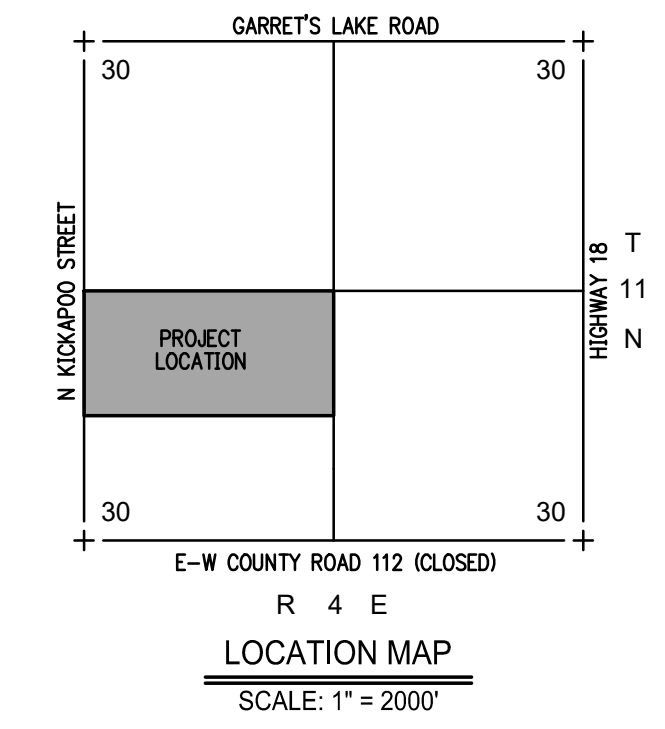
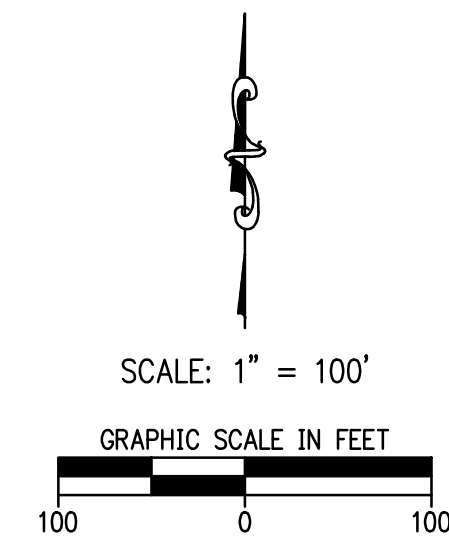
Crafton Tull
architecture | engineering | surveying
405.787.6270 | 405.787.6276 |
www.craftontull.com

SHEET NO.: 1 OF 2
DATE: 07/13/21
PROJECT NO.: 20615900

CERTIFICATE OF AUTHORIZATION
CA 973 (PE&S) EXPIRES 6/30/2022

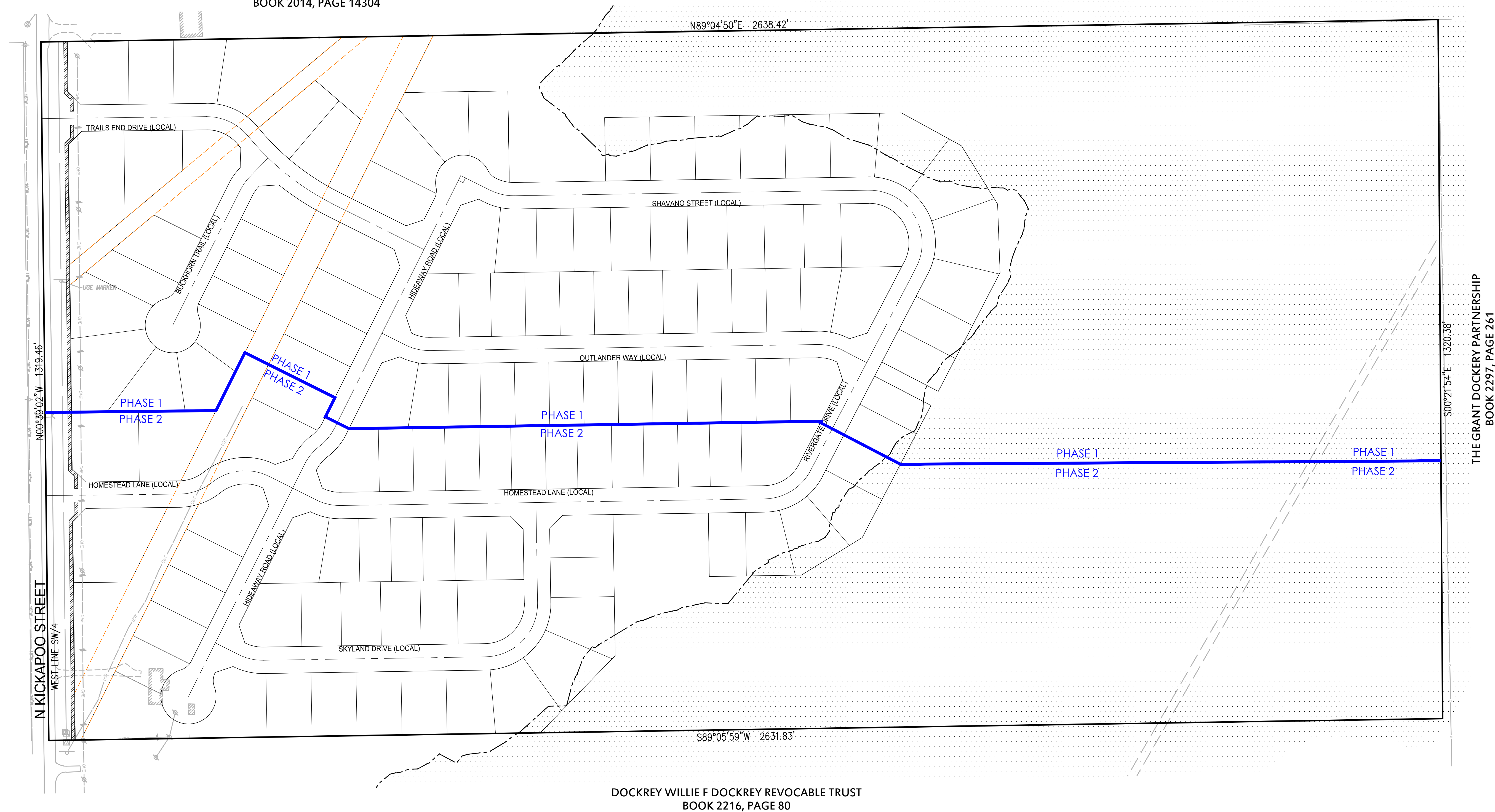
PHASE EXHIBIT
OF
TRAILS END

A PART OF THE SW/4 OF SECTION 30, T11N, R4E, I.M.
SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA



DOCKREY GRANT & LETHA (1/2 INT)
BOOK 2014, PAGE 14304

THE GRANT DOCKERY PARTNERSHIP
BOOK 2297, PAGE 261



THE GRANT DOCKERY PARTNERSHIP
BOOK 2297, PAGE 261

DOCKREY WILLIE F DOCKREY REVOCABLE TRUST
BOOK 2216, PAGE 80

PHASE EXHIBIT
TRAILS END



SHEET NO.: 1 OF 1
DATE: 07/16/21
PROJECT NO.: 20615900

CERTIFICATE OF AUTHORIZATION
C & 973 (PE) SL EXPIRES 6/30/2022



Federal Emergency Management Agency

Washington, D.C. 20472

April 30, 2021

THE HONORABLE ED BOLT
MAYOR, CITY OF SHAWNEE
16 WEST 9TH STREET
SHAWNEE, OK 74801-6812

CASE NO.: 21-06-1474C
COMMUNITY: CITY OF SHAWNEE, POTTAWATOMIE
COUNTY, OKLAHOMA
COMMUNITY NO.: 400178

DEAR MR. BOLT:

This is in reference to a request that the Federal Emergency Management Agency (FEMA) determine if the property described in the enclosed document is located within an identified Special Flood Hazard Area, the area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood), on the effective National Flood Insurance Program (NFIP) map. Using the information submitted and the effective NFIP map, our determination is shown on the attached Conditional Letter of Map Revision based on Fill (CLOMR-F) Comment Document. This comment document provides additional information regarding the effective NFIP map, the legal description of the property and our comments regarding this proposed project.

Additional documents are enclosed which provide information regarding the subject property and CLOMR-Fs. Please see the List of Enclosures below to determine which documents are enclosed. Other attachments specific to this request may be included as referenced in the Determination/Comment document. If you have any questions about this letter or any of the enclosures, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

Sincerely,

A handwritten signature in black ink, appearing to read "Luis V. Rodriguez".

Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

LIST OF ENCLOSURES:

CLOMR-F COMMENT DOCUMENT
CLOMR-F-DEN COMMENT DOCUMENT

cc: Mr. Joel Harrison



Federal Emergency Management Agency

Washington, D.C. 20472

April 30, 2021

THE HONORABLE ED BOLT
MAYOR, CITY OF SHAWNEE
16 WEST 9TH STREET
SHAWNEE, OK 74801-6812

CASE NO.: 21-06-1474C
COMMUNITY: CITY OF SHAWNEE, POTTAWATOMIE
COUNTY, OKLAHOMA
COMMUNITY NO.: 400178

DEAR MR. BOLT:

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Sincerely,

Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

LIST OF ENCLOSURES:

CLOMR-F COMMENT DOCUMENT
CLOMR-F-DEN COMMENT DOCUMENT

cc: Mr. Joel Harrison

bcc: LOMC Subscription Service
PTS Case File
PTS Project File



Federal Emergency Management Agency

Washington, D.C. 20472

CONDITIONAL LETTER OF MAP REVISION BASED ON FILL COMMENT DOCUMENT

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA	Proposed Lots 1 through 8, 11 and 12, Block 7; Lots 1 through 6, Block 10; Lots 13, 14, and 15, Block 12, Trails End
	COMMUNITY NO.: 400178	
AFFECTED MAP PANEL	NUMBER: 40125C0070J	
	DATE: 5/16/2019	
FLOODING SOURCE: ROCK CREEK; TRIBUTARY NO. 1 TO ROCK CREEK		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 35.397027, -96.924904 SOURCE OF LAT & LONG: LOMA LOGIC DATUM: NAD 83

COMMENT TABLE REGARDING THE PROPOSED PROPERTY (PLEASE NOTE THAT THIS IS NOT A FINAL DETERMINATION. A FINAL DETERMINATION WILL BE MADE UPON RECEIPT OF AS-BUILT INFORMATION REGARDING THIS PROPERTY.)

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT WOULD BE REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
1-4	10	Trails End	--	Property	X (unshaded)	973.8 feet	--	973.9 feet

Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

DETERMINATION TABLE (CONTINUED)
CONDITIONAL LOMR-F DETERMINATION
STATE LOCAL CONSIDERATIONS

This document provides the Federal Emergency Management Agency's comment regarding a request for a Conditional Letter of Map Revision based on Fill for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the proposed property(ies) would not be located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood) if built as proposed. Our final determination will be made upon receipt of a copy of this document, as-built elevations, and a completed Community Acknowledgement form. Proper completion of this form certifies the subject property is reasonably safe from flooding in accordance with Part 65.5(a)(4) of our regulations. Further guidance on determining if the subject property is reasonably safe from flooding may be found in FEMA Technical Bulletin 10-01. A copy of this bulletin can be obtained by calling the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or from our web site at <http://www.fema.gov/mit/tb1001.pdf>. This document is not a final determination; it only provides our comment on the proposed project in relation to the SFHA shown on the effective NFIP map.

This comment document is based on the flood data presently available. The enclosed documents provide additional information regarding this request. If you have any questions about this document, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency

Washington, D.C. 20472

CONDITIONAL LETTER OF MAP REVISION BASED ON FILL

COMMENT DOCUMENT

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

DETERMINATION TABLE (CONTINUED)

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT WOULD BE REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
5	10	Trails End	--	Property	X (unshaded)	974.0 feet	--	974.1 feet
11 - 12	7	Trails End	--	Property	X (unshaded)	973.8 feet	--	973.9 feet
3	7	Trails End	--	Property	X (unshaded)	974.1 feet	--	974.2 feet
4	7	Trails End	--	Property	X (unshaded)	974.0 feet	--	974.1 feet
5	7	Trails End	--	Property	X (unshaded)	973.9 feet	--	974.1 feet
6	7	Trails End	--	Property	X (unshaded)	973.8 feet	--	974.0 feet
7	7	Trails End	--	Property	X (unshaded)	973.8 feet	--	974.0 feet
8	7	Trails End	--	Property	X (unshaded)	973.8 feet	--	973.8 feet

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

Luis V. Rodriguez, P.E., Director

Engineering and Modeling Division

Federal Insurance and Mitigation Administration



Federal Emergency Management Agency
Washington, D.C. 20472

**CONDITIONAL LETTER OF MAP REVISION BASED ON FILL
COMMENT DOCUMENT**

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

CONDITIONAL LOMR-F DETERMINATION (This Additional Consideration applies to the preceding 9 Properties.)

Comments regarding this conditional request are based on the flood data presently available. Our final determination will be made upon receipt of this Comment Document, certified as-built elevations and/or certified as-built survey. Since this request is for a Conditional Letter of Map Revision based on Fill, we will also require the applicable processing fee, and the "Community Acknowledgement" form. Please note that additional items may be required before a final as-built determination is issued.

This letter does not relieve Federal agencies of the need to comply with Executive Order 11988 on Floodplain Management in carrying out their responsibilities and providing Federally undertaken, financed, or assisted construction and improvements, or in their regulating or licensing activities.

STATE AND LOCAL CONSIDERATIONS (This Additional Consideration applies to all properties in the CLOMR-F COMMENT DOCUMENT)

Please note that this document does not override or supersede any State or local procedural or substantive provisions which may apply to floodplain management requirements associated with amendments to State or local floodplain zoning ordinances, maps, or State or local procedures adopted under the National Flood Insurance Program.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency

Washington, D.C. 20472

CONDITIONAL LETTER OF MAP REVISION BASED ON FILL COMMENT DOCUMENT

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA	Proposed Lots 1 through 8, 11 and 12, Block 7; Lots 1 through 6, Block 10; Lots 13, 14, and 15, Block 12, Trails End
	COMMUNITY NO.: 400178	
AFFECTED MAP PANEL	NUMBER: 40125C0070J	
	DATE: 5/16/2019	
FLOODING SOURCE: ROCK CREEK; TRIBUTARY NO. 1 TO ROCK CREEK		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 35.397027, -96.924904 SOURCE OF LAT & LONG: LOMA LOGIC DATUM: NAD 83

COMMENT TABLE REGARDING THE PROPOSED PROPERTY (PLEASE NOTE THAT THIS IS NOT A FINAL DETERMINATION. A FINAL DETERMINATION WILL BE MADE UPON RECEIPT OF AS-BUILT INFORMATION REGARDING THIS PROPERTY.)

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT WOULD NOT BE REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
6	10	Trails End	--	Property	AE	974.5 feet	--	974.1 feet

Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

DETERMINATION TABLE (CONTINUED)
CONDITIONAL LOMR-F DETERMINATION
STATE LOCAL CONSIDERATIONS

This document provides the Federal Emergency Management Agency's comment regarding a request for a Conditional Letter of Map Revision based on Fill for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the proposed property(ies) would be located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood) if built as proposed. Therefore, flood insurance is required for the property described above. If fill is placed on the subject property to raise its elevation above the base flood elevation after the effective date of the first NFIP map showing the property in the SFHA, then, for the subject property to be outside of the SFHA, it must be demonstrated that the subject property is reasonably safe from flooding in accordance with Part 65.5(a)(4) of our regulations. Further guidance on determining if the subject property is reasonably safe from flooding may be found in FEMA Technical Bulletin 10-01. A copy of this bulletin can be obtained by calling the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or from our web site at <http://www.fema.gov/mit/tb1001.pdf>.

This comment document is based on the flood data presently available. The enclosed documents provide additional information regarding this request and information regarding your options for obtaining a Letter of Map Revision based on Fill. If you have any questions about this document, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency

Washington, D.C. 20472

CONDITIONAL LETTER OF MAP REVISION BASED ON FILL COMMENT DOCUMENT

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

DETERMINATION TABLE (CONTINUED)

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT WOULD NOT BE REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
13	12	Trails End	--	Property	AE	976.2 feet	--	975.1 feet
14	12	Trails End	--	Property	AE	975.8 feet	--	974.8 feet
15	12	Trails End	--	Property	AE	975.4 feet	--	974.2 feet
1	7	Trails End	--	Property	AE	974.7 feet	--	974.2 feet
2	7	Trails End	--	Property	AE	974.6 feet	--	974.2 feet

CONDITIONAL LOMR-F DETERMINATION (This Additional Consideration applies to the preceding 6 Properties.)

Comments regarding this conditional request are based on the flood data presently available. Our final determination will be made upon receipt of this Comment Document, certified as-built elevations and/or certified as-built survey. Since this request is for a Conditional Letter of Map Revision based on Fill, we will also require the applicable processing fee, and the "Community Acknowledgement" form. Please note that additional items may be required before a final as-built determination is issued.

This letter does not relieve Federal agencies of the need to comply with Executive Order 11988 on Floodplain Management in carrying out their responsibilities and providing Federally undertaken, financed, or assisted construction and improvements, or in their regulating or licensing activities.

STATE AND LOCAL CONSIDERATIONS (This Additional Consideration applies to all properties in the CLOMR-F-DEN COMMENT DOCUMENT)

Please note that this document does not override or supersede any State or local procedural or substantive provisions which may apply to floodplain management requirements associated with amendments to State or local floodplain zoning ordinances, maps, or State or local procedures adopted under the National Flood Insurance Program.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

DOC STAMPS \$ 0.00

RETURN TO:
Live Orange, LLC
2510 E. Independence, Suite 400
Shawnee, OK 74804

202100003315
Filed for Record in
POTTAWATOMIE OKLAHOMA
RAESHEL FLEWALLEN, COUNTY CLERK
03-10-2021 At 01:22 PM.
WARR DEED 20.00

Instrument PG 1 OF 2
202100003315

WARRANTY DEED

That **John Gregory Brown and Christine Brown, husband and wife, and James Andrew Hammons and Baylee Hammons, husband and wife, and Jamie Hammons, a single person, and Cody Lilley and Summer Lilley, husband and wife** in consideration of the sum of TEN & NO/100-----Dollars and other valuable considerations, in hand paid, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto **Live Orange, LLC** (the "Grantee"), the following described real property and premises situate in **Pottawatomie County, State of Oklahoma**, to-wit:.

The North Half of the Southwest Quarter (N/2 SW/4) of Section Thirty (30), Township Eleven (11) North, Range Four (4) East of the Indian Meridian, Pottawatomie County, Oklahoma, LESS and EXCEPT the following described real property: A part of the Northwest Quarter of the Southwest Quarter of Section Thirty (30), Township Eleven (11) North, Range Four (4) East of the I.M., Pottawatomie County Oklahoma, being more particularly described as follows: Beginning at the Northwest corner of the Southwest Quart (NW/c SW/4) of said Section Thirty (30), Township Eleven (11) North, Range Four (4) East of the Indian Meridian; Thence Southerly along the West Section line a distance of 1307 feet to the true Point of Beginning; Thence Northerly along the West Section line a distance of 660 feet; Thence East a distance of 660 feet; Thence South a distance of 660 feet; Thence West a distance of 660 feet to the Point of Beginning

Property Address: **6011 North Kickapoo Avenue, Shawnee, OK 74804**

Together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same. LESS AND EXCEPT any interest in and to oil, gas, coal, metallic ores and other minerals therein and thereunder previously reserved or conveyed of record and all rights, interests and estates of whatsoever nature incident thereto or arising thereunder, and SUBJECT TO easements, rights of way, restrictive covenants of record

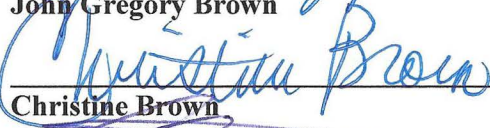
TO HAVE AND TO HOLD said described premises unto the said parties of the second part, as such joint tenants, and to the heirs and assigns of the survivor, forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and incumbrances of whatsoever nature.

Signed and delivered this **24th** Day of February, 2021





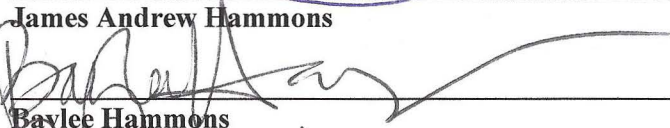
John Gregory Brown



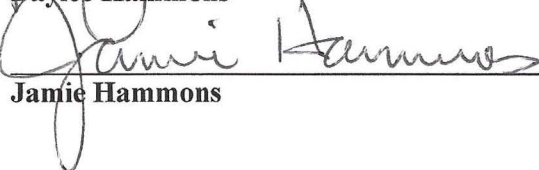
Christine Brown



James Andrew Hammons



Baylee Hammons

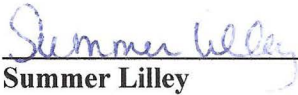


Jamie Hammons


Cody Lilley

Instrument PG
202100003315

2 OF 2

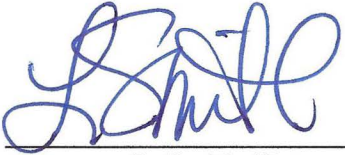

Summer Lilley

INDIVIDUAL ACKNOWLEDGMENT-OKLAHOMA FORM

STATE OF OKLAHOMA }
 } ss.
County of Pottawatomie },

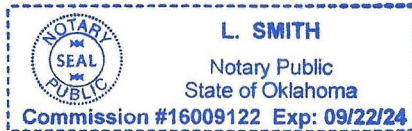
This instrument was acknowledged before me on February 24, 2021, by John Gregory Brown and Christine Brown and James Andrew Hammons and Baylee Hammons and Jamie Hammons and Cody Lilley and Summer Lilley.

Given under my hand and seal the day and year last above written.



L. Smith, Notary Public

My commission expires: 09/22/2022
Commission Number: 16009122





Planning Commission Meeting – 09.01.2021 – City of Shawnee, Oklahoma

Staff Report – PUD01-21– Conditional Use Permit – 420 N. Kickapoo Ave.

To: Shawnee Planning Commission

From: Rachel Clyne, City Planner

Date: August 24, 2021

Subject: PUD01-21 – Request for a Planned Unit Development (PUD) for use as a mixed-use development to be located southwest of the intersection of N. Kickapoo Avenue and E. Highland Street.

It is requested that the following information be given formal consideration by the Planning Commission at its special meeting of September 1, 2021.

Background

In October 2020, the Shawnee Zoning Board of Adjustment (ZBOA) heard Case #ZBOA07-20. This was a request for a variance to allow a medical marijuana dispensary to operate in C-1 zoning (Neighborhood Commercial District) instead of C-3 zoning (Highway Commercial District). At the October 15, 2020 ZBOA meeting, staff recommended denial of the variance request.

A portion of the minutes from that meeting are provided for context and explanation of the reason for this PUD request.

“Attorney Craig Brackeen, representing the owner was present. He stated... that the lot width requirements for the subject property’s zoning district were the issue. A rezoning was not the request. The applicant wants a variance to operate the current business in the C-1 zoning district. The subject property owner also owns much of the property on the block.”

“Brackeen expressed that the owner/applicant would be open to a time restriction on the variance in order to properly apply for and begin redevelopment of the area. The condition was offered to reassure the Board that the use variance would not continue into perpetuity. The ultimate goal is the redevelopment project.”

“Discussion followed regarding the reality of a 2-year time frame, the necessary rezoning, and concern of the new development. Director Blaine explained that a rezoning for a Planned Unit Development (PUD) would be required as there was not a “mixed-use” zoning district. Ongoing discussion followed for conceptual site plan, an appropriate time to examine the project, and would anyone entertain a variance.”

"A motion to approve of variance as requested to allow Roots Dispensary to operate in a C-1 zoning classification at 420 North Kickapoo with the following restrictions. Time restriction is on the variance-at this time it is granted at least until July 15th, 2021. It will then be reviewed, and it is expected at that time a PUD application will be completed and on file with the City. Roots Dispensary and its representatives continue to work with staff."

"Board member Burg made a motion to approve the variance (ZBOA07-20) with the restrictions as provided by City Attorney Vorndran, which was seconded by Board member Cannon. The motion passed 4-0-0."

The applicant and representatives were present at the Zoning Board of Adjustment scheduled for July 15, 2021. Without a quorum, the item could not be heard. The intent of the meeting was satisfied. The submittal of a PUD application was on August 4, 2021.

The requested Planned Unit Development (PUD) is on land located southwest of the intersection of N. Kickapoo Ave. and E. Highland St. more specifically known as Lots 1-16; Lots 23-28; and Lots 31-32, all in Block One (1) of the Fairgrounds Addition subdivision.

Discussion

Referencing the City of Shawnee Zoning Code [Article VII. – Zoning] in DIVISION 11. - GENERAL Provisions of Planned Unit Development (PUD), Sec. 22-499. - General.

- (a) A planned unit development, herein referred to as PUD, is a special zoning district category that provides an alternate approach to conventional land use controls. The PUD may be used for particular tracts or parcels of land that are under common ownership and are to be developed as one unit according to a master development plan.

Zoning Code (Code) Sec. 22-506. - Application for Rezoning and/or PUD Master Plan; Submission Requirements. (1) and (2)

A master development plan map shall be a graphic representation of the development plan for the area, and the PUD design statement shall be a written report. Staff received the submission requirements. The Statement and Plan Map are included after this report. Additionally, a graphic of the proposed driveway entrance on N. Kickapoo Avenue is included. Seth Barkhimer, PE, City Engineer, has been working with TAP, a design firm, to address traffic challenges associated with the site.

Recommendation

Staff recommends that the Planning Commission recommend to the City Commission **APPROVAL** of **PUD01-21**, which seeks to design and build a Mixed Use development (commercial and residential) on approximately 2-acres located atop a portion of the existing Fairgrounds Addition plat.



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: _____

Project Number: 20210686

Date Filed: 8-4-2021

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 C2 District to PUD District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): 402, 408, 412, 420, 422, 430 N. Kickapoo Ave

LEGAL DESCRIPTION: Fairgrounds Addition, Block 1, Lots 1-16

PROPERTY OWNER (S): Michael San Pedro

PROPERTY AGENT (APPLICANT): Michael San Pedro

APPLICANT'S ADDRESS: 720 W Johnson St

CITY: Meeker **STATE:** OK **ZIP:** 74855

EMAIL ADDRESS: rootsdispensaryinc@gmail.com

TELEPHONE NUMBER: (405) 328-1347 **CONTACT NUMBER:** (405) 287-4815

DIMENSIONS OF PROPERTY:

AREA: _____ **WIDTH:** _____

*See PUD

LENGTH: _____ **FRONTAGE:** _____

CURRENT ZONING: C2 **CURRENT USE:** Commercial / Residential

PROPOSED ZONING: C3 **PROPOSED USE:** Commercial / Residential

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.

COMPLETED APPLICATION AND ALL CORRESPONDING DOCUMENTS MUST BE RECEIVED 30 DAYS PRIOR TO MEETING TO MAKE THE AGENDA.

Michael San Pedro
SIGNATURE OF APPLICANT

FOR STAFF USE ONLY

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

PLANNED UNIT DEVELOPMENT FEE \$ 550.00

RECEIPT NO. _____

NOTIFICATION SIGN \$ 50.00

PLANNING COMMISSION ACTION: _____ **DATE:** _____

CITY COMMISSION ACTION: _____ **DATE:** _____

PLACE ON ZONING MAP: _____ **ORDINANCE NO.:** _____



SMITH BROTHERS

ABSTRACT

118 N. Broadway Avenue

Shawnee, OK 74801

Phone: (405)273-9820 Fax: (405)273-9813

State of Oklahoma
County of Pottawatomie

} SS

SPECIAL CERTIFICATE

IN RE: Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), Twenty-three (23), Twenty-four (24), Twenty-five (25), Twenty-Six (26), Twenty-seven (27), Twenty-eight (28), Thirty-one (31), and Thirty-two (32), all in Block One (1), FAIRGROUNDS ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof.

The undersigned a duly bonded and qualified abstract company within and for Pottawatomie County, Oklahoma, hereby certifies that the current year's tax rolls in the office of the Pottawatomie County Treasurer shows the names and addresses of the owners of the property abutting and within 300 feet in any direction of the before described real estate as follows, to-wit:

NAME AND ADDRESS

LEGAL DESCRIPTION

Kevin Brown
518 N Kickapoo St
Shawnee, OK 74801

HOFFMANS BLK 28 LOTS 3 & 4 LESS E8'

Elbert J Benton, Jr.
37002 45th St
Shawnee, OK 74804

HOFFMANS BLK 28 LOTS 5 & 6 & N17' LOT 7 LESS
.01 AC

Erin D. Jones
105590 S 3380 Rd
McLoud, OK 74851

HOFFMANS BLK 28 LOTS 8 & 9 & S8' LOT 7 LESS .01

Robert Jones and Erin Jones
105590 S 3380 Rd
McLoud, OK 74851

HOFFMANS BLK 28 LOTS 10 THRU 12 LESS .02AC

Gary V. Grossman and Bonnie E. Grossman
22 E. Midland
Shawnee, OK 74804

FRUITS BLK 1 LOTS 39 & 40 LESS .01AC

Brandon Properties, LLC
4020 S. Douglas Ave
Oklahoma City, OK 73109

FRUITS BLK 1 LOTS 41 & 42 QCD 5-13-85 NSS 1174
31 LESS TR parking lot

Gary Grossman
22 E. Midland
Shawnee, OK 74804

FRUITS A PART OF LOTS 41, 42, 43 & 44 BLOCK 1
BEGINNIG NE/C LOT 41 S99.55' W27.28' N99.48'
E27.83' POB

Brandon Properties, LLC
4020 S. Douglas Ave.
Oklahoma City, OK 73109

FRUITS BLK 1 LOTS 43 AND 44 AND PT LOT 45

In Young Kim and Yon K Kim
501 N Kickapoo
Shawnee, OK 74801

In Yong Kim and Yon Kun Kim
501 N Kickapoo
Shawnee, OK 74801

Carrow Properties, LLC
11 E. MacArthur St
Shawnee, OK 74804

Tony R Ward and Carolyn R Ward
PO Box 6931
Edmond, OK 73083

Allen Management, LLC
18 Glen Rock Dr
Austin, TX 78738

Elbert J Benton, Jr
37002 45th St
Shawnee, OK 74804

Robert M Jones and Jerry L Jones
PO Box 3466
Shawnee, OK 74802

Mark W Dike
405 W Highland
Shawnee, OK 74801

Mark W Dike
405 W Highland
Shawnee, OK 74801

Sparkman Brothers, Inc.
PO Box 218
Shawnee, OK 74802

Cavco, LTD
PO Box 1852
Shawnee, OK 74802

Cavan B Jones and Erika H Jones
PO Box 1471
Shawnee, OK 74802

City of Shawnee
16 W 9th St
Shawnee, OK 74801

FRUITS BLK 1 S10' LOT 45 ALL LOTS 46, 47, & 48
LESS TR DES AS BEG SE/C LOT 48 THW48.33' TH
N93.16 E.71' N7.67' E20.78' N99.49' E27.52' S200'
POB

FRUITS BLK 1 BEG SE/C OF LOT 48 W48.36'
(W48.33' OF RECORD) N93.19' (N93.16' OF RECORD)
E.71' N7.56' (N7.67' OF RECORD) E 20.84' (E20.78'
OF RECORD) E27.28' S.62' TO THE NE/C LOT 45
S100.16' POB

FRUITS BLK 1 LOT 7 & S2' LOT 8

FRUITS BLK 1 N10' LOT 5 & ALL LOT 6

FRUITS BLK 1 LOT 4 & S15' LOT 5

FRUITS BLK 1 LOTS 1 THRU 3

AP BLK 5 LOT 2

AP BLK 5 LOT 3

AP BLK 5 LOT 4

AP BLK 5 LOT 5 & 6

AP BLK 5 BEG 160'N OF SE/C OF BLK 5 W135' N50'
E135' S50'

AP BLK 5 LOT 1

AP BLK 5 LOTS 7 & 8

Jayson Aldridge and Cassie Aldridge
405 S Kickapoo
Shawnee, OK 74801

Youth & Family Resource Center, Inc.
326 W 11th
Shawnee, OK 74801

Dennis W Glenn and Leda K Glenn
412 W 11th
Shawnee, OK 74801

Cavan B Jones and Erika H Jones
PO Box 1471
Shawnee, OK 74802

Dennis W Glenn and Leda K Glenn
412 W 11th
Shawnee, OK 74801

Shelia Whitfield
418 W 11th
Shawnee, OK 74801

Hazaretali Wushur
1705 Briarcreek Dr
Norman, OK 73071

Dorothy Eileen Herron
324 N Louisa
Shawnee, OK 74802

James R Wick
320 N Louisa
Shawnee, OK 74801

Gonzalo Coronado and Bertha Coronado, et al
317 N Kickapoo
Shawnee, OK 74801

Javier Arballo and Manuel Arballo
321 N Kickapoo
Shawnee, OK 74801

Darrin Doyle Skaggs
327 N Kickapoo
Shawnee, OK 74801

Misty D Maston
331 N Kickapoo
Shawnee, OK 74801

Allen Rider and Bobbie C Rider
1205 Cambridge Dr
Shawnee, OK 74804

AP BLK 99 LOTS 3 & 4

AP BLK 5 BEG 215'E SW/C OF BLK 5 N110' E85'
S110' W85' POB & BEG 120'N SE/C OF BLK 5 W135'
N40' E135' S40' POB

AP BLK 5 BEG 165'E SW/C BLK 5 N120' E50' S120'
W50'

AP BLK 5 BEG 165'E SW/C BLK 5 N120' E50' S120'
W50'

AP BLK 5 LOT 11

AP BLK 5 LOT 10 & AP BLK 5 LOT 9 LESS .02AC

AP BLK 6 LOTS 1 THRU 4

AP BLK 6 LOTS 5 & 6

AP BLK 6 LOTS 7 & 8

AP BLK 6 LOTS 24 & 25

AP BLK 6 LOTS 26 & 27 & 28

AP BLK 6 LOTS 29 & 30

AP BLK 6 LOTS 31 & 32

FAIRGROUNDS BLK 7 LOTS 11 & 12

Nichole Jean McGrew
10909 SW 33rd St
Yukon, OK 73099

FAIRGROUNDS BLK 7 LOTS 9 & 10

Dorothy M Walker
322 N Kickapoo
Shawnee, OK 74801

FAIRGROUNDS BLK 7 LOTS 7 & 8

Acock Properties, LLC
2026 N Beard Ave
Shawnee, OK 74804

FAIRGROUNDS BLK 7 LOTS 4 THRU 6 324 & 326

Arnold Gaddy
PO Box 1625
Shawnee, OK 74802

FAIRGROUNDS BLK 7 LOTS 2 & 3

Jennifer Renee Nolan
332 N Kickapoo
Shawnee, OK 74801

FAIRGROUNDS BLK 7 LOT 1

Hal E O'Connor, Sr.
313 N Aydelotte
Shawnee, OK 74801

FAIRGROUNDS BLK 7 LOTS 23 & 24

Jeffrey D Todd and Darlene F Todd
42708 Bob Crouch
Tecumseh, OK 74873

FAIRGROUNDS BLK 7 LOT 25

Abbie Wolfe
319 N Aydelotte
Shawnee, OK 74801

FAIRGROUNDS BLK 7 LOT 26

Heinrich Properties, LLC
PO Box 855
Harrah, OK 73045

FAIRGROUNDS BLK 7 LOTS 27 & 28

Board of County Commissioners
14101 Acme Rd
Shawnee, OK 74804

FAIRGROUNDS BLK 7 LOTS 29 & 30

Mearl L Patterson and Patricia A Patterson
400 N Broadway
Shawnee, OK 74801

FAIRGROUNDS BLK 7 LOTS 31 & 32

Hazareтали Wushur
1705 Briarcreek Dr
Norman, OK 73071

FAIRGROUNDS BLK 6 LOTS 5 & 6

Tiffany Marie Moore and Bruce Moore, Jr.
326 N Aydelotte
Shawnee, OK 74801

FAIRGROUNDS BLK 6 LOTS 3 & 4

Devin Reyesvera
330 N Aydelotte Ave
Shawnee, OK 74801

FAIRGROUNDS BLK 6 LOTS 1 & 2

Larry Keith Bias and Charlene Bias
429 N Aydelotte
Shawnee, OK 74801

FAIRGROUNDS BLK 1 LOTS 29 & 30

Perry Wayne Inman and Patricia S Inman
415 N Aydelotte
Shawnee, OK 74801

FAIRGROUNDS BLK 1 LOTS 20 THRU 22

Lynn Knox
401 N Aydelotte
Shawnee, OK 74801

FAIRGROUNDS BLK 1 LOTS 17 THRU 19

Jo Ann Mayes
400 N Aydelotte
Shawnee, OK 74801

FAIRGROUNDS BLK 2 LOTS 15 & 16

Kevin J Mathews
410 N Aydelotte
Shawnee, OK 74801

FAIRGROUNDS BLK 2 LOTS 13 & 14

D & K Housing, LLC
439 E Wallace
Shawnee, OK 74801

FAIRGROUNDS BLK 2 LOTS 11 & 12

Henry Everett Poe
420 N Aydelotte
Shawnee, OK 74801

FAIRGROUNDS BLK 2 LOTS 9 & 10

Carrow Properties, LLC
11 E MacArthur St
Shawnee, OK 74804

FAIRGROUNDS BLK 2 LOTS 7 & 8

Delta Jean Foor
24 Twilight Ln
Shawnee, OK 74801

FAIRGROUNDS BLK 2 LOTS 5 & 6

Brandon Moore
1687 A Kalauokalani Way PMB 203
Honolulu, HI 96814

FAIRGROUNDS BLK 2 LOTS 3 & 4

Charles Lynn Knox
401 N Aydelotte Ave
Shawnee, OK 74801

FAIRGROUNDS BLK 2 LOTS 1 & 2

Alice L Gonzales
24856 Luke Ln
Tecumseh, OK 74873

FAIRGROUNDS BLK 2 W60' LOTS 17 & 18 and
FAIRGROUNDS BLK 2 W10' OF E80' OF LOTS 17 &
18

Timothy Wallace
305 Christina Ct
McLoud, OK 74851

FAIRGROUNDS BLK 2 E70' OF LOTS 17 & 18

Melvena Elizabeth Slater and Richard Joseph Slater
405 N Chapman
Shawnee, OK 74801

FAIRGROUNDS BLK 2 LOTS 19 & 20

Charles Trent and Sandra Smith
409 N Chapman
Shawnee, OK 74801

Kizella Jeff Huddleston
411 N Chapman
Shawnee, OK 74801

Johnny Mundy
419 N Chapman
Shawnee, OK 74801

NKW Holdings, LLC
PO Box 21861
Oklahoma City, OK 73156

Tracy S Davis and Tammy Davis
600 Pleasant Dr
Moore, OK 73170

Investment Acquisitions, LLC
4616 NW 32nd Pl
Oklahoma City, OK 73122

John Carroll Jones and Wanda Jo Jones
505 N Chapman
Shawnee, OK 74801

Carolyn Parks
618 W Highland
Shawnee, OK 74801

William D Davis
209 Tully
74873

Cha Investments, LLC
700 Gregory Ln
Shawnee, OK 74804

Laree Armstrong
506 N Aydelotte
Shawnee, OK 74801

Jeff Foresee
524 N Aydelotte
Shawnee, OK 74801

Tamara Lovett
528 N Aydelotte
Shawnee, OK 74801

Shane A Kane and Michael Leach and Trecia Leach
526 W Highland
Shawnee, OK 74801

FAIRGROUNDS BLK 2 ALL LOT 21 & S1/2 LOT 22

FAIRGROUNDS BLK 2 N1/2 LOT 22 & ALL 23 & S20' L
24

FAIRGROUNDS BLK 2 N5' LOT 24 & ALL LOT 25 &
S20' LOT 26

FAIRGROUNDS BLK 2 N5' LOT 26 & ALL LOTS 27 &
28

FAIRGROUNDS BLK 2 LOT 29 & S1/2 LOT 30

FAIRGROUNDS BLK 2 N1/2 LOT 30 ALL LOTS 31 &
32

HOFFMANS BLK 27 LOTS 13 THRU 16 LESS E60' OF
LOTS 13 THRU 15 & S21' OF THE E60' OF LOT 16

HOFFMANS BLK 27 E60' OF LOTS 13 THRU 15 &
S21' E60' OF LOT 16

HOFFMANS BLK 27 LOTS 17 & 18 and HOFFMANS
BLK 27 LOTS 19 & 20

HOFFMANS BLK 27 LOTS 11 & 12 and HOFFMANS
BLK 28 W78' LOTS 13 & 14

HOFFMANS BLK 27 LOTS 8 THRU 10

HOFFMANS BLK 27 LOTS 5 THRU 7

HOFFMANS BLK 27 LOTS 1 THRU 4 & 8' VAC ST
JOSEPH ST

HOFFMANS BLK 28 E62' OF LOTS 13 & 14

Arnold E Gaddy
PO Box 1625
Shawnee, OK 74802

Cajun Group Investments, LLC
4601 Morningstar Dr
Flower Mound, TX 75028

Cindy Kelly
521 N Aydelotte
Shawnee, OK 74801

HOFFMANS BLK 28 LOTS 15 & 16

HOFFMANS BLK 28 LOTS 17 & 18 and HOFFMANS
BLK 28 LOTS 19 & 20

HOFFMANS BLK 28 LOTS 21 & 22

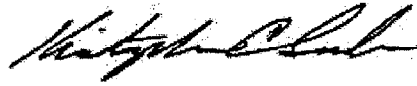
IN WITNESS WHEREOF, We have hereunto set our hand and seal at office in the City of Shawnee, Oklahoma,
this 6th day of July, 2021 at 07:00 AM.

ATTEST:



David Thrailkill,
Abstractor License No.: 3211

Smith Brothers Abstract & Title Co., LLC



President
Abstractor License No.: 1725

Shelia Whitfield
418 W 11th
Shawnee, OK 74801

Hazareta Wushur
1705 Briarcreek Dr
Norman, OK 73071

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Shawnee, OK 74802

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Inman
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Shawnee, OK 74801

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Oklahoma City, OK 73109

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Shawnee, OK 74801

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439 E Wallace
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Henry Everett Poe
420 N Aydelotte
Shawnee, OK 74801

Carrow Properties, LLC
11 E MacArthur St
Shawnee, OK 74804

Delta Jean Foor
24 Twilight Ln
Shawnee, OK 74801

Brandon Moore
1687 A Kalauokalana Way PMB 203
Honolulu, HI 96814

Charles Lynn Knox
401 N Aydelotte Ave
Shawnee, OK 74801

Alice L Gonzales
24856 Luke Ln
Tecumseh, OK 74873

Timothy Wallace
305 Christina Ct
McLoud, OK 74851

Melvena Elizabeth Slater and Richard
Joseph Slater
405 N Chapman
Shawnee, OK 74801

Charles Trent and Sandra Smith
409 N Chapman
Shawnee, OK 74801

Kizella Jeff Huddleston
411 N Chapman
Shawnee, OK 74801

Johnny Mundy
419 N Chapman
Shawnee, OK 74801

NKW Holdings, LLC
PO Box 21861
Oklahoma City, OK 73156

Tracy S Davis and Tammy Davis
600 Pleasant Dr
Moore, OK 73170

Investment Acquisitions, LLC
4616 NW 32nd Pl
Oklahoma City, OK 73122

John Carroll Jones and Wanda Jo Jones
505 N Chapman
Shawnee, OK 74801

Carolyn Parks
618 W Highland
Shawnee, OK 74801

William D Davis
209 Tully
74873

Cha Investments, LLC
700 Gregory Ln
Shawnee, OK 74804

Laree Armstrong
506 N Aydelotte
Shawnee, OK 74801

Jeff Foresee
524 N Aydelotte
Shawnee, OK 74801

Tamara Lovett
528 N Aydelotte
Shawnee, OK 74801

Shane A Kane and Michael Leach and
Trecia Leach
526 W Highland
Shawnee, OK 74801

Arnold E Gaddy
PO Box 1625
Shawnee, OK 74802

Cajun Group Invesments, LLC
4601 Morningstar Dr
Flower Mound, TX 75028

Cindy Kelly
521 N Aydelotte
Shawnee, OK 74801

DESIGN STATEMENT

August 2nd, 2021

- a. Title of PUD; **HIGHLAND & KICKAPOO** [place holder]
- b. List of owners and developers; **Michael D San Pedro**
- c. Statement of the general location and relationship to adjoining land uses; both existing and proposed;

The development site is on the west side of Kickapoo Ave. to N Aydelotte Ave. between Highland and W 11th Street which is all of Block 1 of the FAIRGROUNDS ADDITION except lots 17 thru 22 and 29 and 30. The total area equals 1.75 acres mol. The lots fronting Kickapoo are typical of the commercially zoned strips further north and the balance of the lots in the PUD application are zoned R2 and is the surrounding neighborhood. The opposite [east] side of Kickapoo Ave. is C1 and C3 and R3.

- d. Description of the PUD concept, including an acreage or square foot breakdown of land use areas and densities proposed, a general description of proposed building use types, proposed restrictions and typical site layouts;

The development contemplates incremental and phased improvements allowing for the possible retention of existing structures and added structures of similar scale [1 to 3 stories] and form [pitched roofs]. Mixed uses will be encouraged to create a diverse and active place where occupancy extends beyond traditional Monday to Friday from nine to five. The proposed mixed uses and scale are consistent with the recommendations of Shawnee's 2019 Comprehensive Plan as a transitional development between Neighborhood Conservation to the west and the major arterial Kickapoo Avenue. The strategic approach to site layout will be to emulate the existing pattern of setbacks [averaging] for any new buildings and to provide parking west of the improvements. Parking spaces will be provided as required by building use, landscaped per ordinance and screened from adjacent residential lots.

- e. The existing PUD zoning districts in the development area and surrounding it; **NONE**
- f. A list of all special development regulations or the conventional zoning district regulations which will be applicable;

The development will include all permitted uses in R3 and C3, except the following:

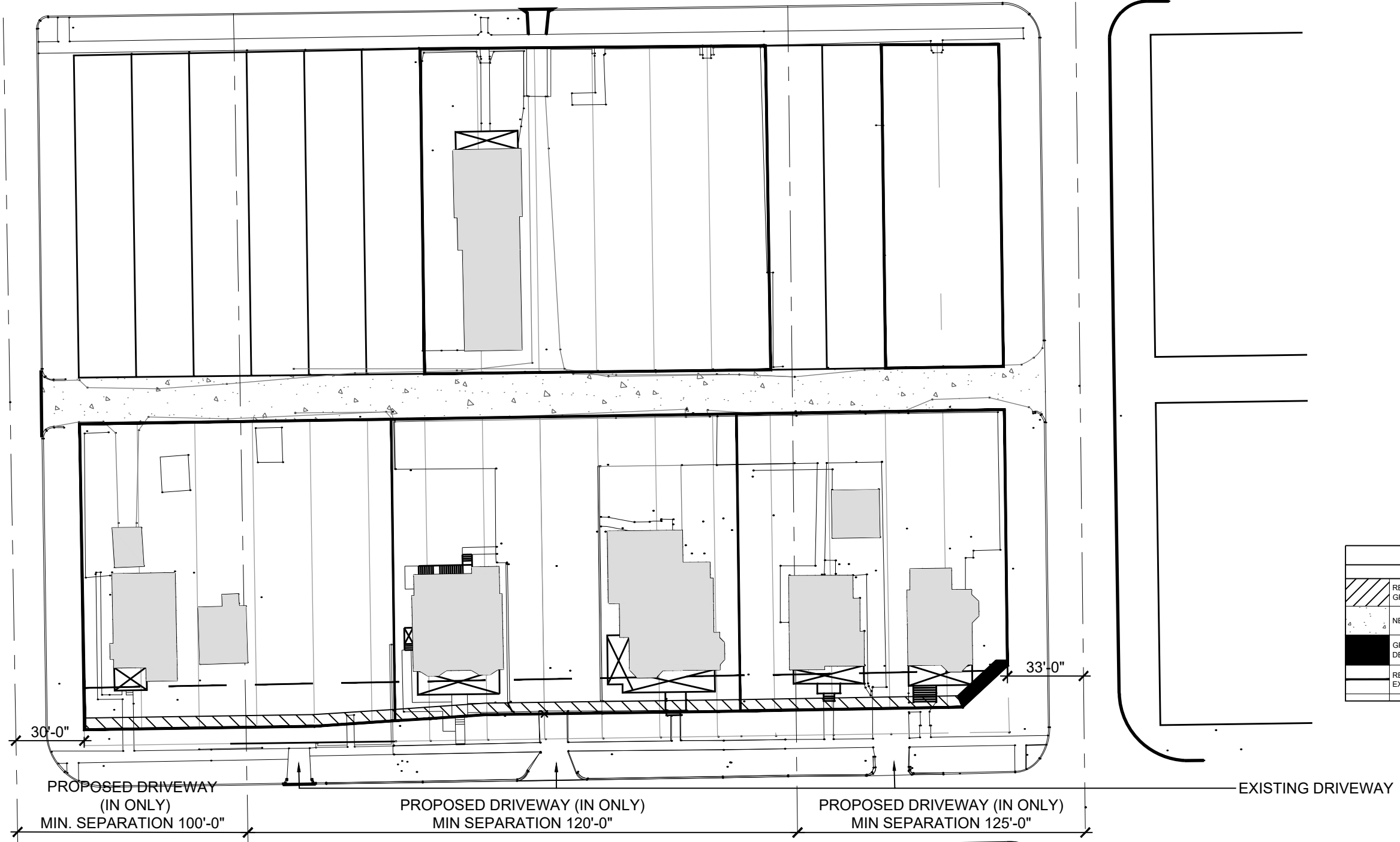
- Automotive repair, tires and service, towing and other road services
- Automotive sales and service

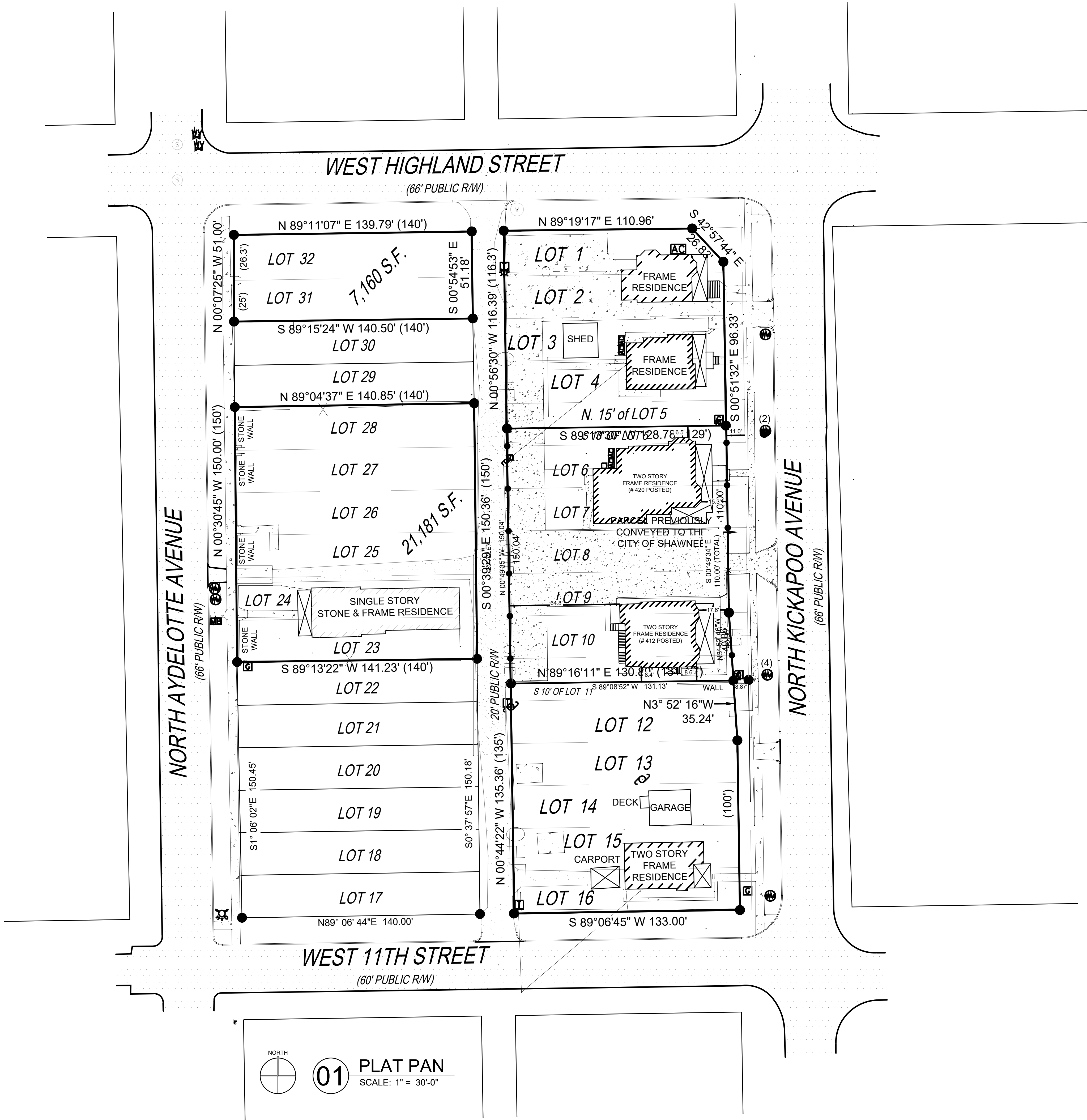
- Car, truck, trailer or recreational vehicle rental and leasing
 - Farm equipment sales and service, including feed store,
 - Gasoline service station
 - Light automobile dealer
 - Lumberyard, building materials, hardware store
 - Outdoor sales and storage of materials
 - Pawnshops
 - Sales and service for mobile homes, travel trailers, campers, trailers, large trucks and equipment
 - Scrap operators, automobile towing with storage and salvage
 - Personal storage (mini-storage)
 - Warehousing, light industrial assembly, manufacturing
 - Wholesaling, storage and distribution
 - Funeral homes
 - Treatment facility
 - Adult Entertainment
- g. A statement on the existing and proposed streets, including right-of-way standards and street design concept;

The proposed development takes advantage of the existing street grid and RoW's with no proposed alteration. New driveways and locations are proposed in coordination with the planned improvements to Kickapoo Avenue. This development contemplates coordination with ODOT and the City to remove, revise and relocate curb cuts and approaches from repaved Kickapoo Avenue to provide improved separation and distance from the signalized intersection at Highland. Centerlines of new driveways along Kickapoo Avenue will be located in a zone no closer than 100' north of West 11th Street centerline and 125' south of West Highland Street centerline. Driveways shall be centered no closer than 120' apart. Driveways shall be two-way with right only exits from the development. Exiting north will be via the alley exits onto 11th and Highland.

The goal of this development is to create a unique identity for the block long streetscape along Kickapoo Avenue with a consistent appearance behind the new sidewalk proposed in the Kickapoo Avenue ODOT project. The elements of the streetscape will include street furniture, landscaping, retaining walls and ground

- mounted signage. Any improvements proposed within the ROW will be accompanied by a revocable permit.
- h. The following physical characteristics: elevation, slope analysis, soil characteristics, tree cover and drainage information;
- There is significant grade separation between the proposed wider Kickapoo Avenue and the ground floors of buildings to the west. Future development will include a combination of retaining walls and landscaping to mitigate the elevation differences. Healthy existing trees will be retained wherever possible and appropriate species of new trees will be planted to provide shade, suitability and survivability [ref. Chapter 27].
- i. A topographical map with minimum two-foot contour intervals;
- Existing grades will remain substantially unaltered.
- j. Drainage information, including number of acres in the drainage area and delineation of applicable flood levels;
- New paving will be designed to direct runoff to engineered onsite detention facilities. Existing drainage patterns and runoff rates will be maintained.
- k. A statement of utility lines and services to be installed, including which lines will be dedicated to the city and which will be private;
- All city utilities are available for this development and will be evaluated for adequacy during development. The city utilities appear to serve the scale of intended development at this time and private utilities will be connected inside existing easements.
- l. The proposed densities, and the use types and sizes of structures;
- m. A description of the proposed sequence of development;
- Before any future development the 20' wide alley will be engineered and paved with new approaches on West Highland [Minor Arterial] and West 11th [Local].
- n. If there is no plat required or if other methods authorized in the subdivision and development standards are appropriate, then section 22-508(1) and (2) shall be submitted and approved as part of the PUD master plan at the time of rezoning.
- Property is currently platted. If PC approves – this PUD contemplates retaining the existing plat in the Fairground Addition and replating if indicated by future developments.





NOTICE OF A PUBLIC HEARING

City Of Shawnee, Oklahoma

Case #PUD01-21

In accordance with 11 O.S. 43-106 and City of Shawnee Zoning Code Sec. 22-645, requests for rezoning, conditional use permits (CUP), planned unit developments (PUD), and variances require notification of a PUBLIC HEARING

Case number PUD01-21 is for a Planned Unit Development.

The property is located at **420 N. Kickapoo Ave.**

Current zoning is **C-1, C-3, and C-4 districts: Neighborhood Commercial, Highway Commercial, and Central Business.**

Proposed zoning is **C-3 (Highway Commercial District) with a PUD (Planned Unit Development.**

The **PUD** request is for a **Mixed Use of Commercial and Residential.**

Applicant is **Michael San Pedro.**

The public hearings for **PUD01-21** will be held in the City Commission Chambers in City Hall, 16 W. 9th St. Shawnee, Oklahoma, as follows:

September 1, 2021	at 1:30 p.m.	City of Shawnee Planning Commission meeting
September 20, 2021	at 6:00 p.m.	City of Shawnee City Commission meeting

Attendance at the public hearing is not mandatory but all interested parties are encouraged to attend. Questions about the application are directed to the City of Shawnee Planning Department at 405-878-1616. A copy of the application is available for public inspection during normal working hours in the Planning Office/Annex Building located at 222 N. Broadway

Presented for post and publication on August 11, 2021, by Rachel Clyne, City Planner.

