

PLANNING COMMISSION MINUTES

DATE: JUNE 12TH, 2017
RESCHEDULED FROM JUNE 7TH, 2017

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 Monday, June 12th, 2017 at 1:30 p.m., rescheduled from Wednesday, June 7th, 2017 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, Walker, Bergsten, Kienzle

Absent: Cowen

Meeting was called to Order.

AGENDA ITEM NO. 2: **Consideration of Approval of the minutes from the May 3rd, 2017 Planning Commission Meeting**

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

Motion passed:

AYE: Clinard, Walker, Bergsten, Kienzle

NAY:

ABSTAIN:

AGENDA ITEM NO. 3: **Swearing in of Tom Rowell to the Planning Commission**

Tom Rowell was sworn in.

AGENDA ITEM NO. 4: **Citizens' Participation**

Marlene Wilson came forward to speak about two single wide mobile homes next to her property and why they are allowed to be there. Chairman Bergsten offered for Justin Debruin to check into the situation. Mr. Debruin mentioned he was aware of the complaint and would check into it further.

AGENDA ITEM NO. 5: **Case #P04-17 – A public hearing for consideration of approval of a Rezone from A-1; Rural Agricultural District to C-3; Highway Commercial District, located at the southwest corner of 45th Street and Union Avenue, Shawnee, OK**

Applicant: Sky Ortho/SWM & Sons, INC

Chairman Bergsten asked for the staff report. Justin Debruin presented staff report and explained that the property is roughly 1 ½ acres in size and request is to construct orthodontist office. Staff finds that request conforms to zoning code and commercial allowances are shown in surrounding area for comprehensive plan. Mr. Debruin stated that Staff requests approval and briefly described the commercial building requirements.

Chairman Bergsten asked for the ingress and egress locations and the direction for which the building would face. Justin Debruin informed him that property would have two points of access; one on 45th Street and one on Union Avenue and structure would face to the east. Chairman Bergsten opened the public portion of the meeting and asked if anyone in opposition to the case would like to come forward to speak. No one came forward and Chairman Bergsten asked if anyone in favor would like to come forward. No one came forward to speak in favor. Chairman Bergsten closed the public portion of the meeting and asked if there were any comments, questions or a motion from the Commissioners. Commissioner Kienzle made a motion to approve, seconded by Commissioner Walker.

Motion passed:

AYE: Clinard, Walker, Bergsten, Kienzle, Rowell

NAY:

ABSTAIN:

AGENDA ITEM NO. 6:

**Case #P06-17 – A public hearing for consideration of approval of a Rezone from R-1; Single Family Residential District to C-3; Highway Commercial District, located at 4006 N. Kickapoo Street, Shawnee, OK
Applicant: Nelmon Brauning**

Chairman Bergsten asked for a staff report. Justin Debruin presented staff report and mentioned that around five rezones have been conducted in the area in the exact same way. Mr. Debruin checked the comprehensive plan and the requested zoning fits into it, no letters of protest have been received and staff has no objection. Justin Debruin stated he would be happy to answer any questions. Chairman Bergsten asked if there was any idea on the intent for the location. Mr. Debruin informed him that restaurant/retail is the idea for the property. Commissioner Walker asked if residential homes backed up to property and if there were any fencing requirements. Justin Debruin agreed and informed him six foot, sight proof fencing is required if abutting residential. Chairman Bergsten opened the public portion of the meeting and asked if anyone in opposition to the case would like to come forward to speak. No one came forward and Chairman Bergsten asked if anyone in favor would like to come forward. No one came forward to speak in favor. Chairman Bergsten closed the public portion of the meeting and asked if there were any comments, questions or a motion from the Commissioners. Commissioner Kienzle made a motion to approve, seconded by Commissioner Clinard.

Motion passed:

AYE: Clinard, Walker, Bergsten, Kienzle, Rowell

NAY:

ABSTAIN:

AGENDA ITEM NO. 7:

Case #P07-17 – A public hearing for consideration of approval of a Conditional Use Permit to allow for a manufactured home for property located at 31807 Lake Road, Shawnee, OK

Applicant: Paige Giddens

Chairman Bergsten asked for a staff report. Justin Debruin presented staff report and described request as to obtaining a conditional use permit for a manufactured home at the lake. Mr. Debruin explained the change to the zoning code in 2014 which allows manufactured homes in A-1 designated zoning. Justin Debruin mentioned that manufactured homes are present at the lake and one was previously on the site. The lot is around 1 ½ acres in size and is zoned agricultural. Staff looked into the definitions regarding mobile, manufactured and modular homes and Mr. Debruin stated that HUD developed standards that structures had to be built to and any built after 1976 that follows HUD standards are considered manufactured homes and this request does meet

standards. Justin Debruin also mentioned that staff looked for consistency regarding same uses elsewhere and found that to be true. Staff recommends approval. Mr. Debruin informed the commissioners that a protest letter was submitted and explained the general comment as being that there is change in the area with new homes in the price ranges of \$150,000 to \$200,000 being constructed and Justin Debruin stated that staff cannot be exclusionary regarding manufactured homes and mentioned that staff would need to look at zoning code to include the HUD standards. Chairman Bergsten asked if conditional use permit goes away after property changes hands and Mr. Debruin disagreed, saying it persists and basically changes zoning on property. Commissioner Clinard asked what owners could do with land if request is not approved and Justin Debruin informed her that they could construct a single family residential home besides a manufactured home. Mr. Debruin handed photos of home out. Commissioner Walker asked for definition regarding permanent chassis and Justin Debruin believed it to involve skirting on home. Commissioner Clinard had questions regarding the homes in pictures and Chairman Bergsten asked if this was intended to be a permanent residence and Mr. Debruin agreed. Chairman Bergsten questioned visibility of manufactured home to surrounding homes. Commissioner Clinard asked about comprehensive plan for the lake area. Justin Debruin mentioned staff checking into redoing the comprehensive plan in the future. Commissioner Kienzle asked if there was an additional structure next to picture showing new home coming in and Mr. Debruin stated it was all one property and other structure would go away. Chairman Bergsten opened the public portion of the meeting and asked if anyone in opposition to the case would like to come forward to speak. Marlene Wilson came forward and stated her only concern was if it was a single or double wide home. Commissioners answered that it was a double wide. Dana Marsh came forward and asked if it was new. Commissioners answered that it showed to be a 2007. Dana stated she did not have a problem with request as long as codes were followed and that there were no big homes out there. Chairman Bergsten asked if anyone in favor would like to come forward. Paige Giddens came forward to speak in favor and passed photos around to commissioners. Paige Giddens explained reasons for request. Commissioner Clinard asked if it would be a permanent home and Paige agreed. Chairman Bergsten closed the public portion of the meeting and asked if there were any comments, questions or a motion from the Commissioners. Chairman Bergsten made a statement regarding abiding by the codes. Commissioner Kienzle made a motion to approve, seconded by Commissioner Rowell.

Motion passed:

AYE: Clinard, Walker, Bergsten, Kienzle, Rowell

NAY:

ABSTAIN:

AGENDA ITEM NO. 8:

Case #S01-17 – Consideration of approval of a Preliminary Plat for Dockrey Addition, located at 5000 N. Union Avenue, Shawnee, OK

Applicant: The Landrun Group, LLC

Chairman Bergsten asked for a staff report. Justin Debruin presented staff report and stated he would be presenting a combined staff report for the preliminary and final plats. There is a total of 160 acres for preliminary plat and 2 acres for final plat, located north of the Shawnee Mall. Mr. Debruin stated that a plan had to be implemented prior to platting and an agreement would need to be turned in from Shawnee Mall before a roadway is approved. Development will be completed in phases. Staff has listed four conditions for both preliminary and final plats and recommends approval. Chairman Bergsten opened the public portion of the meeting and asked if anyone in opposition to the case would like to come forward to speak. No one came forward and Chairman Bergsten asked if anyone in favor would like to come forward. Steven Landes spoke in favor and to answer any questions. Chairman Bergsten closed the public portion of the meeting and asked if there were any comments, questions or a motion from the Commissioners. Commissioner Clinard made a motion to approve with conditions, seconded by Commissioner Walker.

Motion passed:

AYE: Clinard, Walker, Bergsten, Kienzle, Rowell

NAY:

ABSTAIN:

AGENDA ITEM NO. 9:

Case #S02-17 – Consideration of approval of a Final Plat for Dockrey Addition, located at 5000 N. Union Avenue, Shawnee, OK

Applicant: The Landrun Group, LLC

Combined staff report. Chairman Bergsten opened the public portion of the meeting and asked if anyone in opposition to the case would like to come forward to speak. No one came forward and Chairman Bergsten asked if anyone in favor would like to come forward. No one came forward and Chairman Bergsten closed the public portion of the meeting and asked if there were any comments, questions or a motion from the Commissioners. Commissioner Clinard made a motion to approve with conditions, seconded by Commissioner Kienzle.

Motion passed:

AYE: Clinard, Walker, Bergsten, Kienzle, Rowell

NAY:

ABSTAIN:

AGENDA ITEM NO. 10:

Case #S03-17 – Consideration of approval of a Final Plat for Domino Plaza Addition Section I, located at the northeast corner of 45th Street and Harrison Avenue, Shawnee, OK

Applicant: Shawnee Harrison, LLC

Chairman Bergsten asked for staff report. Justin Debruin presented staff report and described property as covering the south half of previous preliminary plat, roughly seven acres. First lot includes the convenience store/gas station, second lot includes the hotel and the remainder is made up of the dog park and detention pond. Construction documents are not required. Staff did require additional right of way and Mr. Debruin mentioned lots lined up with preliminary plat. Justin Debruin also informed commissioners that a building permit was turned in for the gas station. Staff recommends approval with conditions. Chairman Bergsten asked if there would be any alterations or changes to 45th street or Harrison Avenue. Mr. Debruin explained there would be some widening on 45th street and signalization on Harrison Avenue along John C. Bruton Drive. The John C. Bruton Drive would be changed as well. Chairman Bergsten asked where the sign would be installed and Mr. Debruin informed him it would be placed by the John C. Bruton Drive. Chairman Bergsten opened the public portion of the meeting and asked if anyone in opposition to the case would like to come forward to speak. No one came forward and Chairman Bergsten asked if anyone in favor would like to come forward. No one came forward and Chairman Bergsten closed the public portion of the meeting and asked if there were any comments, questions or a motion from the Commissioners. Commissioner Walker made a motion to approve with conditions, seconded by Commissioner Kienzle.

Motion passed:

AYE: Clinard, Walker, Bergsten, Kienzle, Rowell

NAY:

ABSTAIN:

AGENDA ITEM NO. 11:

Planning Director's Report

Chairman Bergsten asked for report. Mr. Debruin informed commissioners that there was no report but could go over developments and would be happy to answer any questions. Commissioner Clinard asked about property located next to the Owl shoppe and Justin Debruin explained that a building permit was turned in. Mr. Debruin discussed the other existing downtown property maintenance code properties. Chairman Bergsten asked for any new business coming in and Justin Debruin discussed information with commissioners. Mr. Debruin also gave information regarding the Blue Zones project.

AGENDA ITEM NO. 12:

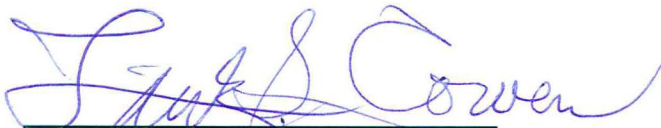
Commissioners Comments and/or New Business

Chairman Bergsten welcomed new commissioner, Tom Rowell.

AGENDA ITEM NO. 13:

Adjournment

Meeting was adjourned.


Chairman/Vice-Chairman

Cheyenne Pettigrew
Planning Commission Secretary