

AGENDA
PLANNING COMMISSION
APRIL 5, 2023 AT 1:30 PM
COMMISSION CHAMBERS AT CITY HALL
16 WEST 9TH STREET
SHAWNEE, OKLAHOMA

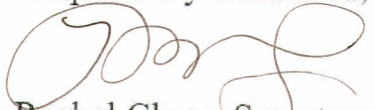
Official action can only be taken on items which appear on the agenda. The public body may adopt, approve, ratify, deny, defer, recommend, amend, strike, or continue any agenda item. When more information is needed to act on an item, the public body may refer the matter to Staff or back to Committee or the recommending body. Under certain circumstances, items are deferred to a future date or stricken from the agenda entirely.

CALL TO ORDER

DECLARATION OF QUORUM

1. Consideration of approval of the Minutes from the March 1, 2023, regular meeting.
2. Case Number RZ06-23 - Public hearing and consideration of a request to rezone from I-2 (Light Industrial District) and R-1 (Single-Family Residential District) to A-1 (Rural Agricultural District) on property located at 1804 W. Dewey Street.
3. Community Development Department Updates
4. Commissioners Comments
5. Adjournment

Respectfully submitted,



Rachel Clyne, Secretary

The City of Shawnee encourages participation from its citizens in public meetings. If participation is not possible due to a disability, notify the City Clerk, in writing, at least forty-eight hours prior to the scheduled meeting, and necessary accommodations will be made. (ADA 28 CFR 36)

REGULAR PLANNING COMMISSION MINUTES

DATE: March 1, 2023

DRAFT MINUTES

The Planning Commission of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in person for a regular meeting on March 1, 2023, at 1:30 p.m., according to notice duly posted as prescribed by law.

Vice Chair Walker called the meeting to order at 1:30 p.m. Community Development Director, Rian Harkins, called roll and stated a quorum was present.

The following Commissioners were present:

Present: Walker, Johnson, Mew-Palmer, Barrett, Porter

Absent: Reese, Rowell

Item 1. Approval of Minutes – Regular meeting

Consideration of approval of the minutes from the regular meeting of February 1, 2023. Vice Chair Walker asked for questions or corrections to the minutes.

Commissioner Mew-Palmer made a motion to **Approve** the minutes as presented, which Commissioner Barrett seconded.

Motion **passed 5-0-0**.

Aye: Walker, Johnson, Mew-Palmer, Barrett, Porter

Nay: None

Abstain: None

Item 2. Case No. RZ03-23 – Public hearing and consideration of a request to rezone from R-3 (Multifamily Residential District) to C-1 (Neighborhood Commercial District) on property located at 731 N. Kickapoo Avenue.

City Planner, Rachel Clyne, provided a staff report for RZ03-23 stating the subject property is zoned R-3 (Multifamily Residential District). The property adjacent to the north is zoned C-1 (Neighborhood Commercial District). Properties to the east, south, and west are zoned R-3 (Multifamily Residential District).

The Comprehensive Plan Future Land Use Map (FLUM) indicates the subject property has the land use designation of Mixed Use. The Comprehensive Plan defines Mixed Use as areas for economic performance and opportunities for social interaction by locating diverse and complementary uses in close proximity. Suggested uses are higher-density housing, major commercial, office, and service uses. Neighborhood Commercial District (C-1) is a recommended zoning district in the Mixed Use land designation in the Comprehensive Plan.

Findings and Facts:

- The subject property is adjacent to land with the desired zoning district, C-1 (Neighborhood Commercial District).
- The request is in conformance with the Comprehensive Plan Future Land Use Map (FLUM).
- The proposed commercial development would be located along an arterial street.
- The proper notification for a public hearing was served.

Recommendation Options:

- Recommending Approval of Case No. RZ03-23 to rezone the subject property from R-3 (Multifamily Residential District) to C-1 (Neighborhood Commercial District) as requested by the applicant.
- Recommending Denial of the application for RZ03-23 to rezone the subject property.

- Recommending Deferral Case No. RZ03-23 with a request for additional and specific information to a certain date.

Staff recommended that the Planning Commission recommend to the City Commission **APPROVAL** of Case No. RZ03-23 to rezone the subject property from R-3 (Multifamily Residential District) to C-1 (Neighborhood Commercial District).

Vice Chair Walker opened the public hearing for RZ03-23. The applicant, Hayden Stanfield, remained seated and declared he was present. He did not have anything to add to staff's report. With no other speakers, the public hearing was closed.

Commissioner Porter made a motion to recommend the **Approval** of Case No. RZ03-23, which Commissioner Johnson seconded.

Motion **passed 5-0-0**.

Aye: Walker, Johnson, Mew-Palmer, Barrett, Porter

Nay: None

Abstain: None

It was noted the application would be on the agenda of the City Commission at its regular meeting on March 20, 2023, at 6:00 p.m.

Item 3. Case No. RZ04-23 – Public hearing and consideration of a request to rezone from C-1 (Neighborhood Commercial District) to C-3 (Automotive Commercial District) on property located at 1320 N. Harrison Avenue.

City Planner Clyne provided a staff report for RZ04-23 stating the subject property is zoned C-1 (Neighborhood Commercial District). The property adjacent to the north is zoned C-1 (Neighborhood Commercial District). To the east is the Shawnee Fairview Cemetery. To the southeast, the land is zoned C-3 (Automotive Commercial District), and the land to the south and west is zoned C-1 (Neighborhood Commercial District).

The Comprehensive Plan Future Land Use Map (FLUM) indicates the subject property has the land use designation of Mixed Use. The Comprehensive Plan defines Mixed Use as areas for economic performance and opportunities for social interaction by locating diverse and complementary uses in close proximity. Suggested uses are higher-density housing, major commercial, office, and service uses.

According to the Land Use Compatibility Scale of the Comp Plan, Low-density Commercial, such as uses associated with C-1, has a ranking of three (3). However, the scale ranks Heavy-density Commercial, such as uses associated with C-3, as a five (5), a more appropriate zoning district.

Findings and Facts:

- The subject property is located along a Commercially zoned strip of N. Harrison Avenue, an arterial street.
- The request, if approved, increases the conformance with the Comprehensive Plan.
- The proper notification for a public hearing was served.

Recommendation Options:

- Recommending Approval of Case No. RZ04-23 to rezone the subject property from C-1 (Neighborhood Commercial District) to C-3 (Automotive Commercial District) as requested by the applicant.
- Recommending Denial of the application for RZ04-23 to rezone the subject property.
- Recommending Deferral Case No. RZ04-23 with a request for additional and specific information to a certain date.

Staff recommended that the Planning Commission recommend to the City Commission **APPROVAL** of **RZ04-23**

to rezone the subject property from C-1 (Neighborhood Commercial District) to C-3 (Automotive Commercial District).

Vice Chair Walker opened the public hearing for RZ04-23. The applicant was not present. With no other speakers, the public hearing was closed.

Commissioner Barrett made a motion to recommend the **Approval** of Case No. RZ04-23, which Commissioner Mew-Palmer seconded.

Motion **passed 5-0-0**.

Aye: Walker, Johnson, Mew-Palmer, Barrett, Porter

Nay: None

Abstain: None

It was noted the application would be on the agenda of the City Commission at its regular meeting on March 20, 2023, at 6:00 p.m.

Item 4. Case No. RZ05-23 - Public hearing and consideration of a request to rezone from C-1 (Neighborhood Commercial District) to C-3 (Automotive Commercial District) for property located at 602 N. Harrison Avenue.

Planner Clyne provided a staff report for RZ05-23 stating the subject property is zoned C-1 (Neighborhood Commercial District). The properties adjacent to the north and the east are zoned C-3 (Automotive Commercial District). The land to the south and west is zoned C-1 (Neighborhood Commercial District).

The Comprehensive Plan Future Land Use Map (FLUM) indicates the subject property has the land use designation of Mixed Use. The Comprehensive Plan defines Mixed Use as areas for economic performance and opportunities for social interaction by locating diverse and complementary uses in close proximity. Suggested uses are higher-density housing, major commercial, office, and service uses.

According to the Land Use Compatibility Scale of the Comp Plan, Low-density Commercial, such as uses associated with C-1, has a ranking of three (3). However, the scale ranks Heavy-density Commercial, such as uses associated with C-3, as a five (5), a more appropriate zoning district.

Findings and Facts:

- The subject property is adjacent to the proposed zoning district C-3 (Automotive Commercial District).
- The request, if approved, increases the conformance with the Comprehensive Plan.
- The proper notification for a public hearing was served.
- The subject property is located along an arterial street.

Recommendation Options:

- Recommending Approval of Case No. RZ05-23 to rezone the subject property from C-1 (Neighborhood Commercial District) to C-3 (Automotive Commercial District) as requested by the applicant.
- Recommending Denial of the application for RZ05-23 to rezone the subject property.
- Recommending Deferral Case No. RZ05-23 with a request for additional and specific information to a certain date.

Staff recommended that the Planning Commission recommend to the City Commission **APPROVAL** of **RZ05-23** to rezone the subject property from C-1 (Neighborhood Commercial District) to C-3 (Automotive Commercial District).

Vice Chair Walker opened the public hearing for RZ05-23. The applicant was not present. With no other speakers, the public hearing was closed.

Commissioner Johnson made a motion to recommend the **Approval** of Case No. RZ05-23, which Commissioner Mew-Palmer seconded.

Motion **passed 5-0-0**.

Aye: Walker, Johnson, Mew-Palmer, Barrett, Porter

Nay: None

Abstain: None

It was noted the application would be on the agenda of the City Commission at its regular meeting on March 20, 2023, at 6:00 p.m.

Item 5. Case No. FPL02-23 – Consideration of a request for a Final Plat, Heritage Plains, Phase 1, on approximately 24.9 acres located north of Westech Rd on the west side of N. Kickapoo Ave.

Planner Clyne provided a staff report for FPL02-23 stating the subject property is located on approximately 24.9 acres located north of Westech Rd on the west side of N. Kickapoo Avenue. The proposed development has seventy-four (74) lots and is the first phase of Heritage Plains subdivision. The property is zoned R-1 (Single-Family Residential District).

Findings and Facts:

- Community Development staff determined the Final Plat is in conformance with the Subdivision Regulations
- The Engineering Department requires changing Drummond Road to Drummond Avenue to avoid duplicating street names within city limits.
- The Fire Marshal noted the southern end of Heritage Trails Drive exceeds the 150' allowance to a dead end and requires some form of a turnaround for fire apparatus.

Recommendation Options

- Recommending Approval of Case No. FPL02-23, for the Final Plat, Heritage Plains, Phase 1, as requested by the applicant.
- Recommending Denial of the application for Final Plat, Heritage Plains, Phase 1, Case No. FPL02-23
- Recommending Deferral of the Final Plat, Heritage Plains, Phase 1, application of Case No. FPL02-23 with a request for additional and specific information to a certain date.
- Recommending Conditional Approval of Case No. FPL02-23, for the Final Plat, Heritage Plains, Phase 1, based upon the completion of changes required by staff.

Staff recommended that the Planning Commission recommend to the City Commission **CONDITIONAL APPROVAL** of **FPL02-23** for the Final Plat, Heritage Plains, Phase 1 subdivision based upon the completion of changes required by staff.

It was noted the application would be on the agenda of the City Commission at its regular meeting on March 20, 2023, at 6:00 p.m.

Item 6. Presentation by Freese and Nichols, Consultants for the Unified Development Code (UDC)

Community Development Director, Rian Harkins, introduced Dawn Warrick of Freese and Nichols, Inc. (FNI) for a status update to the Unified Development Code (UDC) project. Ms. Warrick provided a mid-project update by reviewing Phase 1 of the project, which was the diagnostic report. That report works as a roadmap to developing the new code chapter by chapter that will be combined into land development regulations, including the Subdivision Regulations, Sign Code, and Zoning Code.

Currently, the FNI consultants are working on the Subdivision Regulations and the Engineering Design Criteria. Ms.

Warrick discussed eight (8) articles that will be the backbone of the UDC. Starting with General Provisions in Article One (1). The next focus items will be Article Two (2), Zoning Districts, and Article Three (3), Uses. November is the goal for a complete review draft of the UDC. Ms. Warrick encouraged the Planning Commissioners to contact staff with any thoughts or input and reminded everyone updates were coming to the UDC website.

Item 7. Community Development Update

Director Harkins addressed the Commissioners with additional details of the UDC project discussing the consolidation of some zoning districts, such as Industrial and Residential. The Love Your Block (LYB) clean-up event is scheduled for April 15, 2023, which coincides with the citywide clean-up effort. The Shawnee Arts & Culture Commission (SACC) has recently updated its establishing ordinance to improve readability. Director Harkins explained the Bloomberg Art Challenge to create Storytelling art that will represent some underrepresented groups in the community. The grant is for one million dollars. The art installments will be housed at various parks.

Next, staff is reviewing the roof and exterior drawings for the Santa Fe Depot. Harkins discussed the joint efforts of several departments engaged in pre-application meetings designed to minimize roadblocks for future projects. He gave the example of the Final Plat application at tonight's meeting when Community Development, Engineering, and the Fire Marshal all worked together by sitting down and discussing the project before the application submission. Lastly, Director Harkins stated that City staff was involved with stakeholder meetings with downtown merchants, walkability, and improving community engagement.

Item 8. Planning Commissioners' Comments

Commissioner Johnson advised that the recent Twin Lakes Master Plan meeting had gone well, and she is excited by the activity occurring in the City. Commissioner Mew-Palmer expressed her thanks for the UDC update and staff's work; she also stated her interest in the art & storytelling grant.

Item 9. Adjournment

The meeting adjourned at 2:15 p.m.

Chair/Vice-Chair

/s/ Rachel Chyne
City Planner



Planning Commission Meeting – 4.5.2023 – City of Shawnee, Oklahoma

Staff Report | RZ06-23 | I-2 & R-1 to A-1 | 1804 W. Dewey St.

Date: 3.21.2023

To: Shawnee Planning Commission

From: Rachel Clyne, City Planner

Subject: **Staff Report** - Public hearing and consideration of a request to rezone from I-2 (Light Industrial District) and R-1 (Single-Family Residential District) to A-1 (Rural Agricultural District) on property located at 1804 W. Dewey Street.
Case No. **RZ06-23** | Applicant: Larry LeRay

Background

The subject property is located at 1804 W. Dewey and contains approximately 11.43 acres. The request is to rezone the property from I-2 (Light Industrial District) and R-1 (Single-Family Residential District) to A-1 (Rural Agricultural District). The area zoned R-1 contains the applicant's residence. The I-2 land to the north is undeveloped. The applicant intends to have their own livestock or lease the land for grazing on the northern section of the subject property.

Discussion

The land adjacent to the southeast is zoned (Single-Family Residential District). Property to the northeast is zoned I-2 (Light Industrial District). The properties located to the south and to the west are zoned A-1 (Rural Agricultural District). If approved, this action would be a downzoning, which may be defined as a change in the zoning district or land use of a tract or parcel of land from a greater to less intense usage.

The Comprehensive Plan Future Land Use Map (FLUM) indicates the subject property has the land use designation of Mixed Use. The Comprehensive Plan defines Mixed Use as areas with access to highways and arterial streets. Although the northern portion of the subject property is adjacent to S.H. 177, there is no direct access to the highway from W. Dewey Street. The FLUM does not prohibit agricultural uses in Mixed Use land designations.

Referencing the City of Shawnee Zoning Code (Code) DIVISION 15. - Amendments; Procedures. Section 22-645. – Planning commission recommendation required. This section gives authority to the Planning Commission to make changes (amendments) to the official Zoning Map. *"...be amended, supplemented, changed, modified, or repealed by ordinance, but no change shall be made until the planning commission, after notice and public hearing, files with the city commission a report and recommendation on the proposed change."*

Staff completed the required public hearing notifications for this application. All property owners within 300' from the perimeter of the subject property were mailed a public hearing notification letter. Additionally, a notice of a public

hearing was published in The County Democrat weekly newspaper. A sign providing details and contact information was placed on the subject property.

Findings and Facts:

- The subject property is adjacent to land with the desired zoning district, A-1 (Rural Agricultural District).
- The request is in conformance with the Comprehensive Plan Future Land Use Map (FLUM).
- The request would be a downzone to less intensive use of the land.
- The proper notification for a public hearing was served.

Recommendation Options:

- Recommending Approval of Case No. RZ06-23 to rezone the subject property from I-2 (Light Industrial District) and R-1 (Single-Family Residential District) to A-1 (Rural Agricultural District) as requested by the applicant.
- Recommending Denial of the application for RZ06-23 to rezone the subject property.
- Recommending Deferral Case No. RZ06-23 with a request for additional and specific information to a certain date.

Recommendation: Based on the Findings and Facts, staff recommends that the Planning Commission recommend to the City Commission **APPROVAL** of **RZ06-23** to rezone the subject property from I-2 (Light Industrial District) and R-1 (Single-Family Residential District) to A-1 (Rural Agricultural District).

This rezoning application will be heard at the City Commission meeting on Monday, April 17, 2023, at 6:00 pm.

Rachel Clyne 405-878-1672

PLANNING COMMISSION APPLICATION



City of Shawnee
Community Development
Department

222 N. Broadway
Shawnee, OK 74801
(405) 878-1672
www.ShawneeOK.org

For Office Use Only	
Case Number:	<u>RZ06-23</u>
Project Number:	
Date Filed:	<u>3/3/2023</u>
<u>RC</u> Planning Commission Secretary	

REQUEST:

4/5/23 CC 4/17/23
☒ 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 1-2 District to A-1 District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): 1804 W. Dewey Street

LEGAL DESCRIPTION: See attachment

PROPERTY OWNER (S): Larry T. LeRay

PROPERTY AGENT (APPLICANT): Larry T. LeRay

APPLICANT'S ADDRESS: 1804 W. Dewey

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

EMAIL ADDRESS: cajuntractor@att.net

TELEPHONE NUMBER: (405) 941-3027 **CONTACT NUMBER:** (405) 380-3636
or 405-382-1111

DIMENSIONS OF PROPERTY: AREA: _____ WIDTH: _____

* See Survey * LENGTH: _____ FRONTAGE: * See Survey *

CURRENT ZONING: Commercial **CURRENT USE:** unused, Home only

PROPOSED ZONING: Ag **PROPOSED USE:** Run live stock

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.

Larry T. LeRay
SIGNATURE OF APPLICANT

FOR STAFF USE ONLY

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

RECEIPT NO. _____

PLANNED UNIT DEVELOPMENT FEE \$ 550.00

NOTIFICATION SIGN \$ 50.00

PLANNING COMMISSION ACTION: _____ DATE: _____

CITY COMMISSION ACTION: _____ DATE: _____

PLACE ON ZONING MAP: _____ ORDINANCE NO.: _____

Publish March 10, 2023
NOTICE OF PUBLIC HEARING
Rezoning Request (RZ06-23)

It is hereby noticed that the City of Shawnee Planning Commission will hold a public hearing on April 5, 2023, at 1:30 p.m. in the Commission Chambers at City Hall, 16 W. 9th St, Shawnee, OK. The City of Shawnee City Commission will hold a public hearing on April 17, 2023, at 6:00 p.m. in the Commission Chambers at City Hall. The Planning Commission and City Commission will consider a rezoning request (**RZ06-23**) to rezone from I-2 (Heavy Industrial District) and R-1 (Single-Family Residential District) to A-1 (Rural Agricultural District) on a parcel located at 1804 West Dewey Street and described as:

TRACT 1 - A tract of land lying in a part of the Southwest Quarter of the Southwest Quarter of the Northwest Quarter (SW/4 SW/4 NW/4) and also lying in a part of the West Half of the Southeast Quarter of the Southwest Quarter of the Northwest Quarter (W/2 SE/4 SW/4 NW/4) of Section Thirteen (13), Township Ten (10) North, Range Three (3) East of the Indian Meridian, Pottawatomie County, Oklahoma, and further described as commencing at the Southwest Corner (SW/c) of said SW/4 SW/4 NW/4; thence N00°00'39"E along the West line of said SW/4 SW/4 NW/4 a distance of 131.18 feet to a point on the Northeast right of way line of the C. R. I. & P. Railroad Company, also being the Point of Beginning; thence N00°00'39"E continuing along said West line a distance of 345.62 feet; thence S89°56'54"E a distance of 904.21 feet, to a point on the West right of way line of Highway No. 177, said point also being a point on a non-tangent curve to the right, having a radius of 2764.80 feet; thence Southeasterly along the arc of said curve to the right and along said West right of way line of Highway No. 177 a distance of 341.26 feet, said curve having a cord bearing and distance of (S06°25'10"E 341.05 feet); thence S02°53'00"E continuing along said West right of way line a distance of 134.41 feet, to a point where said West right of way line intersects the South line of the Northwest Quarter of said Section 13; thence S89°49'44"W along said South line a distance of 794.36 feet, to a point on the Northeast right of way line of said C. R. I. & P. Railroad Company; thence N49°49'26"W along said Northeast right of way line a distance of 202.62 feet to the Point of Beginning.

Also described as:

The Southwest Quarter of the Southwest Quarter of the Northwest Quarter and the West Half of the Southeast Quarter of the Southwest Quarter of the Northwest Quarter of Section Thirteen (13), Township Ten (10) North, Range Three (3) East of the Indian Meridian, Pottawatomie County, Oklahoma, less the former right of way of the C. R. I. & P. Railroad Company.

AND

TRACT 2 - The West Half (W/2), or the West 30 feet and 6 inches, of Lot Two (2), all of Lots Three (3), Four (4), Five (5) and Six (6) and the West Half (W/2) of Lot Seven (7), BRADBURY'S ADDITION, being a Re-plat of Block Seven of Maywood Addition, less and except the Westerly 34 feet of said Block Seven (7), to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof.

Public hearings will be held at the above times and dates. All residents and parties in interest shall have an opportunity to be heard regarding the request above.

