

**AGENDA
CITY OF SHAWNEE
PLANNING COMMISSION
JULY 6TH, 2016 AT 1:30 P.M.
COMMISSION CHAMBERS
CITY HALL, 16 W 9TH ST**

- 1)** Roll Call
- 2)** Consideration of approval for the minutes from the June 1st, 2016 Planning Commission meeting
- 3)** Citizens' Participation
(A three minute limit per person)
(A twelve minute limit per topic)
- 4)** Case #P05-16 - A public hearing for consideration of approval of a Rezone from PUD; Planned Unit Development to C-3; Highway Commercial, located on the East side of Harrison Street, North of Transportation Parkway, Shawnee, OK
Applicant: Wallace Engineering
- 5)** Case #S14-16 – Consideration of approval of a Final Plat for Shawnee Park Addition, located on the South side of Transportation Drive, East of North Harrison Street, Shawnee, OK
Applicant: Zimmerman Properties Development, LLC
- 6)** Planning Director's Report
- 7)** Commissioners Comments and/ or New Business
- 8)** Adjournment

PLANNING COMMISSION MINUTES

DATE: JUNE 1ST, 2016

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, June 1st, 2016 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: Clinard, Kerbs, Bergsten, Cowen, Kienzle, Affentranger

Absent: Morton

Meeting was called to Order.

AGENDA ITEM NO. 2: Consideration of Approval of the minutes from the May 4th, 2016 Planning Commission Meeting

Chairman Bergsten asked if the Board had time to review the minutes and if there were any questions or comments. Commissioner Kerbs made a motion to approve, seconded by Commissioner Clinard.

Motion passed:

AYE: Clinard, Kerbs, Bergsten, Cowen, Affentranger

NAY:

ABSTAIN: Kienzle

AGENDA ITEM NO. 3: Citizen's Participation

Chairman Bergsten 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 Chairman Bergsten closed the public portion of the meeting.

AGENDA ITEM NO. 4: Case #P04-16 – A public hearing for consideration of approval of a Rezone from C-3; Highway Commercial to R-3; Multi-Family Residential, located on the Northwest corner of Bonita and Benedict Streets, Shawnee, OK

Applicant: Ethan Acock

Chairman Bergsten asked for the staff report. Justin Debruin presented the staff report. Mr. Debruin described the area for the rezone as being on the Northwest corner of Benedict and Bonita Streets and mentioned that Benedict is defined as a collector street. Justin Debruin discussed the current zoning of C-3; Highway Commercial, and how long this location has had that specific zoning. Mr. Debruin went on to mention the similarities of C-3 and R-3 zoning and that the applicant would like to build single story the best he can. A four foot sidewalk would be required. Mr. Debruin stated staff recommended approval and that he would be happy to answer any questions. Chairman Bergsten asked if there were any questions. Commissioner Kerbs asked where the closest R-2 zoning was located. Mr. Debruin informed him it was the properties to the south and east of the location. Commissioner Kerbs asked for verification

of the size of the lot and the requirements for the zoning. Chairman Bergsten asked if there were any other questions. There were none and Chairman Bergsten opened the public portion of the meeting and there was no one in the audience so Chairman Bergsten closed the public portion and asked if the Commissioners had any questions, comments or a motion. Commissioner Kerbs made a motion to approve, seconded by Commissioner Kienzle.

Motion passed:

AYE: Clinard, Kerbs, Bergsten, Cowen, Kienzle, Affentranger

NAY:

ABSTAIN:

AGENDA ITEM NO. 5:

Case #S12-16 –Consideration of approval of a Preliminary Plat for Haag Addition, located on Union Street, North of Shawnee Mall Dr., Shawnee, OK

Applicant: The Landrun Group, LLC

Chairman Bergsten asked for the staff report. Justin Debruin presented the staff report. Mr. Debruin stated that the site was located just east of Wal-Mart and the proposed development was for a Furniture Factory Outlet. Justin Debruin explained that 17,000 square feet would be for show room and additional 8,000 for warehousing. Mr. Debruin went over the plats and discussed the condition that the property owners to the north would dedicate fifteen feet for a perimeter easement. Mr. Debruin stated the two conditions for preliminary plat and the four conditions for final plat. Justin Debruin stated staff recommends approval and Chairman Bergsten asked if there were any questions. Commissioner Kienzle asked if the traffic has been looked at for the area to see how much traffic would generate. Mr. Debruin stated the last study showed capacity had not been reached yet but was close. Commissioner Kerbs asked if the easement on the north was a utility easement and Mr. Debruin agreed. Commissioner Kerbs asked about the auto group having a roadway connecting to the back road for Wal-Mart and mentioned his concern for the trucks going in to the Furniture store. Mr. Debruin discussed the shared drainage site with Gordon cooper and stated he would consider the roadway discussion. Commissioner Kerbs asked if the city has any dictation for size of the dumpster enclosures and Mr. Debruin agreed. Chairman Bergsten asked if there were any questions. There were none and Commissioner Kerbs made a motion to approve with two conditions, seconded by Vice-Chairman Cowen.

Motion passed:

AYE: Clinard, Kerbs, Bergsten, Cowen, Kienzle, Affentranger

NAY:

ABSTAIN:

AGENDA ITEM NO. 6:

Case #S13-16 –Consideration of approval of a Final Plat for Haag Addition, located on Union Street, North of Shawnee Mall Dr., Shawnee, OK

Applicant: The Landrun Group, LLC

Combined staff report with Item Number 5. Chairman Bergsten opened the public portion of the meeting and asked if there was anyone who would like to speak in favor or against the item. There were none and Commissioner Kerbs made a motion to approve with conditions, seconded by Commissioner Affentranger.

Motion passed:

AYE: Clinard, Kerbs, Bergsten, Cowen, Kienzle, Affentranger

NAY:

ABSTAIN:

AGENDA ITEM NO. 7:

Planning Director's Report

Justin Debruin mentioned The Garage restaurant would open soon and the Shawnee Marketplace submitted a permit for a four tenant shopping center but do not know what will be going in yet. Commissioner Clinard asked for the streetscape timeline and Mr. Debruin stated they were a little behind but not by much and explained some of the work being completed. Commissioner Clinard asked if anyone had applied for the Downtown Ordinance since it was passed. Mr. Debruin stated not yet but they were waiting on a resolution of support from the City Commission before moving forward. Vice-Chairman Cowen asked for an update regarding the property maintenance code. Justin Debruin discussed each of the four properties in question and Commissioner Kienzle asked about demoing a building after the property was given offers to sale. Mr. Debruin mentioned wanting to look into that topic. Commissioners and staff had discussion over the demos and Mr. Debruin stated he would get with Mike Clover. Commissioner Kerbs asked about having trees removed from downtown.

AGENDA ITEM NO. 8:

Commissioners Comments and/or New Business

Commissioner Kerbs stated Shawnee Trail Days would be coming up and Commissioner Kienzle mentioned how nice it was for the sidewalk to go in at the Shawnee Middle School.

AGENDA ITEM NO. 9:

Adjournment

Chairman/Vice-Chairman

Cheyenne Lincoln

Planning Commission Secretary



**STAFF REPORT
REZONE
CASE #P05-16**

TO: Shawnee Planning Commission

AGENDA: July 6, 2016

RE: Rezone Request - PUD: Planned Unit Development to C3:
Highway Commercial

PROPOSAL

The applicant is requesting a rezone from PUD: Planned Unit Development to C3: Highway Commercial to develop a religious facility. The subject site is approximately 13.64 acres in size and is generally located on the North East corner of Harrison Street and Transportation Parkway.

GENERAL INFORMATION

Applicant	Wallace Engineering-Jim Beach
Owner	David Hecht
Site Location/Address	NE corner of Harrison St. and Transportation Pkwy.
Current Site Zoning	PUD: Planned Unit Development
Proposed Zoning	C3: Highway Commercial
Property Area	Approx. 13.64 Acres

Current Use	Vacant
Proposed Use	Religious Facility
Comprehensive Plan Designation	Commercial Commercial/Residential
Existing Land Use	Vacant
Surrounding Land Use	Rural Agricultural/Commercial
Surrounding Zoning	I3: Heavy Industrial C3: Highway Commercial C4: Central Business

STAFF REVIEW AND ANALYSIS

The applicant is requesting approval to rezone the subject site from a PUD (Majestic Dominion) to C-3. In April of 2008, Majestic Dominion LLC was approved for a PUD and preliminary plat on 55.9 Acres to begin constructing a master planned, mixed-use development with shared facilities and amenities.

The PUD Design Statement describes a master planned property to include: cross-access agreements, regional storm water drainage, and specifically placed easements to facilitate a comprehensive design. Over the years, the land has been sold off, piecemeal, to separate owners to be used individually and not as was detailed in the PUD Design Statement. Staff deems any compliance with the PUD Design Statement impossible at this point based on the substantial changes from the original design.

According to Section 22-190.14 of the Shawnee Zoning Code, reversion of the PUD shall be accomplished by making application for rezone to either the original status (the subject site was originally C-3) or to a new classification. For this reason, Staff has required the applicant to make application for rezone.

The requested rezone fits within the City Future Development Plan and is a conforming site for the requested, C-3 zoning designation.



Figure 1: Aerial view of the site – approximate total area outlined in red.

Based on consistency with the Shawnee Comprehensive Plan and the Shawnee Zoning Code, Staff does hereby recommend approval for the proposed rezone from PUD (Planned Unit Development) to C-3 (Highway Commercial) – the original zoning designation for the site.

STAFF RECOMMENDATION

Staff recommends **approval** of the proposed rezone from ***PUD (Planned Unit Development)*** to ***C3 (Highway Commercial District)*** for the subject property.

Attachments

1. Figure 1: Aerial view of site
2. Figure 2: Zoning Map
3. Figure 3: Future Land Use Map

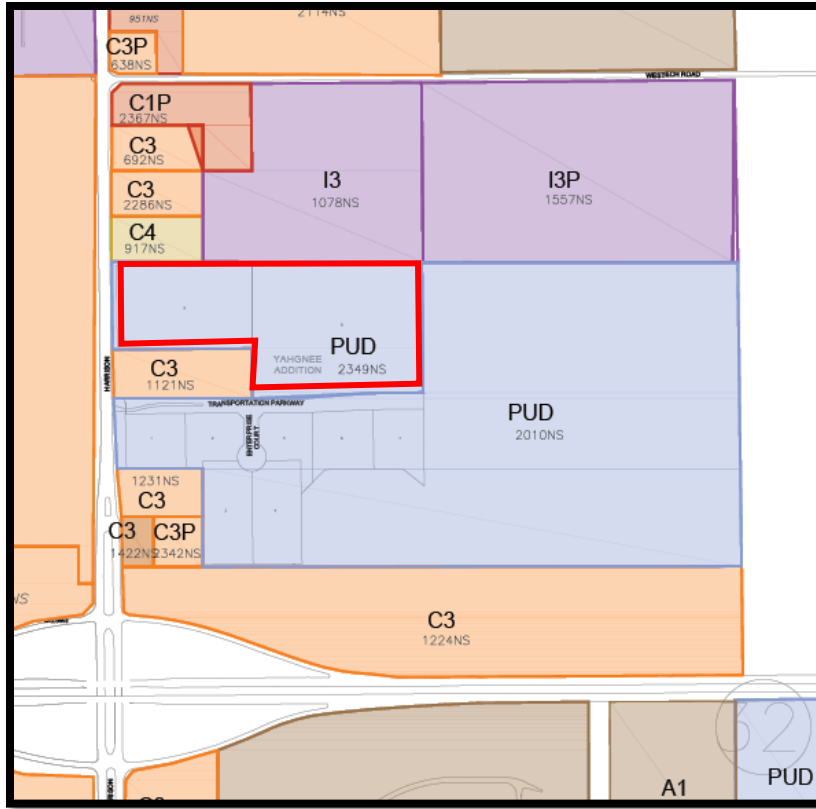


Figure 2: Zoning Map of site – approximate total area outlined in red.

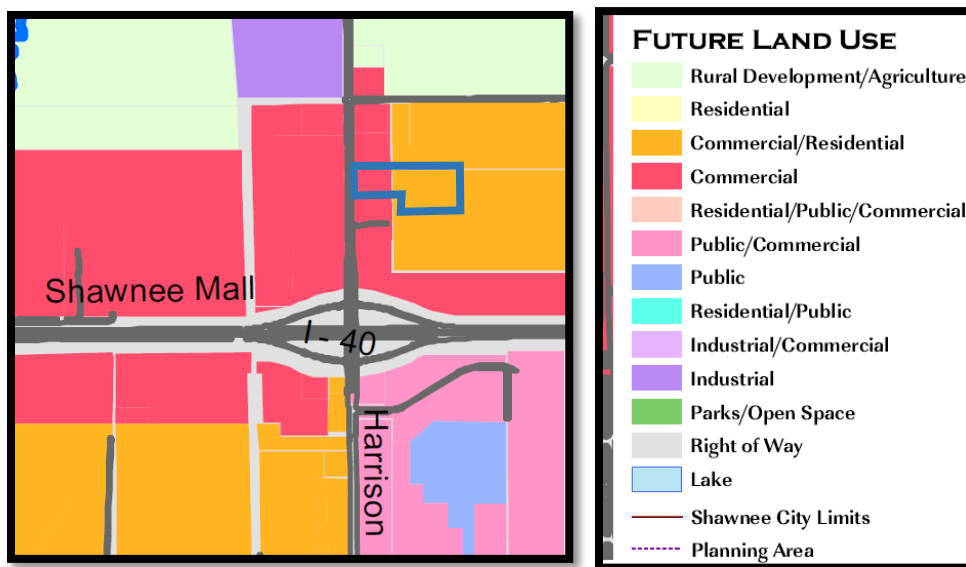


Figure 3: Shawnee Comprehensive Plan: Future Land Use Map – approximate total area outlined in blue.

PLANNING COMMISSION APPLICATION



City of Shawnee Planning Department

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

For Office Use Only

Case Number: POS-116
Project Number: 1100671
Date Filed: June 16th 2016
Cheryl Lincoln
Planning Commission Secretary

REQUEST:

☒ Rezoning ☐ Rezoning w/Conditional Use Permit
☐ 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 PUD District to C-3 District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): _____

LEGAL DESCRIPTION: LOTS 899 YAHGNEE ADDITION, CITY OF SHAWNEE

PROPERTY OWNER (S): _____

PROPERTY AGENT (APPLICANT): WALLACE ENGINEERING - JIM BEACH, LAND USE PLANNER

APPLICANT'S ADDRESS: 200 E. MATTHEW BRADY ST.

CITY: TULSA STATE: OK ZIP: 74103

EMAIL ADDRESS: jbeach@wallacesc.com

TELEPHONE NUMBER: (918) 584-5858 CONTACT NUMBER: (918) 806-7421

DIMENSIONS OF PROPERTY: AREA: _____ WIDTH: _____

LENGTH: _____ FRONTAGE: _____

CURRENT ZONING: PUD CURRENT USE: VACANT

PROPOSED ZONING: C-3 PROPOSED USE: CHURCH

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

[Signature]
SIGNATURE OF APPLICANT

FOR STAFF USE ONLY

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

RECEIPT NO. 01892648

PLANNED UNIT DEVELOPMENT FEE \$ 550.00

SIGN DEPOSIT \$ 50.00

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

PLANNING COMMISSION ACTION: _____ DATE: _____

CITY COMMISSION ACTION: _____ DATE: _____

PLACE ON ZONING MAP: _____ ORDINANCE NO.: _____

CITY OF SHAWNEE
PUBLIC HEARING NOTICE
CASE #P05-16

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

The property requesting rezoning is described as follows:

Lots Eight (8) and Nine (9), YAHGNEE ADDITION, PHASE 1, to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof.

General Location Known As:	<u>East side of Harrison Street, North of</u> <u>Transportation Parkway, Shawnee, OK</u>
Current Zoning Classification:	<u>PUD; Planned Unit Development</u>
Requested Zoning Classification:	<u>C-3; Highway Commercial District</u>
Proposed Use of Property:	<u>Religious Facility</u>
Applicant:	<u>Wallace Engineering</u>

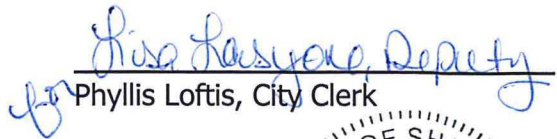
The "Zoning Map of the City of Shawnee, Oklahoma" will be amended accordingly to reflect such change if approved by the City Commission.

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

July 6th, 2016 AT 1:30 P.M.: CITY OF SHAWNEE PLANNING COMMISSION
July 18th, 2016 AT 6:30 P.M.: CITY OF SHAWNEE CITY COMMISSION

At this time any interested citizen of Shawnee, Oklahoma will have the opportunity to appear and be heard with regard to the rezone. The Commission reserves the right to limit discussion and debate on the proposed rezone in the public hearing, in which event those persons appearing in support or opposition of the proposed rezone will be allotted equal time. Any formal protest must be filed in writing with the City Clerk during normal working hours before 5:00 p.m. a minimum of three (3) days prior to the hearing. If there are any questions about the proposal, or you need additional information prior to the public hearing, please contact the Planning Department at 878-1616. A copy of the application is available for public inspection during normal working hours in the Planning Secretary's office at 222 N. Broadway.

Witness my hand this 14TH day of June, 2016.


Phyllis Loftis, City Clerk



P05-16

N Harrison Ave

Transportation Pkwy

I-40

I-40

RECEIVED

JUN 06 2016

PLANNING / CODE

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:

Lots Eight (8) and Nine (9), YAHGNEE ADDITION, PHASE 1, 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 (), 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 25, 2016 at 7:30 AM

First American Title & Trust Company

By: *Terrie Dugan*
Terrie Dugan
Abstractor License No. 4396
OAB Certificate of Authority #
File No. 2147423-SH99

OWNERSHIP LIST**ORDER NO.**DATE PREPARED:6-2-2016
EFFECTIVE DATE: 5-24-2016

OWNER	LOT	BLK	ADDITION
Majestic Investors LLC P.O. Box 3285 Shawnee, OK 74802-3285	9	1	YAHGNEE
Majestic Investors LLC P.O. Box 3285 Shawnee, OK 74802-3285	8	1	YAHGNEE
Canadian Valley Electric CO-OP P.O. Box 751 Seminole, OK 74868	7	1	YAHGNEE
City of Shawnee P.O. Box 1448 Shawnee, OK 74802-1448	6	1	YAHGNEE
City of Shawnee P.O. Box 1448 Shawnee, OK 74802-1448	5	1	YAHGNEE
Laxmi Inc c/o Days Inn P.O. Box 3877 Shawnee, OK 74802	4	1	YAHGNEE
Chandra Kala LLC P.O. Box 3877 Shawnee, OK 74804	3	1	YAHGNEE
Canadian Valley Electric CO-OP P.O. Box 751 Seminole, OK 74868	2	1	YAHGNEE
Canadian Valley Electric CO-OP P.O. Box 751 Seminole, OK 74868	1	1	YAHGNEE
Jerome L & Shirley Jun Johnson 5110 N Harrison Shawnee, OK 74804			31-11N-4E BEG 48'W & 1285.62'S NE/C E/2 NE W1176.82' TO THE E R/W LINE OF AT&SF RR S ALONG RR 303.70' E1143.52' N4*E240.34' N63.37' TO POB
Canadian Valley Electric CO-OP P.O. Box 751 Seminole, OK 74868			31-11N-4E BEG 73'W & 392.96'S NE/C E/2 NE W750.10' N393' W452.12' S02*46'E 1264.59' E1155.34' N40.21' N05*14'55"E 144.57' N707.95' POB
Vann Burton & Pearl Marie Morrison 931 Estell Drive Moore, OK 73160			32-11N-4E BEG 378'S OF NW/C NW S200' E435.60' N200' W435.60' TO POB



STAFF REPORT
Final Plat
CASE #S14-16

TO: Shawnee Planning Commission

AGENDA: July 6, 2016

RE: Shawnee Park - Final Plat

PROPOSAL

The applicant, Zimmerman Properties Development, LLC, is requesting final plat approval for Shawnee Park. The subject property is generally located north-east of the North Harrison Street and I-40 intersection. The site was previously zoned as a planned unit development (PUD) with both commercial and residential allowances. The proposed development includes two (2) lots and one (1) tract of land to serve as a common area. A total of 108 dwelling units are proposed.

GENERAL INFORMATION

Applicant	Zimmerman Properties Development, LLC
Owner(s)	Zimmerman Properties Development, LLC
Site Location/Address	East of Harrison, on Transportation Parkway.
Current Site Zoning	Planned Unit Development
Parcel Size	10.03 Acres
Comprehensive Plan Designation	Commercial / Residential
Existing Land Use	Vacant
Surrounding Zoning	Planned Unit Development

STAFF REVIEW AND ANALYSIS

Staff has not received all documentation and has not satisfied the requirements by the City Engineer to recommend approval on the subject plat. Staff recommends deferring the case until the August 3, 2016 Planning Commission to allow further time for review.



Figure 1: Aerial Plat Map – approximate total area outlined in blue.

STAFF RECOMMENDATION

Staff recommends **Deferral** of the proposed final plat until the August 3, 2016 Planning Commission meeting.

Attachments

1. Figure 1: Aerial Plat Map
2. Figure 2: Zoning Map
3. Figure 3: Future Land Use Map



Figure 2: Zoning Map of site – approximate total area outlined in blue.

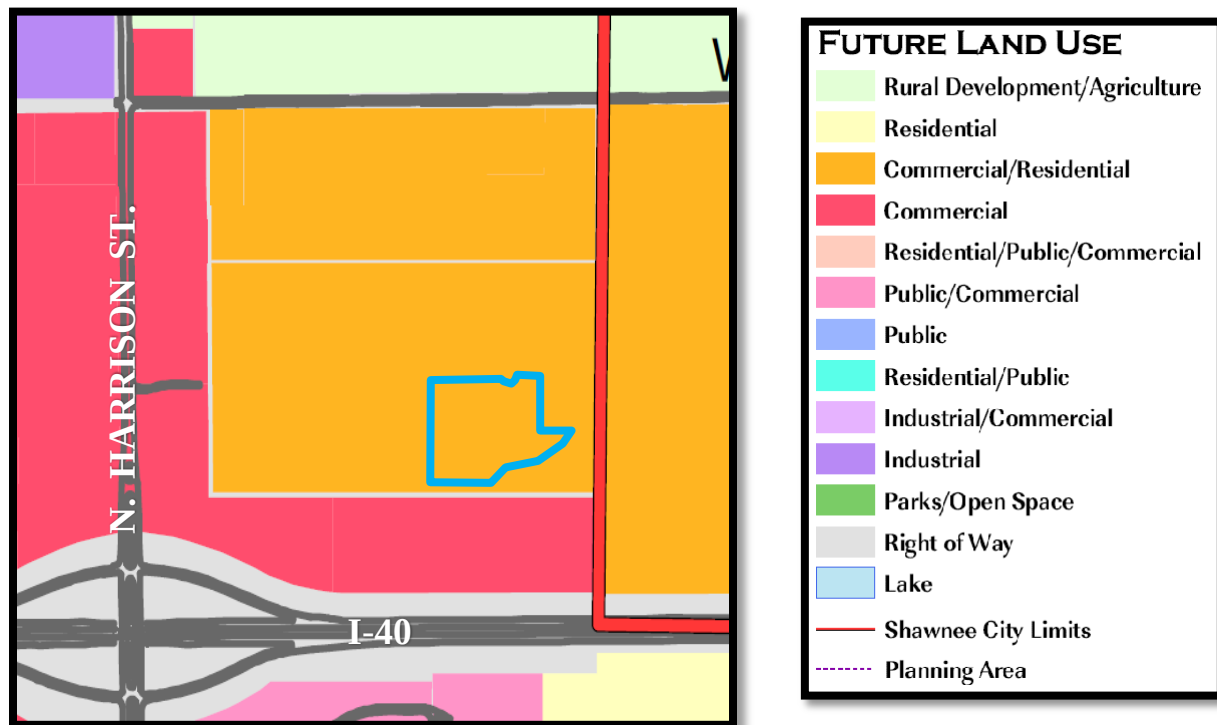


Figure 3: Shawnee Comprehensive Plan: Future Land Use Map (Figure 4.2). Approximate area outlined in blue.

FINAL PLAT APPLICATION FOR THE CITY OF SHAWNEE

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

APPLICANT Land Run Group
APPLICANT ADDRESS 201 West 9th Street Shawnee, OK 74802
APPLICANT PHONE NUMBERS 405-273-4222
EMAIL ADDRESS landrun group @ land run group. com
NAME OF PLAT Haag Addition
LOCATION A PART OF THE NE 1/4 OF SECTION 31, TOWNSHIP 17 NORTH RANGE 4 EAST OF THE I.M.
NUMBER OF ACRES 2.01+/- NUMBER OF LOTS _____

FOR 2 ACRE LOTS OR GREATER DEVELOPMENTS: FEE: \$325.00
PLUS \$3.00 PER LOT UP TO FIFTY (50) LOTS NUMBER OF LOTS _____
PLUS \$1.00 PER LOTS OVER FIFTY (50) LOTS NUMBER OF LOTS _____
TOTAL COST 325.00

FOR LESS THAN 2 ACRE LOTS: FEE: \$325.00
PLUS \$2.00 PER LOT UP TO FIFTY (50) LOTS NUMBER OF LOTS _____
PLUS \$1.00 PER LOTS OVER FIFTY (50) LOTS NUMBER OF LOTS _____
TOTAL COST _____

OWNER/DEVELOPER INFORMATION:

NAME Haag / Brown Development
ADDRESS 2915 Browns Lane Jonesboro, AR 72404
CONTACT NUMBERS 870-336-8000
EMAIL ADDRESS mdavis @ sbccomst. com

PROJECT ENGINEER INFORMATION:

NAME Land Run Group
ADDRESS 201 West 9th Street Shawnee, OK 74804
CONTACT NUMBERS 405-273-4222
EMAIL ADDRESS landrun group @ land run group. com

FOR STAFF USE ONLY

PROJECT NUMBER: 160563 CASE NUMBER: 513-16
DATE: 5-6-16 AMOUNT PAID: \$325.00 RECEIPT NO. 01876909