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**AGENDA
CITY OF SHAWNEE
PLANNING COMMISSION
AUGUST 7TH, 2019 AT 1:30 P.M.
COMMISSION CHAMBERS
CITY HALL, 16 W 9TH ST**

- 1)** Roll Call
- 2)** Consideration of approval of the minutes from the regular meeting of the Planning Commission on July 3rd, 2019
- 3)** Citizens' Participation
(A three-minute limit per person)
(A twelve-minute limit per topic)
- 4)** Case #P11-19 – Public hearing and consideration of approval of a rezone request from A-1 (Rural Agricultural) to R-1 (Single-Family Residential), located at 1510 North Elm Avenue, Shawnee, Oklahoma, for the purpose of a single-family home
Applicant: Dale Wiginton
- 5)** Case #P12-19 – Public hearing and consideration of approval of a rezone request from R-1 (Single-Family Residential) to C-3 (Highway Commercial), located at 3914 North Kickapoo Avenue, Shawnee, Oklahoma, for the purpose of a shopping strip center
Applicant: Margaret Davis
- 6)** Case #P13-19 – Public hearing and consideration of approval of a rezone request from C-1 (Neighborhood Commercial) to C-3 (Highway Commercial), located at 1601 North Kickapoo Avenue, Shawnee, Oklahoma, for the purpose of making leasing vacant spaces easier
Applicant: John Brown
- 7)** Case #P14-19 – Public hearing and consideration of approval of a rezone request from RE (Residential Estate) to C-3 (Highway Commercial), located at 39405 West MacArthur Street, Shawnee, Oklahoma, for the purpose of a medical marijuana dispensary
Applicant: Gregory Peck
- 8)** Consideration and discussion of an Urban Chicken Ordinance, for the purpose of regulating the keeping and raising of fowl.
- 9)** Planning Director's Report
- 10)** Commissioners Comments and/or New Business
- 11)** Adjournment

PLANNING COMMISSION MINUTES

DATE: JULY 3RD, 2019

The Planning Commission of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in the Commission Chambers, at City Hall, 9th and Broadway, on Wednesday, July 3rd, 2019, at 1:30 p.m., pursuant to notice duly posted as prescribed by law.

AGENDA ITEM NO.1: Roll Call

Upon roll call the following members were present:

Present: Deem, Matthews, Kienzle, Rowell

Absent: Walker, Bergsten

Meeting was called to Order (due to the absence of Chairman Bergsten and the resignation of the vice-chairman Cowen, Commissioner Kienzle chaired the meeting).

AGENDA ITEM NO.2: Consideration of approval of the minutes from the regular meeting of the Planning Commission on July 3rd, 2019

Chairwoman Kienzle asked Commission for any comments, questions, or a vote. Commissioner Deem made a motion to approve the minutes; seconded by Commissioner Rowell.

Motion passed:

AYE: Deem, Matthews, Kienzle, Rowell

NAY:

ABSTAIN:

AGENDA ITEM NO.3: Citizens' Participation

Chairwoman Kienzle opened the public portion of the meeting and announced that this is an open time for discussion for those with questions on topics not on the Agenda and asked if anyone would like to come forward.

No one came forward and Chairwoman Kienzle closed the public portion of the meeting.

AGENDA ITEM NO.4: Case #P10-19 – Public hearing and consideration of approval of a rezone request from a PUD (Planned Unit Development) to C-3 (Highway Commercial), located at 3939 North Kickapoo Avenue, Shawnee, Oklahoma, for the purpose of a retail development.

Applicant: Nelmon Brauning

Assistant City Planner Joseph Barker presented staff report. He stated the applicant's intended use of the property is for a retail development, and discussed the use limitations of the currently active PUD. He stated staff has recommended approval of the rezone.

Commissioner Matthews asked Assistant City Planner Barker if adding a commercial use on that property would necessitate a stop light being added to the intersection of Kickapoo Avenue and Ken Del Drive. Assistant City Planner Barker stated he is not qualified to speak on traffic requirements. Commissioner Rowell asked Assistant City Planner Barker to clarify that the purpose of the rezone is to simply remove the limitations of the current PUD. He stated that is correct.

Chairwoman Kienzle opened the public portion of the meeting asked if anyone speaking in favor of the item would like to come forward. Nelmon Brauning, the applicant, came forward. She stated her desire to open the property up for more uses in order to sell the property.

No one else came forward and Chairwoman Kienzle asked if anyone speaking against the item would like to come forward. No one came forward and Chairwoman Kienzle closed the public portion of the meeting.

Chairwoman Kienzle asked if there were any other comments or questions. There were no comments or questions and Chairwoman Kienzle asked for a motion. Commissioner Matthews made a motion to approve the rezone; seconded by Commissioner Rowell.

Motion passed:

AYE: Deem, Matthews, Kienzle, Rowell

NAY:

ABSTAIN:

AGENDA ITEM NO.5:

Case #S03-19 – Consideration of approval of a preliminary plat for Rolling Hills South Addition, a 3-acre property located on the southeast corner of North Bryan Avenue and East Main Street, Shawnee, Oklahoma, for the purpose of a single-family residential development and for the construction of the Friendship House.

Applicant: Keith Shaw

Assistant City Planner Joseph Barker presented staff report. Assistant City Planner Barker briefly summarized the property and the intent of the plat. He stated staff recommends approval of the preliminary plat upon the following conditions:

1. Final construction documents must be approved by the City Engineer concurrent with final plat approval;
2. Drainage plans must be approved by the City Engineer concurrent with final plat approval; and
3. All other applicable city standards apply.

Commissioner Matthews asked if the Shawnee Municipal Authority's comments were standard comments. Engineering Director Michael Ludi stated their comments are standard, and Assistant City Planner Barker clarified that the Shawnee Municipal Authority has approved of the preliminary plat.

Chairwoman Kienzle opened the public portion of the meeting and asked if anyone speaking in favor of the item would like to come forward. Travis Flood, the Friendship House Coordinator of Community Renewal in Pottawatomie County, came forward. He described Community Renewal's optimism for the project. Chairwoman Kienzle asked Mr. Flood to go into more details about the Friendship House program and who the clients would be. Mr. Flood stated the purpose of the Friendship House is building relationships in neighborhoods and bringing in resources to help these places grow. Commissioner Deem asked Mr. Flood if a family has already been selected. Mr. Flood stated there has been one selected that will live upstairs. He stated their job would be to run the Friendship House. He described the design of the house. Chairwoman Kienzle asked Mr. Flood to describe the process of how the families that run Friendship Houses are selected. Commissioner Deem asked if the other lots would be tribal property. Mr. Flood confirmed this to be true.

No one else came forward and Chairwoman Kienzle asked if anyone speaking against the item would like to come forward. No one came forward and Chairwoman Kienzle closed the public portion of the meeting.

Chairwoman Kienzle asked if there were any comments or questions.

There were no more comments or questions and Chairwoman Kienzle asked for a motion. Commissioner Deem made a motion to approve of the preliminary plat; seconded by Commissioner Matthews.

Motion passed:

AYE: Deem, Matthews, Kienzle, Rowell

NAY:

ABSTAIN:

AGENDA ITEM NO.6:

Case #P08-19 – Public hearing and consideration of approval of a rezone request from C-3 (Highway Commercial) to a commercial PUD (Planned Unit Development), Shawnee Retail Development, located at 4900 North Harrison, Shawnee, Oklahoma, for the purpose of a commercial development.

Applicant: TLP Associates, Inc.

Assistant City Planner Joseph Barker presented staff report. He provided a recap of what the applicant is proposing. He summarized the changes the applicant made to the PUD since the previous public hearing the item was heard at on June 5th, 2019 Planning Commission Meeting, including clarification on what “private entertainment” means in the PUD Design Statement, an access easement for both the existing signs that would become off-premise, and the waterline on Lot 2 being public was clarified. He stated staff recommends approval based upon the following conditions:

1. Property is brought up to the standards of the Zoning Code before development is started;
2. Lot 2 will not be a parking lot;
3. No parking will be adjacent to the east and south lot lines;
4. Parking will always be available to both lots; and
5. All new primary structures erected will be required to have 100% masonry coverage.

Commissioner Rowell asked if the new conditions were agreed upon by the applicant and the Planning Department. Assistant City Planner Joseph Barker stated that he does not know what correspondence Planning Director Rebecca Blaine has had with the applicant on these conditions.

Chairwoman Kienzle opened the public portion of the meeting and asked if anyone speaking in favor of the item would like to come forward. The general manager of the Quality Inn on Lot 1, Harry Patel, came forward. He stated they will update the landscaping after they finish demolishing the sidewalk. He provided the number of shrubs and trees on the property. Commissioner Kienzle asked Mr. Patel if documents would be submitted in the future to the City in order to verify the landscaping. Mr. Patel said they would do so. He showed the Planning Commission the changes to the landscaping plans. Commissioner Matthews expressed his thanks to Mr. Patel for the changes they have made to this project for the City. Chairwoman Kienzle asked Mr. Patel if he had any concerns about the conditions on the staff report. He expressed a concern about the third condition. Chairwoman Kienzle clarified that the condition states the parking cannot be adjacent to the south and east lot lines, and not that there cannot be any parking at all towards the east or south part of the lot. Mr. Patel stated he could do that. Commissioner Rowell clarified that there will be parking up front, just not on the edge of the property facing the streets. Commissioner Matthews told Mr. Patel he believes he has done a good job on the project.

No one else came forward and Chairwoman Kienzle asked if anyone speaking against the item would like to come forward. No one came forward and Chairwoman Kienzle closed the public portion of the meeting.

Chairwoman Kienzle asked if there were any comments or questions. There were no more comments or questions and Chairwoman Kienzle asked for a motion. Commissioner Matthews motioned to approve of the PUD upon the listed conditions; seconded by Commissioner Rowell.

Motion passed:
AYE: Deem, Matthews, Kienzle, Rowell
NAY:
ABSTAIN:

AGENDA ITEM NO.7:

Case #S05-19 – Consideration of approval of a preliminary plat for Shawnee Retail Development, a 4.52-acre property located at 4900 North Harrison, Shawnee, Oklahoma, for the purpose of a commercial development.

Applicant: TLP Associates

Assistant City Planner Joseph Barker presented staff report. He stated that the requested corrections listed on the staff report were resolved after the staff report was sent out to the Planning Commission. He stated staff recommends approval of the preliminary plat upon the following conditions:

1. Final construction documents must be approved by the City Engineer concurrent with final plat approval;
2. Drainage plans must be approved by the City Engineer concurrent with final plat approval;
3. All other applicable city standards apply;
4. Contours shall be added;
5. Statistical information will be corrected;
6. Engineering's requested corrections shall be made; and
7. The utility contractor will locate, expose, shut off, and detach the existing 4" service from the 12" water main located on the east side of Harrison.

Assistant City Planner Barker stated that because the applicant has made all requested corrections, conditions four through six no longer need to be conditions upon approval.

Chairwoman Kienzle opened the public portion of the meeting and asked if anyone speaking in favor of the item would like to come forward.

No one came forward and Chairwoman Kienzle asked if anyone speaking against the item would like to come forward. No one came forward and Chairwoman Kienzle closed the public portion of the meeting.

Chairwoman Kienzle asked if there were any comments or questions. There were no comments or questions and Chairwoman Kienzle asked for a motion. Commissioner Rowell motioned to approve the preliminary plat upon the listed conditions except conditions four through six; seconded by Commissioner Deem.

Motion passed:
AYE: Deem, Matthews, Kienzle, Rowell
NAY:
ABSTAIN:

AGENDA ITEM NO.8:

Planning Director's Report

Assistant City Planner Joseph Barker stated Planning Director Rebecca Blaine provided a staff report via e-mail to the Planning Commission because she could not attend the meeting. Commissioner Deem stated the U-Haul facility's property was discussed by Director Blaine. Chairwoman Kienzle stated there is outdoor storage, which was not stated in the conditional use permit as agreed upon by the City. Commissioner Deem asked Assistant City Planner Barker if Director Blaine has an update on the issue. He stated they are still in a negotiation process with

the City, but that he himself has not been apart of that process. Commissioner Matthews asked why other businesses are allowed to have outdoor storage and not U-Haul. Engineering Director Michael Ludi stated outdoor storage was not agreed upon by the City, and also stated that the U-Haul is renting units that are permanent structures. Chairwoman Kienzle recalled that the applicant had originally stated they were going to beautify the property. Commissioner Deem stated she feels the Planning Commission was fooled by the applicant regarding their intentions for the property. Commissioner Rowell stated once Director Blaine has investigated and concluded whether or not U-Haul has breached the agreement, the Planning Commission will have a legal argument against them. Commissioner Deem stated that another part of the issue is the expectation created by the applicant with the materials they had submitted for their conditional use permit. Commissioner Rowell stated there was a lot of discussion about there not being a large quantity of trucks parked on the property, and now there are instead structures in place. Commission Matthews stated the structures were not included in the plans submitted by the applicant. Chairwoman Kienzle expressed her disappointment with the landscaping of the property.

AGENDA ITEM NO.9:

Commissioners Comments and/or New Business

Commissioner Deem asked Assistant City Planner Barker if he had any information on the status of the replacement of fencing at the Shawnee Milling Company. He stated he has not been a part of that process, but that he would bring that up to Director Blaine.

Commissioner Deem asked Assistant City Planner Barker what is going north of the Domino Plaza. Director Ludi stated it is only a dog park. Chairwoman Kienzle stated she believes the property looks fabulous. Commissioner Deem stated she is excited for the project.

AGENDA ITEM NO.10:

Adjournment

Meeting was adjourned.

Chairman/Vice-Chairman

Joseph Barker

Planning Commission Secretary

City of Shawnee Planning Department 222. N. Broadway Shawnee, OK 74801 (405) 878-1616 Fax: (405) 878-1587 www.ShawneeOK.org			CASE # P11-19 PUBLIC HEARING DATE: August 7th, 2019 CITY COMMISSION DATE: August 19th, 2019	
APPLICANT: Dale Wiginton		1510 North Elm Avenue Shawnee, Oklahoma, 74804		Doa.rifles@yahoo.com
PROPERTY ADDRESS/LOCATION: 1510 North Elm Avenue, Shawnee, Oklahoma, 74804				
The applicant, Dale Wiginton, is requesting a rezone from A-1 to R-1 at 1510 North Elm Avenue. The stated proposed use is for the existing residential use.				
EXISTING ZONING: A-1	EXISTING LAND USE: Single-Family Residential	SURROUNDING ZONING & LAND USE: A-1 (Rural Agricultural) R-1 (Single-Family Residential) R-3 (Multi-Family Residential)	SUBDIVISION: Bradley's Second Addition	PROPERTY SIZE: 0.26 acres

STAFF RECOMMENDATION

The applicant has stated they intend to use the lot for its existing use, and to bring the property into conformity with the Zoning Code. Currently, it does not meet the dimensional standards of a property zoned A-1. The subject site is 0.26 acres in size and abuts the Avedis Park. Adjacent properties are zoned A-1 (Rural Agricultural), R-1 (Single-Family Residential), and R-3 (Multi-Family Residential). Single-Family Residential is a common use in this area. The 2005 Comprehensive Plan states this area's intended use should be residential.

The rezone is required to conform to Section 22-160.2 of the Zoning Code, "Uses [in residential districts]," which assures that the R-1 zoning district is used to provide for single family dwellings and related recreational, religious, and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. Single-family residences are a permitted use in the proposed district. The rezone is also required to conform to Section 22-160.4 of the Zoning Code, "Dimensional Standards [in residential districts]." If rezoned to R-1, it would conform to these standards.

The subject request is in conformance with City Zoning Code and the 2005 Comprehensive Plan; therefore, Staff hereby recommends approval of the requested rezone from A-1 (Rural Agricultural) to R-1 (Single-Family Residential).

APPROVE

APPROVE WITH CONDITIONS

DENY

**ATTACHMENTS:
(CIRCLE)**

SUBMITTED PLANS

**PUBLIC HEARING
PETITION/
APPLICATION
FORM**

LEGAL NOTICE

LEGAL DESCRIPTION

PUBLIC COMMENTS

AGENCY COMMENTS

RESPONSE TO STANDARDS



PLANNING COMMISSION APPLICATION

Planning Department

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

For Office Use Only	
Case Number:	<u>P11-19</u>
Project Number:	<u>190545</u>
Date Filed:	<u>6/24/2019</u>
_____ Planning Commission Secretary	

REQUEST:

☒ Rezoning
☐ Conditional Use Permit
☐ Rezoning w/Conditional Use Permit
☐ Planned Unit Development

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

PROPERTY LOCATION (STREET ADDRESS): 1510 N. Elm Ave

LEGAL DESCRIPTION: Bradley's 2nd S80' N112' of E140' Lot 8

PROPERTY OWNER (S): Dale E. Wiginton

PROPERTY AGENT (APPLICANT): Dale E. Wiginton

APPLICANT'S ADDRESS: 1510 N. Elm Ave

CITY: Shawnee STATE: OKla. ZIP: 74804

EMAIL ADDRESS: doa.rifles@yahoo.com

TELEPHONE NUMBER: (405) 788-5408 CONTACT NUMBER: (405) 788-5408

DIMENSIONS OF PROPERTY: AREA: 11,200 sq. ft. WIDTH: 80'
LENGTH: 140' FRONTAGE: 80'

CURRENT ZONING: A-1 CURRENT USE: Home

PROPOSED ZONING: R-1 PROPOSED USE: Home

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

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

Dale E. Wiginton
SIGNATURE OF APPLICANT

FOR STAFF USE ONLY

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

RECEIPT NO. N/A

PLANNED UNIT DEVELOPMENT FEE \$ 550.00

SIGN DEPOSIT \$ 50.00

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

PLANNING COMMISSION ACTION: _____ DATE: _____

CITY COMMISSION ACTION: _____ DATE: _____

PLACE ON ZONING MAP: _____ ORDINANCE NO.: _____

CERTIFICATE OF BONDED ABTRACTOR (300 FEET RADIUS REPORT)

STATE OF OKLAHOMA)
COUNTY OF POTTAWATOMIE) §:

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

The South 80 feet of the North 112 feet of the East 140 feet of Lot Eight (8), BRADLEY'S SECOND ADDITION to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof.

and find the following owners, addresses and brief legal descriptions on the attached pages numbered from (1) to (2), both inclusive.

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

Dated: June 14, 2019 at 7:30 AM

First American Title Insurance Company

By: Michelle Cook.

Michelle Cook
Abstractor License No. 3286
OAB Certificate of Authority # 017
File No. 2415845-OK99

OWNERSHIP LIST

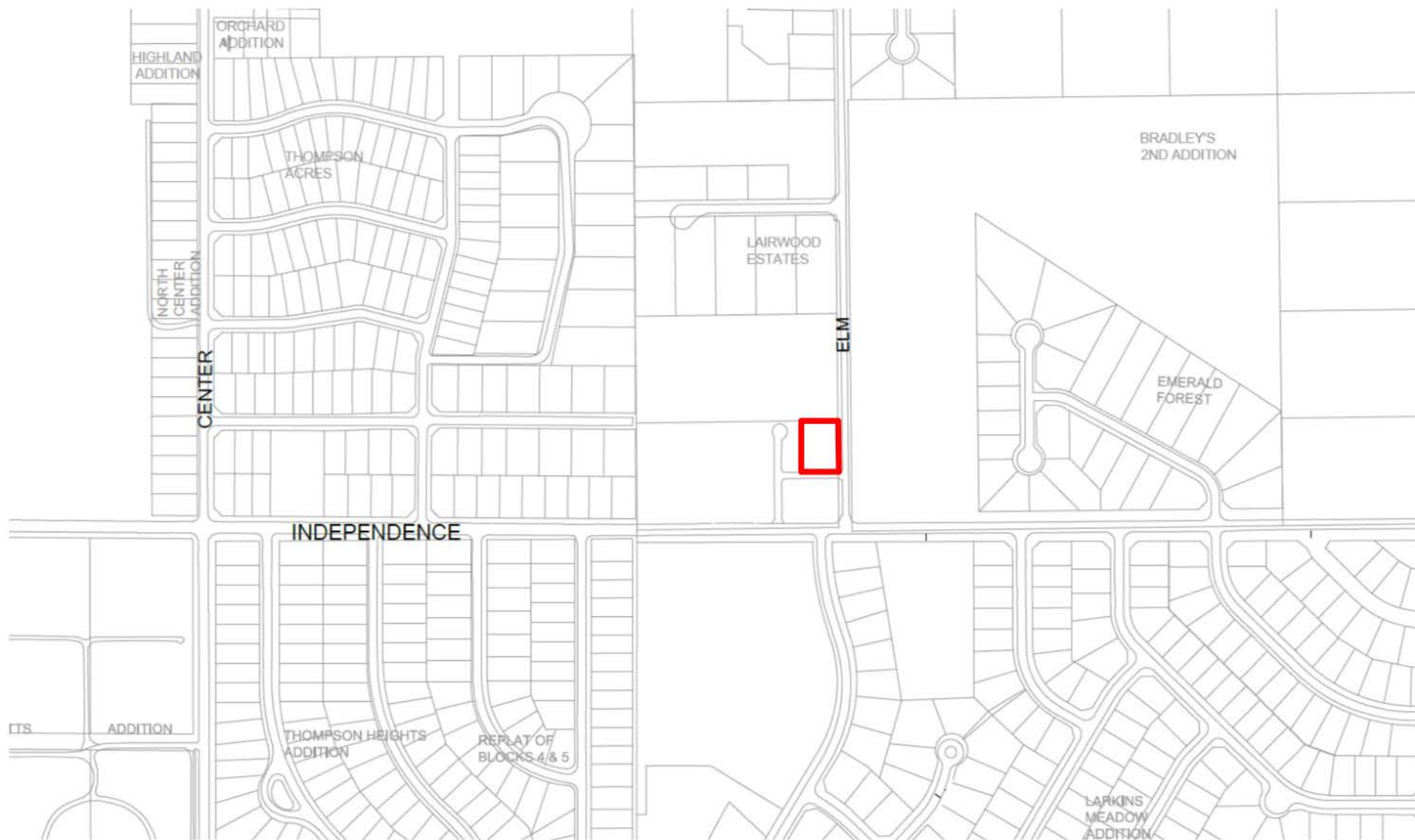
ORDER NO. 2415845

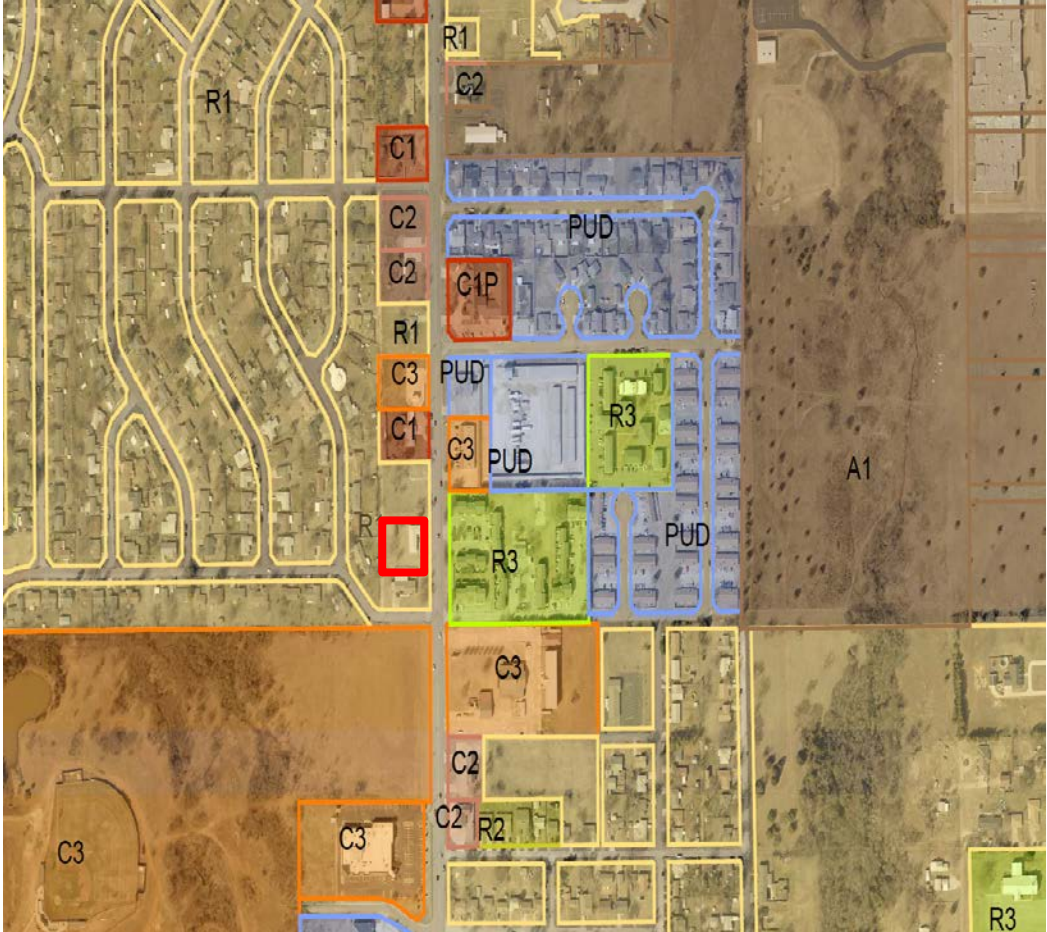
DATE PREPARED: June 24, 2019

EFFECTIVE DATE: June 14, 2019 at 7:30 am

OWNER	LOT	BLK	ADDITION
WIGINTON DALE E 1510 N ELM SHAWNEE, OK 74804			S80' OF N112' OF E140' OF LOT 8 BRADLEY'S 2
MACGILFREY EDWARD J 21500 CACIFA ST. # 92 WOODLAND HILLS, CA 91367			BEG SW/C LOT 8 E335' N295.6' E145' S112' E140' S54.40' W99.83' S129.40' W184.48' POB BRADLEY'S 2
OFF BROADWAY PROPERTIES LLC 301 HAROLD RD BRISBANE, CA 94005			BEG 135'E SW/C LOT 8 E200' N295.6' W200' S295.6' POB (PT SW SE 8-10N-4E) BRADLEY'S 2
LOWE JIM 1404 CHARLES DR SHAWNEE, OK 74804			BEG SW/C LOT 7 E389' N180' W214' S31.4' W25' S139' W150' S9.6' POB BRADLEY'S 2
LOWE JIM 1404 CHARLES DR SHAWNEE, OK 74804			LOT 7 BEG 247'E NW/C LOT 7 S148.6' E142' S180' ETC. BRADLEY'S 2
INMAN LAWRENCE & DIANA P O BOX 3551 SHAWNEE, OK 74802			BEG 61.4'N SE/C LOT 7 W140' N137.75' E140' S137.75' POB LESS A TRACT BEGINNING 61.4'N SE/C LOT 7 W140' N33' E140' S33' POB DUPLEX 1520 & 1522 N ELM BRADLEY'S 2
LUPTON ASHLEY M & WILLIAM R 1514 N ELM AVE SHAWNEE, OK 74804			THE EAST 140' OF THE NORTH 32' LOT 8 & A TRACT IN LOT 7 BEGINNING SE/C OF SAID LOT 7 S89*41'28"W140' N92.47' N89*53'58"E140' S94.4' POB BRADLEY'S

AVEDIS FOUNDATION 1500 E INDEP SHAWNEE, OK 74804	1	1	AVEDIS PARK
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City of Shawnee Planning Department 222. N. Broadway Shawnee, OK 74801 (405) 878-1616 Fax: (405) 878-1587 www.ShawneeOK.org			CASE # P12-19 PUBLIC HEARING DATE: August 7th, 2019 CITY COMMISSION DATE: August 19th, 2019	
APPLICANT: Margaret Davis		2004 North Kickapoo Avenue Shawnee, Oklahoma, 74804		MargaretDavis1234@yahoo.com
PROPERTY ADDRESS/LOCATION: 3914 North Kickapoo Avenue, Shawnee, Oklahoma, 74804				
The applicant, Margaret Davis, is requesting a rezone from R-1 to C-3 at 3914 North Kickapoo Avenue. The stated proposed use is for a shopping strip center.				
EXISTING ZONING: R-1	EXISTING LAND USE: Single-Family Residential	SURROUNDING ZONING & LAND USE: R-1 (Single-Family Residential) R-3 (Multi-Family Residential)	SUBDIVISION: College View Addition	PROPERTY SIZE: 0.73 acres

STAFF RECOMMENDATION

The applicant has stated they intend to use the lot for a shopping strip center. The subject site is 0.73 acres in size and abuts the Amended Plat of the College View Addition and the Northcreek Manor. Adjacent properties are zoned R-1 (Single-Family Residential), and R-3 (Multi-Family Residential). Highway Commercial has become a commonplace district in this area. The 2005 Comprehensive Plan states this area's intended use should be commercial/residential.

The rezone is required to conform to Section 22-165.2 of the Zoning Code, "Uses [in commercial districts]," which assures that the C-3 zoning district is used to provide establishments offering accommodations, supplies or services to motorists, and for certain specialized uses such as retail outlets, extensive commercial amusement and service establishments which serve the entire community. Shopping strip centers are a permitted use in this district. The rezone is also required to conform to Section 22-165.4 of the Zoning Code, "Dimensional Standards [in commercial districts]." If rezoned to C-3, it would conform to these standards.

The subject request is in conformance with City Zoning Code and the 2005 Comprehensive Plan; therefore, Staff hereby recommends approval of the requested rezone R-1 (Single-Family Residential) to C-3 (Highway Commercial).

APPROVE

APPROVE WITH CONDITIONS

DENY

**ATTACHMENTS:
(CIRCLE)**

SUBMITTED PLANS

**PUBLIC HEARING
PETITION/
APPLICATION
FORM**

LEGAL NOTICE

LEGAL DESCRIPTION

PUBLIC COMMENTS

AGENCY COMMENTS

RESPONSE TO STANDARDS

3914 N Kickapoo Ave, Shawnee, OK 74804-1635, Pottawatomie County

Owner Information

Owner Name:	Maxwell James P	Tax Billing Zip:	34201
Owner Name 2:	Levoe James P	Tax Billing Zip+4:	2364
Tax Billing Address:	7428 Ascot Ct	Owner Occupied:	No
Tax Billing City & State:	University Park, FL		

Location Information

School District Name:	Shawnee (93-R School District)	Census Tract:	5007.00
Subdivision:	College View	Carrier Route:	C032
Township:	Shawnee Subs		

Tax Information

Tax ID:	055500001002000000	Lot #:	2
Alt APN:	055500100200000000	Tax Area:	0005
Block #:	1	% Improved:	81%
Legal Description:	COLLEGE VIEW BLK 1 LOT 2.		

Assessment & Tax

Assessment Year	2018	2017	2016
Assessed Value - Total	\$11,131	\$11,131	\$10,882
Assessed Value - Land	\$2,100	\$2,100	\$2,075
Assessed Value - Improved	\$9,031	\$9,031	\$8,807
YOY Assessed Change (\$)	\$0	\$249	
YOY Assessed Change (%)	0%	2.29%	
Market Value - Total	\$92,756	\$92,756	\$90,680
Market Value - Land	\$17,500	\$17,500	\$17,288
Market Value - Improved	\$75,256	\$75,256	\$73,392

Tax Year	Total Tax	Change (\$)	Change (%)
2016	\$1,110		
2017	\$1,123	\$13	1.17%
2018	\$1,139	\$16	1.42%

Characteristics

Land Use - Universal:	SFR	Heat Type:	Forced Air
Lot Area:	31,850	Cooling Type:	Central
Lot Acres:	0.73	Fireplace:	Y
# of Buildings:	1	Fireplaces:	1
Building Sq Ft:	1,702	Floor Cover:	Type Unknown
Gross Area:	2,208	Foundation:	Slab
Ground Floor Area:	1,702	Exterior:	Brick
Above Gnd Sq Ft:	1,702	Roof Type:	Hip
Style:	Traditional	Roof Material:	Composition Shingle
Building Type:	Single Family	Roof Shape:	Hip
Stories:	1	Garage Type:	Attached Garage
Total Rooms:	8	Garage Sq Ft:	506
Bedrooms:	3	Parking Type:	Attached Masonry Garage
Full Baths:	1	Year Built:	1957
Half Baths:	1	Condition:	Average
Total Baths:	2	Quality:	Average

Estimated Value

Estimated Value (1):	\$144,700	Confidence Score (2):	52
Estimated Value Range:	\$128,783 - \$160,617	Forecast Standard Deviation (3):	11
Value As Of:	04/30/2019		

(1) RealAVM™ is a CoreLogic® derived value and should not be used in lieu of an appraisal.

Courtesy of Stacey Stringer, MLSOK, Inc

The data within this report is compiled by CoreLogic from public and private sources. The data is deemed reliable, but is not guaranteed. The accuracy of the data contained herein can be independently verified by the recipient of this report with the applicable county or municipality.

Property Detail

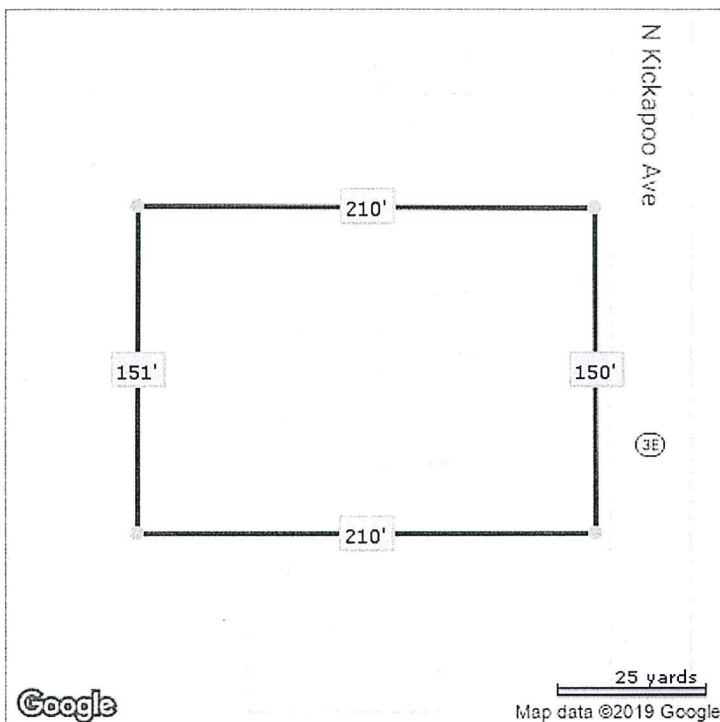
Generated on 05/08/2019

- (2) The Confidence Score is a measure of the extent to which sales data, property information, and comparable sales support the property valuation analysis process. The confidence score range is 60 - 100. Clear and consistent quality and quantity of data drive higher confidence scores while lower confidence scores indicate diversity in data, lower quality and quantity of data, and/or limited similarity of the subject property to comparable sales.
- (3) The FSD denotes confidence in an AVM estimate and uses a consistent scale and meaning to generate a standardized confidence metric. The FSD is a statistic that measures the likely range or dispersion an AVM estimate will fall within, based on the consistency of the information available to the AVM at the time of estimation. The FSD can be used to create confidence that the true value has a statistical degree of certainty.

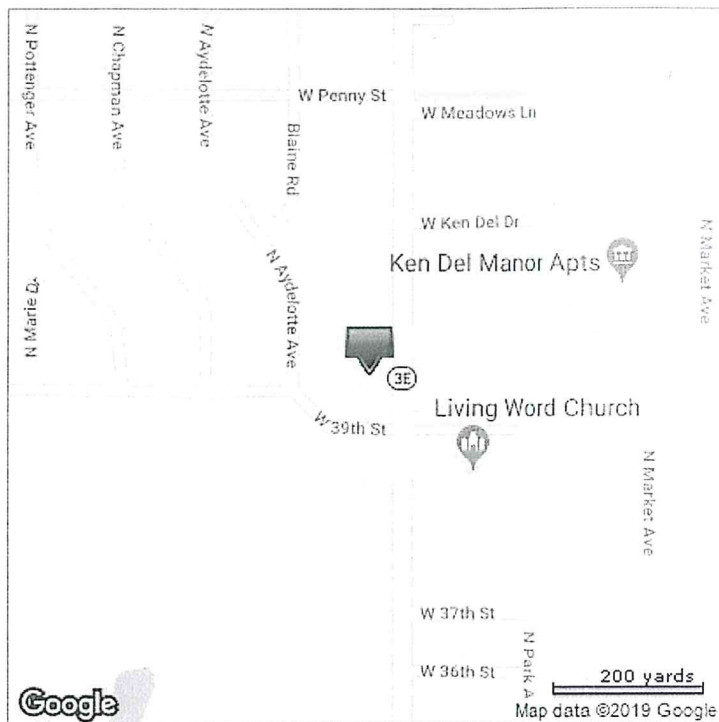
Last Market Sale & Sales History

Owner Name:	Maxwell James P	Owner Name 2:	Levoe James P
Sale/Settlement Date	10/14/2009		
Recording Date	10/14/2009		
Nominal	Y		
Buyer Name	Maxwell James P & E L Trust		
Seller Name	Maxwell James P & Evelyn L		
Document Number	14023		
Document Type	Warranty Deed		

Property Map



*Lot Dimensions are Estimated



Courtesy of Stacey Stringer, MLSOK, Inc

The data within this report is compiled by CoreLogic from public and private sources. The data is deemed reliable, but is not guaranteed. The accuracy of the data contained herein can be independently verified by the recipient of this report with the applicable county or municipality.

Property Detail

Generated on 05/08/2019

17 Page 2 of 2

Property Owner

Name: MAXWELL JAMES P & LEVOE TR
OF JAMES P & EVELYN L REV
TRUS

Mailing Address: 7428 ASCET CT
UNIVERSITY PARK, FL 34201

Type: (RI) Res. Improv.

Tax Dist: (93SHA) Shawnee SD

Millage Rate: 102.33

Property Information

Physical Address: 3914 KICKAPOO

Subdivision: College View

Block / Lot: 001 / 002

Size (Acres): 0.000

Extended Legal: COLLEGE VIEW BLK 1 LOT 2

Market and Assessed Values:

	Taxable Market Value	Full Assessed (12.00% Market Value)
Land:	17,500	2,100
Building:	75256	9031
Total:	92,756	11,131
Homestead Credit:		0
Net Assessed:		11,131

Taxes:

Estimated Taxes:	\$1,139
Homestead Credit:	\$0 Note: Tax amounts are estimates only. Contact the county tax collector for exact amounts.

Land:

Land Use	Size	Units
Land-(0555)	1.00	LT

Deed Transfers:

Date	Book	Page	Deed Type	Stamps	Est. Sale	Grantee	Code	Type
10/14/2009	2009	14023	Warr. Deed	0.00	\$0	MAXWELL JAMES P & LEVOE T		

Not a Legal Document.
Subject to terms and conditions.
www.actDataScout.com

As of: 4/19/2019

Details for Card 1:

Occupancy	Story	Construction	Total Liv	Grade	Year Built	Age	Condition	Beds
Single Family	ONE	TRADITIONAL	1,702	3	1957	62	Average	3

Exterior Wall: BRICK

Heat / Cool: HotAir/F

Plumbing: Full: 1 Half: 1

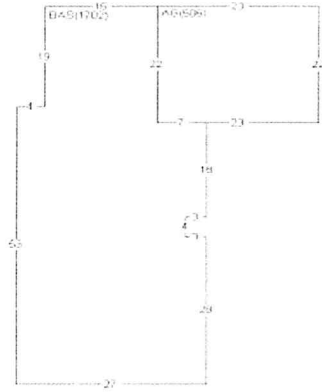
Foundation: Slab

Roof Cover: Fiberglass Shingle

Year Remodeled: 0

Fireplace: Type: 1s Sgl. Qty: 1

Roof Type: Hip



Base Structure:

Item	Label	Description	Area
1	BAS	BAS	1702
2	AG	AG	506

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Page 2

Map:



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Page 3

June 27, 2019

To Whom It May Concern,

I am writing to confirm that my sister Paula and I are the owners and trustees of the Reverend James Paul and Evelyn LeVoe Maxwell Irrevocable Trust ...which owns the house and property at 3914 North Kickapoo. We have appointed Margaret Davis, at Century 21, in Shawnee to manage this as a rental property and further, to apply for commercial zoning.

If there are any concerns I am available to discuss at any time on my direct line 508-274-8669 or email: Dan @maxwellandco.com

With Kind Regards,
Dan Maxwell

A handwritten signature in dark ink, appearing to read 'Dan Maxwell', with a long horizontal line extending to the right.

Dan Maxwell
President /Owner
Maxwell & Co
200 Main Street
Falmouth, Massachusetts
02540



PLANNING COMMISSION APPLICATION

Planning Department

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

For Office Use Only	
Case Number:	<u>P12-19</u>
Project Number:	<u>190595</u>
Date Filed:	<u>6/10/2019</u>
_____ 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 _____ District to C-3 District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): 3914 N. KICKAPOO, SHAWNEE, OK

LEGAL DESCRIPTION: BLK 1, LOT 2, COLLEGE VIEW

PROPERTY OWNER (S): DAN MAXWELL

PROPERTY AGENT (APPLICANT): MARGARET DAVIS, CENTURY-21

APPLICANT'S ADDRESS: 2004 N. KICKAPOO

CITY: SHAWNEE STATE: OK ZIP: 74804

EMAIL ADDRESS: MARGARETDAVIS1234@YAHOO.COM

TELEPHONE NUMBER: (405) 997-9500 CONTACT NUMBER: (405) 275-7030

DIMENSIONS OF PROPERTY: AREA: 31,850 WIDTH: 150'
LENGTH: 210' FRONTAGE: 210'

CURRENT ZONING: R-1 CURRENT USE: RESIDENTIAL

PROPOSED ZONING: C-3 PROPOSED USE: Strip Center*

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

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

Margaret Davis
SIGNATURE OF APPLICANT

FOR STAFF USE ONLY

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

RECEIPT NO. 02312407

PLANNED UNIT DEVELOPMENT FEE \$ 550.00

SIGN DEPOSIT \$ 50.00

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

PLANNING COMMISSION ACTION: _____ DATE: _____

CITY COMMISSION ACTION: _____ DATE: _____

PLACE ON ZONING MAP: _____ ORDINANCE NO.: _____

*Info received 6-21-2019

received
6-12-19

City of Shawnee OK
405-878-1616

RECH: 02312407 7/08/2019 11:30 AM
OPER: KG TERM: 020
REFN: 6356
PAID BY:

TRAN: 401.0000 BUILDING PERMIT
190595 280.00CR
DAVIS, MARGARET
3914 N KICKAPOO AVE
Z-REZONING 280.00CR

TENDERED: 280.00 CHECK
APPLIED: 280.00--

CHANGE: 0.00

Visit www.ShawneeOK.org
For More Information

CERTIFICATE OF BONDED ABTRACTOR (300 FEET RADIUS REPORT)

STATE OF OKLAHOMA)
COUNTY OF POTTAWATOMIE) §:

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

Lot Two (2), Block One (1), of COLLEGE VIEW ADDITION, an Addition to the City of Shawnee, Pottawatomie County, Oklahoma.

and find the following owners, addresses and brief legal descriptions on the attached pages numbered from (1) to (3), both inclusive.

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

Dated: May 24, 2019 at 7:30 AM

First American Title Insurance Company

By: Michelle Cook

Michelle Cook
 Abstractor License No. 3286
 OAB Certificate of Authority # 017
 File No. 2407228-SH99

OWNERSHIP LIST

ORDER NO. 2407228

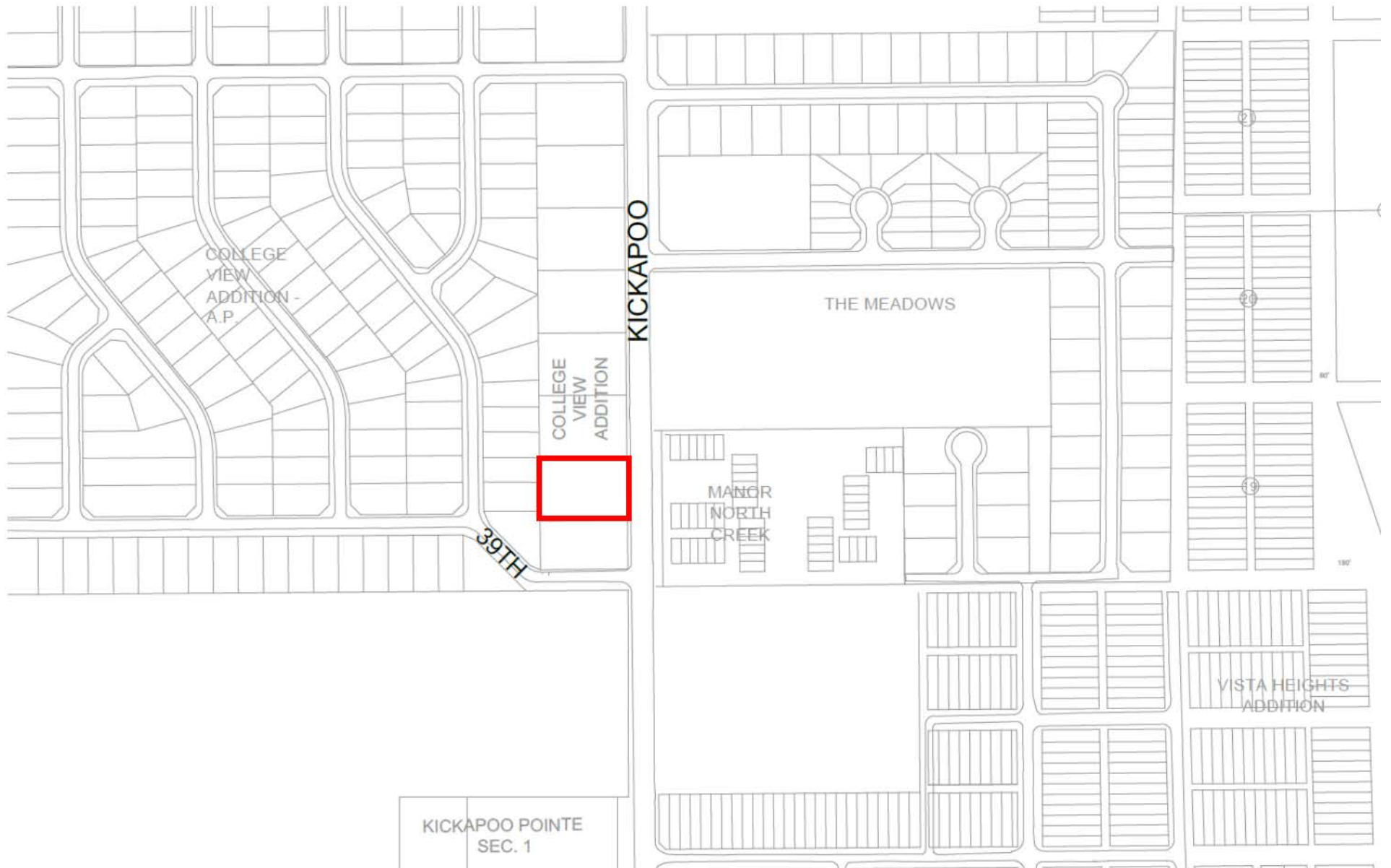
DATE PREPARED: June 4, 2019

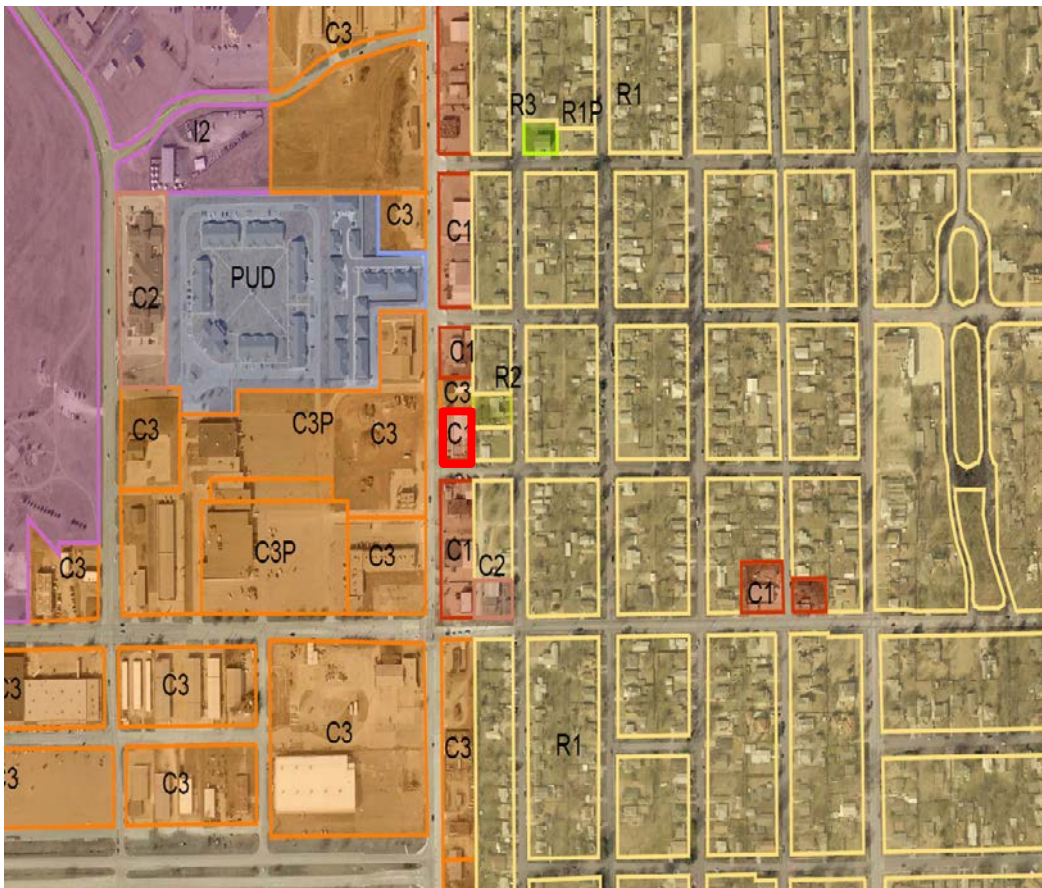
EFFECTIVE DATE: May 24, 2019 at 7:30 am

OWNER	LOT	BLK	ADDITION
MAXWELL JAMES P & LEVOE TR OF JAMES P & EVELYN L REV TRUS 7428 ASCET CT UNIVERSITY PARK, FL 34201	2	1	COLLEGE VIEW
TOTTEN JEFFREY W & MARTHA A 2510 E INDEPENDENCE #300 SHAWNEE, OK 74804	1	1	COLLEGE VIEW
EIGHT EAGLES LLC C/O MIKE MASSEY 2100 E 45TH ST SHAWNEE, OK 74804	3	1	COLLEGE VIEW
BISON CROSSING 2 LLC 2124 NW 26TH ST OKLA CITY, OK 73107	4	1	COLLEGE VIEW
BISON CROSSING LLC 2124 NW 26TH ST OKC, OK 74804	5	1	COLLEGE VIEW
WOODMORE ROBERT & ALETHIA 1300 INVERNESS CIR SHAWNEE, OK 74801			BEG 574.51'N SW/C NW E180' N180.49' W180' S180.49' POB. I.K.S.#14 (NW4 6-10N-4E)
COWDEN G RANDY & JOYE E 1902 KATIE RD SHAWNEE, OK 74804	1	1	NORTHCREEK PLAZA (TAN & TONE)
COWDEN G RANDY & JOYE E 1902 KATIE RD SHAWNEE, OK 74804			BEG 375'N SW/C NW E50' N199.49' TH WESTERLY 50' TO A POINT ON W LINE NW TH S ALG WEST LINE TO POB (NW4 6-10N-4E)
SHORT MERRILY & TIMOTHY DOYLE 40500 GARRETTS LAKE RD SHAWNEE, OK 74804	1	1	NORTHCREEK MANOR
HENRY JOSEPH & CHRISTINA 1209 MUIRFIELD SHAWNEE, OK 74801	2	1	NORTHCREEK MANOR

INGRAM JILL M 3901 N KICKAPOO #3 SHAWNEE, OK 74804	3	1	NORTHCREEK MANOR
STENBERG NATHAN 3901 N KICKAPOO APT 4 SHAWNEE, OK 74804	4	1	NORTHCREEK MANOR
FEDERAL NATIONAL MORTGAGE P O BOX 650043 DALLAS, TX 75265	5	1	NORTHCREEK MANOR
GOTO SHINGIRIRAI 5992 AUBREY RANCH DR ARLINGTON, TN 38002	18	1	NORTHCREEK MANOR
HERRON SARAH L 11 TIMBER CREEK CIR SHAWNEE, OK 74804	17	1	NORTHCREEK MANOR
FLETCHER FERRELL E & ALISHA K 3901 N KICKAPOO #16 SHAWNEE, OK 74804	16	1	NORTHCREEK MANOR
JOHNSON RANDAL SCOTT 3901 N KICKAPOO #15 SHAWNEE, OK 74804	15	1	NORTHCREEK MANOR
OFFERMAN JASON F & DOROTHY M LIVING TRUS7811 SHELBY CIR EDMOND, OK 73034T	14	1	NORTHCREEK MANOR
UNITED DYNAMICS INC 41901 WOLVERINE RD SHAWNEE, OK 74804	22	1	NORTHCREEK MANOR
CHAPMAN WILLIAM A REVOC TRUST 1701 AUTUMN LN SHAWNEE, OK 74804	21	1	NORTHCREEK MANOR
TAPLEY BRYAN & NATALIE 3901 N KICKAPOO #20 SHAWNEE, OK 74804	20	1	NORTHCREEK MANOR
BLOCHOWIAK WILLIAM MII 3901 N KICKAPOO #19 SHAWNEE, OK 74804	19	1	NORTHCREEK MANOR
LIVING WORD CHURCH P O BOX 3044 SHAWNEE, OK 74802			BEG NW/C SW E660' S330' W660' N330' TO POB LAND 2540 IMP 4060 (SW4 6-10N-4E)
OKLA BAPTIST UNIVERSITY 500 W UNIVERSITY SHAWNEE, OK 74801			COMM SE/C SE TH N1324.88' TO THE SE/C OF N/2 SE TH W583'POB TH W2048.84' N1326.38' E2633.65' S500' W583' S825.44' POB (SE4 1-10N-3E)

OKLA BAPTIST UNIVERSITY 500 W UNIVERSITY SHAWNEE, OK 74804	1-2	7	AP COLLEGE VIEW
PRESLEY KENNETH D & SHERRIE A 3902 N AYDELOTTE SHAWNEE, OK 74804	19 & S10' OF 20	3	AP COLLEGE VIEW
LOULA DON L & GAIL L REVOCABLE TRUST 3906 N AYDELOTTE SHAWNEE, OK 74804	N55' OF 20 & S35' OF 21	3	AP COLLEGE VIEW
THOMAS MILLARD JR 3913 N AYDELOTTE SHAWNEE, OK 74804	S10' OF 10, ALL OF 11 & N4.76' OF 12	1	AP COLLEGE VIEW
FARRIS HAROLD D & JUDY M 3911 N AYDELOTTE SHAWNEE, OK 74804	S55' OF 12 & N30' OF 13	1	AP COLLEGE VIEW
RUEBEN PELTIER PROPERTIES LLC P O BOX 3071 SHAWNEE, OK 74802	S30' OF 13 & ALL OF 14	1	AP COLLEGE VIEW
WILLIAMS ELIZABETH E 3905 N AYDELOTTE SHAWNEE, OK 74804	15 & N10' OF 16	1	AP COLLEGE VIEW
HAZLEWOOD JOANNA G 3903 N AYDELOTTE SHAWNEE, OK 74804	S60' OF 16 & ALL OF 17	1	AP COLLEGE VIEW



City of Shawnee Planning Department 222. N. Broadway Shawnee, OK 74801 (405) 878-1616 Fax: (405) 878-1587 www.ShawneeOK.org			CASE # P13-19 PUBLIC HEARING DATE: August 7th, 2019 CITY COMMISSION DATE: August 19th, 2019	
APPLICANT: John Brown		1713 Pecan Crossing Drive Shawnee, Oklahoma, 74804		Johnrb3@sbcglobal.net
PROPERTY ADDRESS/LOCATION: 1601 North Kickapoo Avenue, Shawnee, Oklahoma, 74804				
The applicant, John Brown, is requesting a rezone from C-1 to C-3 at 1601 North Kickapoo Avenue. The stated proposed use is for expanding the commercial uses available to the property.				
EXISTING ZONING: C-1	EXISTING LAND USE: Shopping Center	SURROUNDING ZONING & LAND USE: R-1 (Single-Family Residential) R-2 (Combined Residential) C-1 (Neighborhood Commercial) C-3 (Highway Commercial)	SUBDIVISION: Penn's Addition	PROPERTY SIZE: 0.49 acres

STAFF RECOMMENDATION

The applicant has stated they intend to use the lot for its existing use. They have requested a rezone to C-3 to make it easier to lease out empty suites. The subject site is 0.49 acres in size. Adjacent properties are zoned R-1 (Single-Family Residential), R-2 (Combined Residential), C-1 (Neighborhood Commercial), and C-3 (Highway Commercial). Highway Commercial is a common district in this area. The 2005 Comprehensive Plan states this area's intended use should be commercial/residential.

The rezone is required to conform to Section 22-165.2 of the Zoning Code, "Uses [in commercial districts]," which assures that the C-3 zoning district is used to provide for establishments offering accommodations, supplies or services to motorists, and for certain specialized uses such as retail outlets, extensive commercial amusement and service establishments. If rezoned to C-3, it would conform to these standards. The rezone is also required to conform to Section 22-165.4 of the Zoning Code, "Dimensional Standards [in commercial districts]." If rezoned to C-3, it would conform to these standards.

The subject request is in conformance with City Zoning Code and the 2005 Comprehensive Plan; therefore, Staff hereby recommends approval of the requested rezone from C-1 (Neighborhood Commercial) to C-3 (Highway Commercial).

APPROVE

APPROVE WITH CONDITIONS

DENY

ATTACHMENTS:
(CIRCLE)

SUBMITTED PLANS

PUBLIC HEARING
PETITION/
APPLICATION
FORM

LEGAL NOTICE

LEGAL DESCRIPTION

PUBLIC COMMENTS

AGENCY COMMENTS

RESPONSE TO STANDARDS

1601 N Kickapoo Ave
Shawnee, OK 74804

Legal Desc.:

(1.5 Lots) Penn's Blk. 8 Lot 1
& S $\frac{1}{2}$ Lot 2 Sub to Easement

(1.5 Lots) Penn's Blk. 8 N $\frac{1}{2}$
Lot 2 All Lot 3

(2 Lots) Penn's Blk 8 Lots
4 & 5 Less a Tract in Lot 4
Beginning SW/C Lot 4 N 11.85'
E 20.85' POB ES' S 5' W 5' N 5'
POB Advantage Transmissions

Property Usage:

Formally "Brown Furniture Company," the building has been divided into two suites; STE 100 and 500. STE 100 is now "Anytime Fitness." STE 500 is an empty lease space. For five years we've tried to lease STE 500 to no avail. Re-zoning from C1 to C3 may give us a better chance to lease the space.

DURABLE POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That I, John R. Brown, Jr., s/p/a Jack Brown, a resident of Shawnee, Oklahoma, have made, constituted, and appointed, and by these presents do make, constitute and appoint my wife, Gloria Jean Brown, my true and lawful attorney-in-fact, under the Oklahoma Uniform Durable Power of Attorney Act, as amended. This Durable Power of Attorney is made under and shall be governed by the Oklahoma Uniform Durable Power of Attorney Act, as the same shall be amended from time to time.

Time and Conditions Under Which This Power of Attorney Is to Become Effective

This Durable Power of Attorney shall be effective upon the disability or incapacity of the principal. I specifically intend that this Durable Power of Attorney shall not be affected by the lapse of time, it being my intent that this Durable Power of Attorney shall be of indefinite duration, upon the disability or incapacity of the undersigned. Said disability or incapacity shall be determined, in writing, by a duly licensed physician. Any person, organization or entity to whom a statement referred to above is presented may rely on such statement as evidencing the effectiveness of this Durable Power of Attorney.

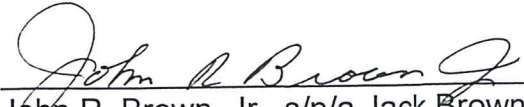
The Extent and Scope of the Power Conferred

In addition to all other powers granted to my attorney-in-fact by operation of law, and except as otherwise limited herein, my attorney-in-fact is expressly empowered to exercise the following powers and authorities without court order:

1. To demand, have received, collect and hold any and all monies, securities, personal and real property of any nature whatsoever belonging to me or in which I may have any interest, and to deal generally and in all respect without restriction in and with any property of any nature whatsoever in which I may have any interest.
2. To distribute the income or principal, or both, of my estate to provide for my support, maintenance, and medical attention.
3. To make disbursements of monies belonging to me in such manner, at such times and for such purposes as my said attorney-in-fact may deem best for maintenance, upkeep, repair or any other purposes in connection with any real estate or personal property owned by me.
4. To operate, manage, control, lease, mortgage, sell, exchange or otherwise

affect, modify, or terminate any special, restricted or limited power or powers of attorney I previously may have granted in connection with any banking, borrowing or commercial transaction.

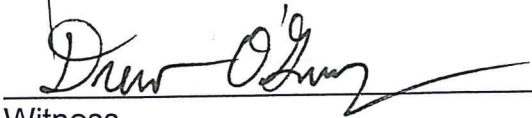
IN WITNESS WHEREOF, I have hereunto set my hand and seal this 15th day of August, 2013.



John R. Brown, Jr., s/p/a Jack Brown
Resident of Shawnee, Pottawatomie
County, State of Oklahoma.



Witness



Witness

AFFIDAVIT OF SUBSCRIBING WITNESSES

The principal is personally known to me and I believe the principal to be of sound mind. I am eighteen (18) years of age or older. I am not related to the principal by blood or marriage, or related to the attorney-in-fact by blood or marriage. The principal has declared to me that this instrument is his Power of Attorney granting to the named attorney-in-fact the power and authority specified herein, and that he has willingly made and executed it as free and voluntary act for the purposes herein expressed.



Witness



Witness

**Operating Agreement
(Members as Managers)
of
BFC, LLC
An Oklahoma Limited Liability Company**

The undersigned, John R. Brown, Jr. and Gloria Jean Brown, Co-Trustees of The John R. Brown, Jr. and Gloria Jean Brown Revocable Trust, dated August 15, 2013, hereinafter called "Member", and BFC, LLC, hereinafter called the "Company", enter into this Operating Agreement which is effective as of the date of filing of the Articles of Organization with the Oklahoma Secretary of State. The terms of the Agreement are as follows:

Section 1. Formation.

(a) **Limited Liability Company.** The Company has been or shall be formed as a limited liability company pursuant to Title 18, O.S. Section 2000, et seq., by the filing with the Secretary of State of the State of Oklahoma of Articles of Organization.

(b) **Agent and Principal Office.** The agent and principal office of the Company shall be as stated in the Articles of Organization, subject to change by the Member(s) on filing with the Secretary of State. The Company may also maintain offices at such other place or places as the Member(s) deems advisable.

(c) **Commencement and Duration.** This Agreement shall commence upon the filing of the Company's Articles of Organization with the Oklahoma Secretary of State, and shall continue through the dissolution and liquidation of the Company as provided in this Agreement. The corporation will begin business as of July 31, 2014.

(d) **Members/Managers.** The company will have its Member serve as Manager. The company will form with one (1) Member and can do business with one (1) Member.

Section 2. Definitions. For purposes of this Agreement, the following terms shall have the meanings ascribed to them.

"Act" means the Oklahoma Limited Liability Company Act, 18 Okla. Stat. §2000 et seq., as it may be amended from time to time, and any successor to such act.

"Agreement" means this Operating Agreement, as it may be amended or supplemented from time to time.

"Articles of Organization" means the articles of organization, as amended

Section 13 General Provisions.

(a) Binding Effect. This Agreement shall be binding upon and inure to the benefit of the Member(s) and their heirs, executors, administrators, successors, legal representatives and permitted assignees.

(b) Applicable Law. This Agreement shall be construed in accordance with and governed by the laws of the State of Oklahoma, without regard to its principles and conflict of laws.

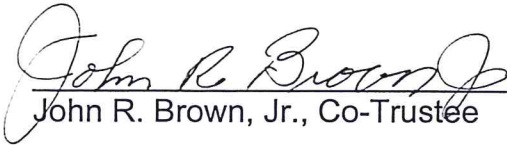
(c) Invalidity of Provisions. If any provision of this Agreement is or becomes invalid, illegal or unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions shall not be affected.

Dated this 7th day of August, 2014, with an effective date of the 7th day of August, 2014.

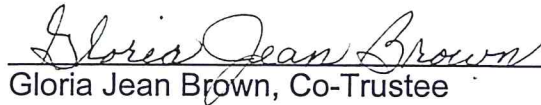
MEMBER:

The John R. Brown, Jr. and Gloria Jean Brown Revocable Trust, dated August 15, 2013

BY:


John R. Brown, Jr., Co-Trustee

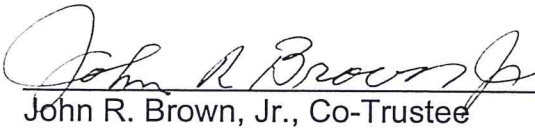
BY:


Gloria Jean Brown, Co-Trustee

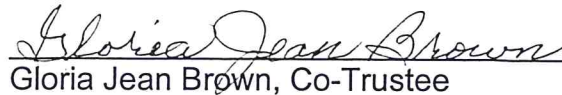
BFC, LLC

The John R. Brown, Jr. and Gloria Jean Brown Revocable Trust, dated August 15, 2013

BY:


John R. Brown, Jr., Co-Trustee

BY:


Gloria Jean Brown, Co-Trustee

June 26, 2019

Joseph Barker, *et. al*
Assistant City Planner
222 N Broadway
Shawnee OK 74801

Re: 1601 N. Kickapoo, STEs 100 & 500 (re-zoning application)

Mr. Barker:

As requested, this letter is a formal statement of approval by the John R. Brown Jr. and Gloria Jean Brown Revocable Trust dated August 15, 2013 ("Trust"), doing business as BFC, LLC, of the Application for Re-Zoning filed with the City of Shawnee by its trustee, Gloria Brown, for the above-referenced address. The Trust owns the property at issue, filed the application under BFC, LLC, and properly executed the request as evidenced by the signature of its trustee, Gloria Brown.

If you have any further questions or need additional information, please contact my son, John R. Brown III, who has power of attorney to speak on my behalf and make decisions that concern any and all of my interests.

Thank you,

A handwritten signature in cursive script that reads "Gloria J. Brown". The signature is written in dark ink and is positioned above the printed name and title.

Gloria J. Brown
Trustee



PLANNING COMMISSION APPLICATION

Planning Department

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

For Office Use Only	
Case Number:	<u>PR-19</u>
Project Number:	<u>190596</u>
Date Filed:	<u>6/14/2019</u>
_____ 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 C-1 District to C-3 District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): 1601 N. Kickapoo Ave.

LEGAL DESCRIPTION: See Attached

PROPERTY OWNER (S): BFC, LLC

PROPERTY AGENT (APPLICANT): John R. Brown

APPLICANT'S ADDRESS: 1713 Pecan Crossing Dr.

CITY: Shawnee STATE: OK ZIP: 74804

EMAIL ADDRESS: johnrb3@sbcglobal.net

TELEPHONE NUMBER: (405) 974-0626 CONTACT NUMBER: (405) 974-0626

DIMENSIONS OF PROPERTY: AREA: 39,000 sq. ft. WIDTH: 265'
LENGTH: 147' FRONTAGE: 265'

CURRENT ZONING: C-1 CURRENT USE: Fitness Center

PROPOSED ZONING: C-3 PROPOSED USE: Fitness Center

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

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

Gloria Brown
SIGNATURE OF APPLICANT

FOR STAFF USE ONLY

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

RECEIPT NO. 02312447

PLANNED UNIT DEVELOPMENT FEE \$ 550.00

SIGN DEPOSIT \$ 50.00

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

PLANNING COMMISSION ACTION: _____ DATE: _____

CITY COMMISSION ACTION: _____ DATE: _____

PLACE ON ZONING MAP: _____ ORDINANCE NO.: _____



City of Shawnee OK
405-878-1616

RECH: 02312447 7/08/2019 11:31 AM
OPER: KG TERM: 020
REFN: 1116
PAID BY:

TRAN: 401.0000 BUILDING PERMIT
190596 280.00CR
BROWN, JOHN
1601 N KICKAPOO AVE
Z-REZONING 280.00CR

TENDERED: 280.00 CHECK
APPLIED: 280.00-

CHANGE: 0.00

Visit www.ShawneeOK.org
For More Information

STATE OF OKLAHOMA)
COUNTY OF POTTAWATOMIE) §:
)

39

OWNERSHIP LIST

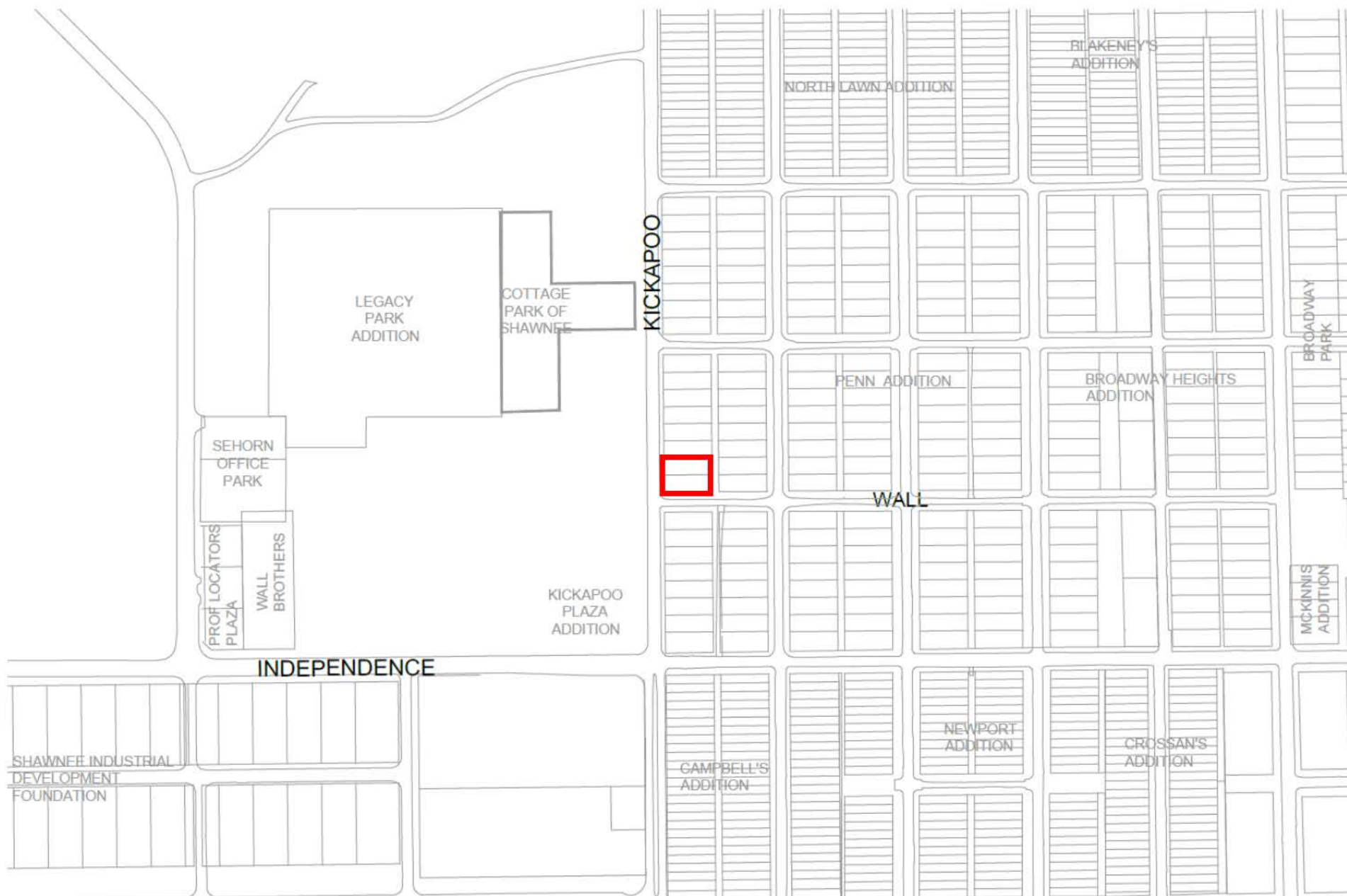
ORDER NO. 2410369

DATE PREPARED: June 11, 2019

EFFECTIVE DATE: June 4, 2019 at 7:30 am

OWNER	LOT	BLK	ADDITION
BFC LLC 1713 PECAN CROSSING SHAWNEE, OK 74804	1 & S/2 of 2	8	PENNS
BFC LLC 1713 PECAN CROSSING SHAWNEE, OK 74804	N/2 of 2, ALL OF 3	8	PENNS
BROWN JOHN JR & GLORIA J 1713 PECAN CROSSING SHAWNEE, OK 74804		8	LOTS 4 & 5 LESS A TRACT IN LOT 4 BEGINNING SW/C LOT 4 N11.85' E20.85' POB E5' S5' W5' N5' POB ADVANTAGE TRANSMISSIONS , BLK 8, PENNS
SMITH WILLIAM K & SUSAN A 1627 N KICKAPOO SHAWNEE, OK 74804	6	8	PENNS
SMITH WILLIAM K & SUSAN A 1627 N KICKAPOO SHAWNEE, OK 74804		8	W90' LOTS 7 & 8 (ZIKS #42) SHAWNEE FOOT&ANKLE CLINIC, BLK 8 PENNS
LITTLE BILLY & BETTYA P O BOX 3197 SHAWNEE, OK 74802	7 & 8 LESS W90'	8	PENNS
AKERMAN LISA GAIL 2712 SW 136TH OKLAHOMA CITY, OK 73170	11	8	PENNS
ALLEN MANAGEMENT LLC % CAROL RHODES 18 GLEN ROCK DR AUSTIN, TX 78738	12	8	PENNS
LILLARD CHRIS JOE P O BOX 1956 SHAWNEE, OK 74802	13 & N30' OF 14	8	PENNS
SKELLY KENNETH 1606 N LOUISA SHAWNEE, OK 74804		8	S20' LOT 14 N20' LOT 15 LESS TRACT BEG NW/C LOT 15 E15' S20' W15' N20' TO BEG, BLK 8 PENNS

JONES FAMILY HOLDINGS LLC 5770 WINDING CREEK RD SHAWNEE, OK 74804			BEG SE/C SE N350' TO POB W183' N127.50' E183' S127.50' TO POB DOMINOS PIZZA (SE4 12-10N-3E)
AMERICAN NATIONAL BANK 1183 JOYCE BLVD STE 2 FAYETTEVILLE, AR 72703			BEG 720'N & 33'W SE/C SE W240' N240' E240' S240' TO POB LESS .17AC (SE4 12-10N-3E)



City of Shawnee Planning Department 222. N. Broadway Shawnee, OK 74801 (405) 878-1616 Fax: (405) 878-1587 www.ShawneeOK.org			CASE # P14-19 PUBLIC HEARING DATE: August 7th, 2019 CITY COMMISSION DATE: August 19th, 2019	
APPLICANT: Gregory Peck		39405 West MacArthur Street Shawnee, Oklahoma, 74804		Memorymedgrower@gmail.com
PROPERTY ADDRESS/LOCATION: 39405 West MacArthur Street, Shawnee, Oklahoma, 74804				
The applicant, Gregory Peck, is requesting a rezone from RE to C-3 at 39405 West MacArthur Street. The stated proposed use is for a medical marijuana dispensary.				
EXISTING ZONING: RE	EXISTING LAND USE: Single-Family Residential	SURROUNDING ZONING & LAND USE: RE (Residential Estate) I-2 (Light Industrial)	SUBDIVISION: N/A	PROPERTY SIZE: 2.58 acres

STAFF RECOMMENDATION

The applicant has stated they intend to use the lot for a medical marijuana dispensary. The subject site is 2.58 acres in size. Adjacent properties are zoned RE (Residential Estate), and I-2 (Light Industrial). While there are no commercially zoned properties immediately abutting the property, roughly 570 feet away are three (3) properties zoned C-3, and there is one (1) on the northeast corner of West MacArthur Street and Acme Road. In addition, there is also a C-2 property roughly 270 feet away from the subject site. The 2005 Comprehensive Plan states this area's intended use should be residential; however, commercial use is not uncommon in this area. In fact, multiple of the properties zoned C-3 in this area were rezoned to that district after 2005.

The rezone is required to conform to Section 22-165.2 of the Zoning Code, "Uses [in commercial districts]," which assures that the C-3 zoning district is used to provide for establishments offering accommodations, supplies or services to motorists, and for certain specialized uses such as retail outlets, extensive commercial amusement and service establishments. The proposed use of a medical marijuana dispensary is permitted in this district. The rezone is also required to conform to Section 22-165.4 of the Zoning Code, "Dimensional Standards [in commercial districts]." If rezoned to C-3, it would conform to these standards.

The subject request is in conformance with City Zoning Code and fits the general pattern of development in the area; therefore, Staff hereby recommends approval of the requested rezone from RE (Residential Estate) to C-3 (Highway Commercial).

APPROVE

APPROVE WITH CONDITIONS

DENY

There has been one letter of protest against the proposed rezone by the Redeemer Lutheran Church, located at 39307 West MacArthur Street. They oppose the rezone for the following reasons:

- They believe it is not within the best interest of their church or of the neighborhood located here;
- They are concerned about the safety and wellbeing of the children who are involved with the church;
- They believe it sends the wrong kind of message regarding the environment that parents who use the church's facilities want for their children, and that it would have a deleterious effect on the church's mission and ministries;
- They are concerned this proposal will lead to traffic issues, which they believe would therefore lead to an increase in the likelihood of accidents;
- They are concerned that the increase in the amount of traffic will also increase the likelihood of crime. In addition, they claim that medical marijuana dispensaries are prime targets for theft, citing local news reports; and
- They believe there is no need to rezone the property.

ATTACHMENTS:
(CIRCLE)

SUBMITTED PLANS

PUBLIC HEARING
PETITION/
APPLICATION
FORM

LEGAL NOTICE

LEGAL DESCRIPTION

PUBLIC COMMENTS

AGENCY COMMENTS

RESPONSE TO STANDARDS



Redeemer Lutheran Church

Missouri Synod

39307 W. MacArthur St.

Shawnee, OK 74804

405-273-6286

July 31, 2019

City of Shawnee
222 N. Broadway
Shawnee, OK 74801

RE: Case #P14-19

Proposed rezone of 39405 W. MacArthur, Shawnee, from residential to commercial.

I am writing on behalf of Redeemer Lutheran Church, regarding the proposed zoning change to the property located at 39405 W. MacArthur. This property borders the east side of the church property. This letter is a formal appeal to the City Commission to deny the request for rezoning.

We have several reasons for this request. First of all, we would like to make it clear that we do not have anything against the people who are making this request, or those in need of their product. We just do not want the dispensary at this particular location. We understand that this is a legal business, but we do not feel that it is in the best interest of our church, or our neighborhood that it be located here.

One of our concerns is the safety and wellbeing of the children who not only attend church here on Sunday mornings, but are involved in activities throughout the week. Our grounds are open as a practice facility to local youth recreation teams such as flag football, soccer, and baseball. While we understand that medical marijuana is legal, we don't think the message it sends is the kind of message, or the kind of environment that parents using our facility want for their children. We believe this will have a deleterious effect on our mission and ministries.

We also believe that the approval of this proposal is going to lead to traffic issues, on an already busy street. With an increase in traffic, comes an increase in the likelihood of accidents. We have already had our mailbox wiped out, the house on the west side of the church has had their mailbox hit by a car, as well as their gas meter. The additional traffic will also pose a greater safety hazard for children in the area. The issue isn't simply that this is a Medical Marijuana Dispensary, we wouldn't want a CVS Pharmacy located here due to the increase in traffic.

RECEIVED CITY CLERK'S OFFICE
Date 8/1/19 Time 9:35 am

We also have security concerns. It isn't that we are questioning the integrity of the customers of the dispensary, but typically where there are more people, there is a greater likelihood for crime. We have already experienced some theft and feel that due to the increase in traffic, there will be more if this proposal is approved. Additionally, the local news has recently reported that medical marijuana dispensaries are prime targets for thieves. That too increases the potential for an increase in crime for our neighborhood, by attracting criminal activity, as well as the potential for a decline in property values.

Finally, we feel that there is no need to rezone this property. There are many Medical Marijuana Dispensaries all over town. It's not like there is a shortage of them. They are popping up everywhere. Why rezone a residential area when there is no real need? And why rezone for this business when in the recent past, a rezoning request was made for a Doggie Daycare in our neighborhood, and it was denied? There are plenty of commercial areas in Shawnee where this business could locate without rezoning a current residential area.

To each of you, thank you for your time and consideration.

Best regards,

Rev. Lewis Walters

Reverend Lewis Walters
Redeemer Lutheran Church
39307 W. MacArthur
Shawnee, OK 74804
405-273-6286

Cc: Joseph Barker, Assistant City Planner



PLANNING COMMISSION APPLICATION

Planning Department

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

For Office Use Only

Case Number: P14-19
Project Number: 190598
Date Filed: 7/8/2019

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 R-E District to C-3 District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): 39405 W. MacArthur

LEGAL DESCRIPTION: See Attached

PROPERTY OWNER (S): Gregory Beck

PROPERTY AGENT (APPLICANT): Gregory Beck

APPLICANT'S ADDRESS: 39405 W. MacArthur

CITY: Shawnee STATE: OK ZIP: 74804

EMAIL ADDRESS: Mervyn McGrower @ gromer.com

TELEPHONE NUMBER: (405) 777 8710 CONTACT NUMBER: () Same

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

CURRENT ZONING: RE CURRENT USE: Residential

PROPOSED ZONING: C-3 PROPOSED USE: Medium density 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.

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

Gregory Beck
SIGNATURE OF APPLICANT

FOR STAFF USE ONLY

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

RECEIPT NO. 02312525

PLANNED UNIT DEVELOPMENT FEE \$ 550.00

SIGN DEPOSIT \$ 50.00

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

PLANNING COMMISSION ACTION: _____ DATE: _____

CITY COMMISSION ACTION: _____ DATE: _____

PLACE ON ZONING MAP: _____ ORDINANCE NO.: _____

CERTIFICATE OF BONDED ABTRACTOR
(300 FEET RADIUS REPORT)

STATE OF OKLAHOMA)
) §:
COUNTY OF POTTAWATOMIE)

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

Beginning 190 feet West of the Northeast Corner (NE/c) of the East Half (E/2) of the Northwest Quarter (NW/4), of Section Eleven (11), Township Ten (10) North, Range Three (3), East of the Indian Meridian, Pottawatomie County, Oklahoma; THENCE South 700 feet; THENCE West 160 feet; THENCE North 700 feet ; THENCE East 160 feet to the POINT OF BEGINNING

and find the following owners, addresses and brief legal descriptions on the attached pages numbered from (1) to (1), both inclusive.

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

Dated: June 25, 2019 at 7:30 AM

First American Title Insurance Company

By: 

Michelle Cook

Abstractor License No. 3286

OAB Certificate of Authority # 017

File No. 2419238-SH99

OWNERSHIP LIST**ORDER NO. 2419238**

DATE PREPARED: July 3, 2019

EFFECTIVE DATE: June 25, 2019 at 7:30 am

OWNER	LOT	BLK	ADDITION
PECK GREGORY LOUIS & KAREN KAY 39405 W MACARTHUR SHAWNEE, OK 74804			BEG 190'W NE/C E/2 NW S700' W160' N700' E160' TO POB (11-10N-3E)
REDEEMER LUTHERAN CHURCH 39307 MACARTHUR ST SHAWNEE, OK 74804			BEG 350'W NE/C E/2 NW S680' W320' N680' E320' TO POB (11-10N-3E)
HILL KIMBERLY SHAWN P O BOX 557 MCLOUD, OK 74851			BEG SE/C OF SW/4 N321.5' W342' S321.5' E342' POB (2-10N-3E)
CWC AND JAC REVOC TRUST PO BOX 1975 SHAWNEE, OK 74802			BEG NE/C NE NW W190' S700' E190' N700' TO POB (11-10N-3E)
BURROUGH LISA G 2504 WHISPERING PINE SHAWNEE, OK 74804	8	1	THE TIMBERS
CLEMMONS DAVID M JR 2502 WHISPERING PINE BLVD SHAWNEE, OK 74804	9	1	THE TIMBERS
CAMPBELL ANTHONY & MISTI 2500 WHISPERING PINES SHAWNEE, OK 74804	10	1	THE TIMBERS

201500009939
Filed for Record in
POTTAWATOMIE OKLAHOMA
RAESHEL FLEWALLEN, COUNTY CLERK
08-10-2015 At 12:37 PM.
JTQCD 15.00

JOINT TENANCY QUIT CLAIM DEED

Instrument PG 1 OF 2
201500009939

KNOW ALL MEN BY THESE PRESENTS:

That Gregory Louis Peck and Karen Kay Peck a/k/a Karen Kay Giddens a/k/a Karen Kay Blackmon, husband and wife, parties of the first part in consideration of the sum of TEN DOLLARS and other valuable considerations in hand paid, the receipt of which is hereby acknowledged, do hereby quit-claim, grant, bargain, sell and convey to **Gregory Louis Peck and Karen Kay Peck, of 39405 W. MacArthur, Shawnee, OK 74804**, as joint tenants and not as tenants in common with full rights of survivorship, the whole estate to vest in the survivor in the event of the death of either, parties of the second part, the following described real property and premises situated in Pottawatomie County, Oklahoma:

Beginning 190 feet West of the Northeast Corner of the East Half of the Northwest Quarter of Section Eleven (11), Township Ten (10) North, Range Three (3) East of the Indian Meridian, Pottawatomie County, Oklahoma, thence South 700 feet; thence West 160 feet; thence North 700 feet; thence East 160 feet to the Point of Beginning.



together with all the improvements thereon and the appurtenances thereunto belonging.

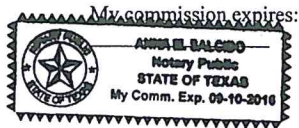
TO HAVE AND TO HOLD said described premises unto the said parties of the second part, as joint tenants, and to the heirs and assigns of the survivor, their heirs and assigns, forever.

Signed and delivered this 6th day of August, 2015.

Karen Kay Peck
Karen Kay Peck a/k/a Karen Kay Giddens
a/k/a Karen Kay Blackmon

STATE OF TEXAS
COUNTY OF THURGOOD

This instrument was acknowledged before me on the 17th day of August, 2015, by
Karen Kay Peck a/k/a Karen Kay Giddens a/k/a Karen Kay Blackmon.

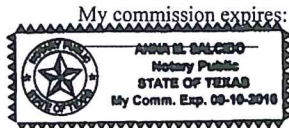


Anna M. Salcido
Notary Public

Gregory Louis Peck
Gregory Louis Peck

TEXAS
STATE OF ~~OKLAHOMA~~
COUNTY OF ~~POTTAWATOMIE~~ NEEDS

This instrument was acknowledged before me on the 17th day of August, 2015, by
Gregory Louis Peck.



Anna M. Salcido
Notary Public

City of Shawnee OK

405-878-1616

***** R E P R I N T R E C E I P T*****

REC#: 02312525 7/08/2019 2:46 PM

OPER: KG TERM: 020

REF#:

PAID BY:

TRAN: 401.0000 BUILDING PERMIT

190598 280.00CR

PECK, GREGORY

39405 W MACARTHUR ST

Z-REZONING 280.00CR

TENDERED: 280.00 CASH

APPLIED: 280.00-

CHANGE: ----- 0.00

Visit www.ShawneeOK.org

For More Information



FIRST UNITED BANK AND TRUST COMPANY
1400 West Main Street
Durant, OK 74702
580-924-2211

Money Order

Date: 7/08/19

3793468

Branch: 0015

PAY EXACTLY **50 AND 00/100 DOLLARS

**TO THE
ORDER OF**

City of Shawnee

\$50.00

NOT VALID OVER \$1,000.00

Gregory F. A.

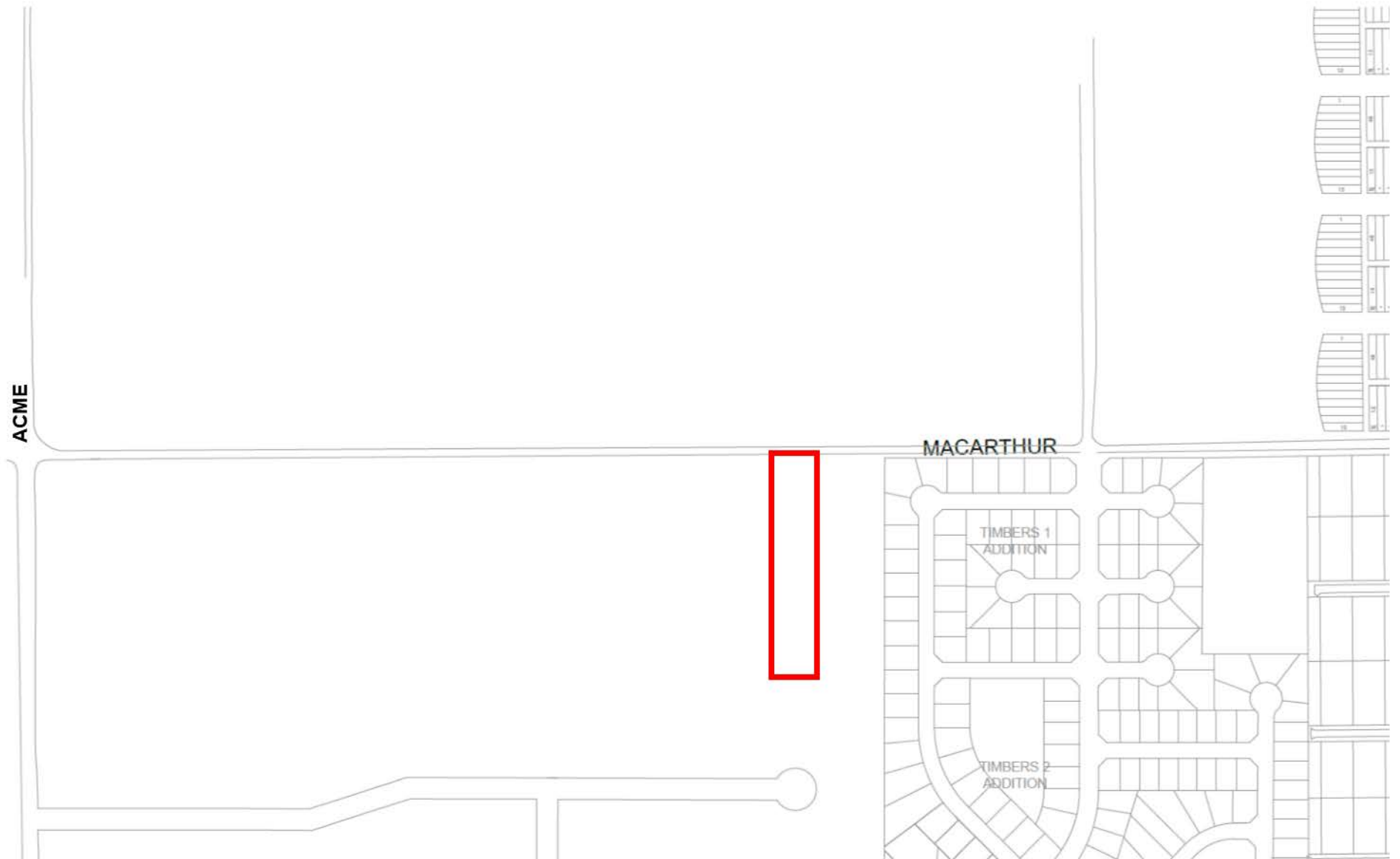
SIGNATURE OF REMITTER

ADDRESS

39405 W. MacArthur

⑈0003793468⑈ ⑆103100881⑆ 2222223⑈

Security features included. Details on back.



CITY OF SHAWNEE
URBAN CHICKEN ORDINANCE

(Amendment to Section 5-7- Keeping fowl in City of Shawnee's Code of Ordinances)

Poultry kept in areas zoned for residential use (RE (Residential Estates District), R-1 (Single-Family Residential District), R-2 (Medium Density Residential District), R-3 (Multi-Family Residential District) and TN (Townhouse Development District) shall not exceed six (6) chickens and must be kept under the following conditions:

The fowl must be kept in a building which at its nearest point is no closer than twenty-five (25) feet to any dwelling other than the owner's;

The floors of such building shall be of easily-cleanable construction, and shall be maintained in a sanitary condition not offensive or dangerous to the public health by routinely cleaning and properly disposing of the droppings; and

The outside openings of the building shall be screened to prevent the spread of disease by flies and vermin.

The owner or occupant of the land upon which such animals are kept and maintained erects and maintains a suitable barrier sufficient to insure compliance with the above distance requirements.

Except as provided otherwise, chickens or laying hens may be kept and maintained in the residential districts so long as:

Such chickens or laying hens are maintained on land upon which the owner or occupant resides;

Roosters are not allowed;

The chickens are kept within a designated chicken coop and chicken run, unless supervised as described below;

The chicken coop and chicken run shall be located in the rear or backyard of a residential property. No part of the coop or run shall be located in the side or front yard;

The chicken coop and chicken run shall be attached and shall be located no closer than five (5) feet from any side or rear property lines and no closer than twenty-five (25) feet from any dwelling unit other than the owner's. Movable chicken enclosures are permitted as long as they meet the setbacks as indicated in this paragraph;

The minimum size for a chicken coop shall be four (4) square feet per animal and the chicken run shall be eight (8) square feet per animal;

During daylight hours, the chickens shall have access to a chicken run and a chicken coop;

From dusk until dawn, chickens shall be kept within the chicken coop as protection from predators;

Chicken coops shall be predator resistant and any open walls or windows shall be designed to prevent access by predators;

Chicken runs shall be adequately fenced and protected from predators;

The outside openings of any enclosure shall be screened to prevent the spread of disease by flies and vermin;

Water shall be provided onsite and accessible to chickens at all times;

Chickens are permitted to be outside of a run or coop during daylight hours but must be supervised and contained inside a fenced yard at all times; chickens that stray outside the fenced yard may be regarded as nuisance animals;

All chicken enclosures shall be cleaned regularly to prevent an accumulation of food, fecal matter, or nesting material from creating a nuisance or unsanitary condition due to odor, vermin, debris, or decay.

Outdoor slaughter of chickens is prohibited.

Except as otherwise provided, no person shall keep and maintain, or allow to be maintained any exotic or native wildlife or dangerous or poisonous reptiles.

The fee to obtain a permit is \$15.00. Applicants will need to bring a government issued identification such as a driver's license or passport, a City of Shawnee utility bill for the property, and the \$15 permit fee to the City Planning Department.

Please check with your Homeowner's Association regarding restrictive covenants as relates to urban chickens being permissible.

Permits shall be issued per individual property owner. If permit holder relocates, a new permit will be required for the new property. A tenant must have permission from the property owner in writing to apply for a permit.

Permits issued may be revoked upon the recommendation of Animal Control. Any person aggrieved by the action of the Animal Control in revoking a permit shall, upon written request within ten (10) business days after the notice of revocation, have the right to appeal to the Shawnee Planning Director.

Persons excepted from this ordinance shall be:

Duly authorized and licensed circuses or educational institutions;

Agents or employees properly authorized by an educational institution to keep and maintain that institution's animals in connection with any lawful experimental or research program;

Zoological gardens;

Zoos which are supervised and publicly maintained;

Falconry facilities that have a current license issued by the U.S. Department of the Interior, by the U.S. Fish and Wildlife Service, or a license issued by the Oklahoma Department of Wildlife Conservation under the rules adopted in 50 CFR 21 of the federal regulations.

Definitions

1. A *chicken coop* is a small structure or enclosure where chickens nest, roost or perch and may include feeding and watering devices.
2. A *chicken run* is an enclosed area physically connected to the coop where chickens are able to walk or run about which may include feeding and watering devices.
3. A *nuisance* is an animal that:
 - (1) Damages the property of anyone other than its owner, including, but not limited to scratches or digs about any flower bed, garden, tilled soil, vines, shrubbery, or small plants and in so doing injures them;
 - (2) Habitually prowls around, on, or over any premises not the property of its owner to the frequent annoyance of the owner or occupant of those premises;
 - (3) Overturns any garbage can or other container of waste products, or scatters the contents of the same;
 - (4) Chases or kills any domesticated animals or domesticated birds;
 - (5) Annoys or disturbs any person by loud and frequent barking, howling, yelping, or causes noise in an excessive, continuous or untimely fashion/manner so as to interfere with the reasonable use and enjoyment of neighboring private premises;
 - (6) An animal that habitually or repeatedly chases, snaps at, or barks at pedestrians, joggers, dogs walked by owners, bicycles or vehicles;
 - (7) Disturbs the rights of, threatens the safety of or injures a member of the general public or interferes with the ordinary use and enjoyment of his property.