

PLANNING COMMISSION MINUTES

DATE: JUNE 5TH, 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, June 5th, 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, Bergsten, Cowen, Kienzle, Rowell

Absent: Walker

Meeting was called to Order.

AGENDA ITEM NO.2:

Consideration of approval of the minutes from the regular meeting of the Planning Commission on May 1st, 2019, and the special called meeting of the Planning Commission on May 22nd, 2019

Chairman Bergsten asked Commission for any comments, questions, or a vote. Commissioner Deem motioned to approve both sets of minutes; seconded by Commissioner Cowen.

Motion passed:

AYE: Deem, Matthews, Bergsten, Cowen, Kienzle, Rowell

NAY:

ABSTAIN:

AGENDA ITEM NO.3:

Citizens' 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 #P06-19 – Public hearing and consideration of approval rezone from R-1 (Single-Family Residential) to R-2 (Combined Residential) located at 604 East Anna, Shawnee, Oklahoma, also known as Lots 5 & 6, Block 1, Keene's Addition, for the purpose of a duplex

Applicant: Acock Properties

Planning Director Rebecca Blaine presented staff report. She briefly described the features of the lots and the zoning surrounding the property. She stated the proposed rezone conforms with the City of Shawnee Zoning Code and that staff recommends approval of the rezone.

Chairman Bergsten opened the public portion of the meeting and asked if anyone speaking against the item would like to come forward.

No one came forward and Chairman Bergsten asked if anyone speaking in favor of the item would like to come forward.

No one came forward and Chairman Bergsten closed the public portion of the meeting.

Chairman Bergsten asked if there were any other comments or questions. There were no comments or questions and Chairman Bergsten asked for a motion. Commissioner Matthews motioned to approve of the rezone; seconded by Commissioner Kienzle.

Motion passed:

AYE: Deem, Matthews, Bergsten, Cowen, Kienzle, Rowell

NAY:

ABSTAIN:

AGENDA ITEM NO.5:

Case #S01-19 – Consideration of approval of a preliminary plat for Woodsong Addition, Phase III of a 27.99-acre property located east of North Harrison, west of North Bryan, and north of East 45th, Shawnee, Oklahoma, for the purpose of a single-family residential development

Applicant: Crafton Tull

Planning Director Rebecca Blaine presented staff report. She noted that this item is the third phase of an existing development. She presented the concerns of a nearby resident, whose concerns were not represented in the packet due to her communications with Director Blaine being after the packets for the Planning Commission Meeting were sent, that water flow will worsen on her street if this area is developed. Director Blaine stated the applicant is only required to show enough of the drainage and detention calculations and conceptual ideas to make it so that the project is feasible. The majority of the platted lots will drain to a detention pond located in the northwest corner of the plat. She stated that all the lots meet the requirements of the City of Shawnee for the preliminary phase of the plat.

Director Blaine introduced Engineering Director Michael Ludi to go into further detail regarding drainage and detention in the proposed development. Director Ludi stated that the plat drains to the west, and that there will not be additional runoff of storm water.

Commissioner Cowen asked if there has been work on the property already. Director Ludi stated he did not know because he has not visited the property. Commissioner Matthews stated there has been, and that there currently are flood problems in the neighborhood. He stated his concerns are the grade of the property. Director Ludi stated the new design will not be based on the applicant adding dirt. Commissioner Matthews stated he believes the proposal to be a great project. Chairman Bergsten asked if the applicant will be cutting down on the elevations. Director Ludi states they have not received design plans such as that at this point. Commissioner Cowen stated there is not much natural fall on the plat. Commissioner Kienzle asked if Director Ludi relies on the applicant's calculations. Director Ludi stated they do. She asked what would happen if it continued to flood in the neighborhood. Director Ludi stated it is up to the property owners to litigate. Commissioner Matthews who ensures the applicant follows through on what is submitted. Director Ludi stated the project is inspected, but grading plans for individual lots and houses are not submitted.

Chairman Bergsten opened the public portion of the meeting and asked if anyone speaking against the item would like to come forward.

No one came forward and Chairman Bergsten asked if anyone speaking in favor of the item would like to come forward. No one came forward and Chairman Bergsten closed the public portion of the meeting.

Chairman Bergsten asked if there were any comments or questions. Commissioner Kienzle stated she had questions for the project engineer, Joel Harrison of Crafton Tull & Associates. Mr. Harrison presented a map of the drainage system for the proposed development. Commissioner Matthews asked about the drainage that goes into a street that does not exist. Mr. Harrison stated that issues like this are resolved further into the design phase.

Commissioner Deem commented that there have been drainage issues in surrounding areas near the site, and asked if this will worsen the drainage situation in those areas. Mr. Harrison stated it would not. There were no more comments or questions and Chairman Bergsten asked for a motion. Commissioner Matthews motioned to approve of the preliminary plat; seconded by Commissioner Deem

Motion passed:

AYE: Deem, Matthews, Bergsten, Cowen, Kienzle, Rowell

NAY:

ABSTAIN:

AGENDA ITEM NO.6:

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

Applicant: TLP Associates, Inc.

Planning Director Rebecca Blaine presented staff report. She briefly summarized the current condition of the property, and listed a list of conditions staff has requested be added to the PUD. She noted there will be less impervious surface and additional landscaping. She described the basic characteristics of the proposed PUD. She stated if the conditions were to be met, staff would recommend approval of the PUD.

Chairman Bergsten asked if there has been clarification on what “private entertainment” is defined as in the Design Statement. Director Blaine said she believes it is referring to adult entertainment establishments, and stated she would make it a condition that the applicant clarify that term. Commissioner Kienzle asked if this PUD would be seen by the Planning Commission again. Director Blaine stated it would go on to City Commission unless the Planning Commission requests changes to the PUD. Commissioner Kienzle expressed concerns about how it will affect Shawnee’s image due to the property’s adjacency to Interstate Highway 40. Director Blaine stated there is no a specific use planned for Lot 2 at this moment. Commissioner Kienzle asked who negotiates the PUD with the applicant. Director Blaine stated the City does. Director Blaine noted the increased landscaping is one concession the applicant has made. Commissioner Matthews expressed concern about the fact that the property currently does not conform to the landscaping requirements of the Zoning Code and that the applicant could later renege on this concession. Director Blaine stated staff issues the certificate of occupancy after landscaping has been completed. She noted that much of the delineated current landscaping is now only grass. Commissioner Matthews expressed his concern about the City allowing new projects that do not already meet code. Director Blaine stated requiring the applicant to bring the property up to conforming with the code could be added as a condition of approval. Commissioner Matthews asked why staff did not have a recommendation in the staff report. Director Blaine explained that staff has a multitude of conditional items that prevented them from making a recommendation. Commissioner Kienzle expressed her concern about parking. Director Blaine stated there is currently a large existing parking lot, but without a proposed use for Lot 2, a specific amount of new parking required cannot be provided; however, the property currently meets the Zoning Code’s parking requirements. Commissioner Kienzle expressed her concern that Lot 2 could become only a large parking lot, and would negatively impact the aesthetics nearby Interstate Highway 40. Commissioner Cowen stated these conditions could be added to the motion to approve of the PUD. Director Blaine stated they could have that time to refine the PUD between the Planning Commission Meeting and the City Commission Meeting. Chairman Bergsten stated the Commission may also want to consider the conditions staff listed in the staff report.

Chairman Bergsten opened the public portion of the meeting and asked if anyone speaking against the item would like to come forward.

No one came forward and Chairman Bergsten asked if anyone speaking in favor of the item would like to come forward. The applicant, Terry Pollock of TLP Associates, came forward. He briefly summarized the history of

how this PUD came to be proposed. He stated the PUD is designed to free up the corner lot for development, and that there is no risk to the City of Shawnee because whatever is developed on the property will have to meet the City Code. Commissioner Kienzle asked Mr. Pollock what would happen if a hypothetical future property owner were to place a parking lot on the east and south side of Lot 2. Mr. Pollock stated City Code does not say that is prohibited. Commissioner Kienzle stated she is uncomfortable that everyone will follow the code in the future. Mr. Pollock stated a PUD is the time to address issues such as what Commissioner Kienzle introduced. Director Blaine stated any development would have to meet City Code, including elements not specifically addressed in a PUD design statement. Commissioner Kienzle asked what City Code says about types of building materials allowed to be used in a commercial development. Director Blaine stated the regulations on materials are the usual standard for highway commercial developments. Chairman Bergsten stated the Code cannot address all aesthetic issues. Director Blaine summarized the standards of Chapter 22, Zoning Code, Section 165, Commercial Uses, Subsection 5, Commercial Building Design Standards. Commissioner Cowen stated that if the City is too restrictive, then the property will remain a vacant lot. Chairman Bergsten stated some of the issues discussed have not been addressed in the PUD documents. Commissioner Matthews asked if there is any flexibility in the enforcement of the PUD's standards of approved. Director Blaine stated if approved, the property would be required to abide by the standards of the PUD design statement unless the PUD is amended. Mr. Pollock stated the hotel lot will be aesthetically improved.

Nelmon Brauning came forward in support of the application. She expressed her desire to beautify the property. Commissioner Deem asked Ms. Brauning about the intended use about the property she applied for a rezone at the previous Planning Commission Meeting. Ms. Brauning stated a Dunkin Donuts is being considered. No one else came forward and Chairman Bergsten closed the public portion of the meeting.

Chairman Bergsten asked if there were any comments or questions. Commissioner Matthews stated it is important that the City ensures that this property is properly developed. Director Blaine stated C-3 properties are only required to have 60% masonry coverage. She stated she would recommend to the Commission to add 100% masonry coverage as a requirement for the PUD. Commissioner Deem asked if the City could add more specific parking standards. Director Blaine stated the City can do that. Chairman Bergsten summarized the recommended changes to the PUD. Commissioner Matthews asked what would stop the Quality Inn from restricting access to parking in the future. Commissioner Kienzle stated that is part of a development agreement. Chairman Bergsten asked if the preliminary plat involving this application would appear in front of the Planning Commission. Director Blaine confirmed it would. She also stated the preliminary plat is still in the review process. Commissioner Matthews stated the application should be recommended for deferral. There were no more comments or questions and Chairman Bergsten asked for a motion. Commissioner Matthews made a motion to defer the PUD for the Shawnee Retail Development; seconded by Commissioner Kienzle.

Motion passed:

AYE: Deem, Matthews, Bergsten, Cowen, Kienzle, Rowell

NAY:

ABSTAIN:

AGENDA ITEM NO.7:

Review and discuss current draft of Comprehensive Plan

Amy Haase of RDG Consulting was present to introduce and discuss the current draft of the Comprehensive Plan. She discussed the data and knowledge obtained that guided the creation of this document. Major issues discussed were housing diversity, infill development, preserving drainage ways and flood zones, planning for community amenities, multimodal transportation networks, public safety, and balancing and connecting neighborhoods. She described how the Comprehensive Plan divides different parts of the cities into quadrants, and discussed policy recommendations for many of the quadrants. She presented the land use framework map. She stated the framework map provides a general guidance for the types of uses that should be thought of in each respective area. She presented the planning element pieces' policy recommendations for transportation, community image, downtown, housing and neighborhoods, quality of life, and public services.

Commissioner Kienzle asked about how the process of finalizing the Comprehensive Plan. Director Blaine stated revisions, if any are necessary, will be made after the Planning Commission Meeting. She then summarized the process of enacting the Comprehensive Plan. Commissioner Cowen asked Ms. Haase about by what method of payment the City is using for RDG. Mrs. Haase stated a flat fee is being used for presenting the Comprehensive Plan. Commissioner Deem asked for information on creating public art. Mrs. Haase stated the Comprehensive Plan discusses public art. Commissioner Kienzle expressed her feedback about a large variety of elements in the Comprehensive Plan. Commissioner Deem stated she would like to see code enforcement integrated in all aspects of the Comprehensive Plan. Commissioner Kienzle expressed her concern about illegal signage in Shawnee. Director Blaine stated that the City is in the process of hiring a second code enforcement officer. Commissioner Cowen expressed his concerns about the City's image relating to homelessness. Community image along commercial corridors was also discussed.

Director Blaine asked about the relationship between the local Native American tribes and the City in the Comprehensive Plan. Mrs. Haase stated RDG typically defers to the Native American tribes. Director Blaine stated George Fisher has over 600 employees but is not on the map on major employers, and Wolverine Tubing should be removed because their new ownership employs only 200 people. She also stated sidewalks are not an expectation or requirement at this time. The issue regarding sidewalks was discussed by the Planning Commission. Commissioner Kienzle thanked Ms. Haase for accommodating the requests of the Planning Commission.

AGENDA ITEM NO.8: **Planning Director's Report**

Director Blaine stated the Planning Department has been kept busy, which is a positive sign for the City of Shawnee.

AGENDA ITEM NO.9: **Commissioners Comments and/or New Business**

Commissioner Cowen announced his resignation. He stated Randall Rogers has applied to replace him. The Commission thanked Commissioner Cowen for his service.

Commissioner Kienzle asked Director Blaine about how implementation will be performed. Director Blaine stated it is too early to give an accurate answer to that question. She stated the City has recently closed the position for a new code enforcement officer. Ms. Haase described the annual review process.

AGENDA ITEM NO.10: **Adjournment**

Meeting was adjourned.



Chairman/Vice-Chairman

Joseph Barker

Planning Commission Secretary